

JOURNAL
OF THE
House of Representatives
OF THE
2001
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA

FIRST
SESSION 2001

VOLUME II

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ONE HUNDRED FIRST DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 18, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"O God, You are a constant presence in our lives. At times we sense evidences of Your unseen hand guiding us into paths of accomplishment and fulfillment. At other times, we simply trust that You are with us, working in us and through us to bring about Your good purposes. In all cases, we are grateful that You do not leave us alone but labor to make us whole and our work meaningful.

"Come now and be among us today. Where there is an impasse of ideas, forge a new path for understanding. Where there appears to be no further options, grant a vision of further opportunities. Where human knowledge and comprehension fail, provide Your divine wisdom. Where spirits sag and hope is fleeting, bring renewal and offer Your strength. Bless us with Your presence, Lord, that our labors will indeed reach their full potential. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 17 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Easterling, Goodwin, McAllister, and Warren for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Smith, Chair, for the Committee on Public Utilities:

S.B. 589, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A 311 SYSTEM FOR NONEMERGENCY CALLS AND TO ALLOW THE MONEY IN THE EMERGENCY TELEPHONE SYSTEM FUND TO ALSO

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BE USED TO DEVELOP AND MAINTAIN THE 311 SYSTEM, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representatives Barefoot and Cox, Chairs, for the Committee on Pensions and Retirement:

S.B. 139 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b)(2), House Committee Substitute Bill No. 2 is referred to the Committee on Rules, Calendar, and Operations of the House. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 685, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of July 19. The original bill is placed on the Unfavorable Calendar.

S.B. 817 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS IN CERTAIN SITUATIONS, with a favorable report as to House committee substitute bill, unfavorable as to Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

By Representatives Hurley and Dockham, Chairs, for the Committee on Insurance:

S.B. 461 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
July 17, 2001

Mr. Speaker:

Pursuant to your message received on July 4, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 108** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN, CHEROKEE, CURRITUCK, GRAHAM, HAYWOOD, JACKSON, MADISON, PASQUOTANK, PERQUIMANS, SWAIN, VANCE, AND WARREN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, and requests conferees, the Deputy President Pro Tempore appoints:

Senator Hoyle, Chair
Senator Kerr
Senator Hartsell

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on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **H.B. 34** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BAN BUTTERFLY AND PUNCH-CARD BALLOTS, is withdrawn from the Calendar and placed on the Calendar of **July 19**.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 57 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REASONABLE AND PRACTICAL REQUIREMENTS FOR THE LABELING OF CAMPAIGN ADS; AND TO CLARIFY MEDIA LIABILITY.

On motion of Representative Baker, the House concurs in the Senate amendment, by electronic vote (114-0), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 831 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF ELECTIONS, WITH STATE BOARD APPROVAL, TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE; TO ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING

VOTER REGISTRATION LIST MAINTENANCE; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR".

Representative Alexander moves that the House concur in the Senate committee substitute bill.

On motion of the Chair and without objection, the bill is temporarily displaced.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 897 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REPRESENTATION OF THE TRIANGLE NATIVE AMERICAN SOCIETY ON THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS, THE NORTH CAROLINA INDIAN HOUSING AUTHORITY, AND THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER, INCORPORATED.

On motion of Representative Hensley, the House concurs in the Senate committee substitute bill, by electronic vote (114-0), and the bill is ordered enrolled and presented to the Governor.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

H.B. 1174, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF DRUGS IN PUBLIC PARKS AND PLAYGROUNDS.

H.B. 1246, AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION.

CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1041, AN ACT TO REQUIRE THAT BALLOT INSTRUCTIONS BE PRINTED IN SPANISH AS WELL AS ENGLISH. (S.L. 2001-288)

CALENDAR (continued)

H.B. 868 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NAVASSA, AND TO AMEND THE CHARTER OF THE TOWN OF NAVASSA TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND ALLOW FOR DISTRICT ELECTIONS.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 114.

Voting in the negative: None.

Excused absences: Representatives Easterling, Goodwin, McAllister, and Warren - 4.

H.B. 583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE NASH COUNTY OCCUPANCY TAX, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan, Carpenter, Church, Clary, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Eddins, Edwards, Ellis, Fitch, Fox, Gibson, Gillespie, Grady, Gray, Gulley, Hackney, Haire, Hall, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Oldham, Owens, Pope, Preston, Redwine, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Wainwright, Walend, Walker, Warner, Weatherly, Weiss, West, C. Wilson, Womble, Wright, and Yongue - 100.

Voting in the negative: Representatives Baker, Barbee, Brubaker, Capps, Coates, Esposito, Harrington, Hiatt, Nye, Rayfield, Underhill, Warwick, and G. Wilson - 13.

Excused absences: Representatives Easterling, Goodwin, McAllister, and Warren - 4.

Representative Allred requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (99-14).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 24 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WEST NORMAN SUBJECT TO A REFERENDUM.

The bill fails to pass its second reading by the following vote.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Boyd-McIntyre, Buchanan, Cox, Cunningham, Decker, Earle, Ellis, Fox, Gibson, Haire, Hiatt, Hurley, Jarrell, Luebke, Miller, Redwine, Sexton, Sherrill, Underhill, Wainwright, Weatherly, and Wright - 25.

Voting in the negative: Representatives Adams, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Brubaker, Capps, Carpenter, Church, Clary, Coates, Cole, J. Crawford,

M. Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Dedmon, Dockham, Eddins, Edwards, Esposito, Fitch, Gillespie, Grady, Gray, Gulley, Hackney, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Justus, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Michaux, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Rogers, Russell, Saunders, Setzer, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Walend, Walker, Warner, Warwick, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 90.

Excused absences: Representatives Easterling, Goodwin, McAllister, and Warren - 4.

S.B. 407, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THAT CITY TO USE QUICK TAKE PROCEDURE FOR ACQUISITION OF PROPERTY TO BE USED FOR STORMWATER AND PUBLIC TRANSPORTATION SYSTEMS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Baddour, Barbee, Barefoot, Barnhart, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Buchanan, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Edwards, Fitch, Fox, Gibson, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hiatt, Hill, Holliman, Holmes, Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Lucas, Luebke, McComas, McLawhorn, McMahan, Miller, Miner, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Redwine, Rogers, Saunders, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warwick, Weiss, G. Wilson, Womble, Wright, and Yongue - 81.

Voting in the negative: Representatives Allred, Arnold, Baker, Blust, Brubaker, Capps, Carpenter, Clary, Creech, Davis, Decker, Eddins, Ellis, Esposito, Gillespie, Grady, Hensley, Hilton, Howard, Johnson, Kiser, McCombs, Mitchell, Rayfield, Russell, Sexton, Shubert, Starnes, Walend, Weatherly, West, and C. Wilson - 32.

Excused absences: Representatives Easterling, Goodwin, McAllister, and Warren - 4.

H.B. 831 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY

ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF ELECTIONS, WITH STATE BOARD APPROVAL, TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE; TO ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING VOTER REGISTRATION LIST MAINTENANCE; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR", which was temporarily displaced, is before the Body.

The House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (61-53), and the bill is ordered enrolled and presented to the Governor.

Representative Justus requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (60-54).

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 405** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE, is withdrawn from the Calendar and placed on the Calendar of July 26.

On motion of Representative Culpepper and without objection, **S.B. 420** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT, is withdrawn from the Calendar and placed on the Calendar of July 26.

CALENDAR (continued)

S.B. 628 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTANTS TO NOTIFY THE STATE BOARD OF CERTIFIED PUBLIC

ACCOUNTANT EXAMINERS WHEN THEY PERFORM WORK IN THIS STATE, AUTHORIZING THE BOARD TO INCREASE FEES, AND AMENDING CERTAIN PROVISIONS RELATING TO CERTIFIED PUBLIC ACCOUNTANTS.

Pursuant to Rule 24.1A(c), the request that Representative Shubert be excused from voting on July 17 is continued.

The bill passes its third reading, by the following vote, and is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Barbee, Barefoot, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Earle, Edwards, Fitch, Fox, Gibson, Gray, Gulley, Hackney, Haire, Hall, Hensley, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Warner, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, Wright, and Yongue - 92.

Voting in the negative: Representatives Baker, Barnhart, Brubaker, Capps, Carpenter, Creech, Davis, Eddins, Esposito, Gillespie, Grady, Harrington, Hiatt, Hilton, Kiser, Rayfield, and Setzer - 17.

Excused vote: Representative Shubert.

Excused absences: Representatives Easterling, Goodwin, McAllister, and Warren - 4.

S.B. 627 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS WHO REQUEST A PERMIT TO PARK AT A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, passes its third reading, by electronic vote (109-5), and is ordered sent to the Senate for concurrence in House committee substitute.

H.B. 1130 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN NEWLY INCORPORATED MUNICI-

PALITIES THAT ARE NOT ELIGIBLE FOR POWELL BILL FUNDS AND THAT HAD ROADS ON THE SECONDARY PAVING PRIORITY LIST SHALL KEEP THEIR PREINCORPORATION SECONDARY ROAD PAVING PRIORITY.

On motion of Representative Decker and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of July 25.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 815 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LENDERS TO PROVIDE APPLICANTS FOR HOME LOANS WITH AMORTIZATION INFORMATION AND AMORTIZATION CHARTS FOR FIXED RATE HOME LOANS, passes its second reading, by electronic vote (113-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

Representative Culpepper moves, seconded by Representative Cunningham, that the House adjourn, subject to the receipt of Messages, to reconvene July 19 at 11:00 a.m.

The motion carries.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

H.B. 42 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX REDUCTIONS BY AUTHORIZING LOCAL GOVERNMENTS TO REDUCE PROPERTY TAXES IN LIGHT OF THE GOVERNOR'S UNANTICIPATED RELEASE OF WITHHELD REIMBURSEMENTS AND BY EXPANDING HOME-STEAD PROPERTY TAX RELIEF FOR ELDERLY AND DISABLED HOMEOWNERS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 19.

Upon concurrence, the Senate committee substitute bill changes the title.

The House stands adjourned at 4:50 p.m.

ONE HUNDRED SECOND DAY

HOUSE OF REPRESENTATIVES
Thursday, July 19, 2001

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, You formed the earth and all that is in it and challenged us, as human beings, to create on that earth a world of meaning and purpose. At times, when our actions resonate with Your intention, we see the achievements of which we are capable. At other times, when our actions are not in accord with Your will, we see how miserably we can fail. Let not our failures drive us to retreat from effort or languish in fear or doubt. Rather, may our successes move us to embrace Your vision for the world. Teach us the difference between mere information and the Truth, that we can tell when our efforts complement, and not subvert Your intention. Help us, O God, in our creative endeavor. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 18 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Bonner, Buchanan, Easterling, Ellis, McAllister and West for today. Representative Weiss is excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 628, AN ACT REQUIRING OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTANTS TO NOTIFY THE STATE BOARD OF CERTIFIED

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PUBLIC ACCOUNTANT EXAMINERS WHEN THEY PERFORM WORK IN THIS STATE, AUTHORIZING THE BOARD TO INCREASE FEES, AND AMENDING CERTAIN PROVISIONS RELATING TO CERTIFIED PUBLIC ACCOUNTANTS.

H.B. 57, AN ACT TO PROVIDE REASONABLE AND PRACTICAL REQUIREMENTS FOR THE LABELING OF CAMPAIGN ADS; AND TO CLARIFY MEDIA LIABILITY.

H.B. 668, AN ACT TO ESTABLISH MEDIATED SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY FINANCIAL ISSUES.

H.B. 831, AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF ELECTIONS TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE AS LONG AS A NEARBY SITE IS PROVIDED; TO ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING VOTER REGISTRATION LIST MAINTENANCE; TO REQUIRE PERMANENT VOTER REGISTRATION NUMBERS; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; TO REQUIRE THAT ALL NEW PRECINCT LINES FOLLOW CENSUS BLOCK LINES UNLESS THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS GRANTS A WAIVER AFTER MAKING CERTAIN FINDINGS; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR".

H.B. 897, AN ACT TO PROVIDE FOR REPRESENTATION OF THE TRIANGLE NATIVE AMERICAN SOCIETY ON THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS, THE NORTH CAROLINA INDIAN HOUSING AUTHORITY, AND THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER, INCORPORATED.

H.B. 1126, AN ACT TO CLARIFY THE DEFINITION OF RESIDENCY FOR PERSONS ENGAGING IN THE SERVICE OF STATE GOVERNMENT, AND TO MAKE OTHER TECHNICAL CHANGES.

H.B. 1186, AN ACT TO ALLOW CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REGISTER TO VOTE BY FAX.

H.B. 1193, AN ACT TO ALLOW VOTERS TO REPORT CHANGES OF ADDRESS BY FAX.

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.J.R. 1460, A JOINT RESOLUTION HONORING THE FOUNDERS OF JACKSON COUNTY ON THE COUNTY'S SESQUICENTENNIAL ANNIVERSARY. (RESOLUTION 2001-25)

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), the Chair withdraws **S.B. 589** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO STUDY CLARIFYING AND EXPANDING THE ALLOWED USES OF THE MONEY IN EMERGENCY TELEPHONE SYSTEM FUNDS AND MAKING OTHER STATUTORY CHANGES TO ALLOW EXPANDED USAGE OF TELECOMMUNICATIONS SYSTEMS FOR PUBLIC SAFETY PURPOSES, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Rules, Calendar, and Operations of the House.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke and Wainwright, Chairs, for the Committee on Finance:

H.B. 698, A BILL TO BE ENTITLED AN ACT REGARDING CARTERET COUNTY OCCUPANCY TAX CHANGES, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of July 23. The original bill is placed on the Unfavorable Calendar.

S.B. 157 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE DIETETICS/NUTRITION PRACTICE ACT AND TO AUTHORIZE THE BOARD OF DIETETICS/NUTRITION TO INCREASE FEES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 255 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 23.

By Representatives Boyd-McIntyre and Hunter, Chairs, for the Committee on Children, Youth and Families:

S.B. 113 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Goodwin, Chair, for the Committee on Judiciary III:

H.B. 1134 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PUNISH STUDENTS WHO CONSPIRE OR THREATEN TO CAUSE VIOLENCE AT SCHOOL, TO CREATE A LEGAL DUTY TO REPORT THREATS OF SCHOOL VIOLENCE, TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN CRIMINAL OFFENSES COMMITTED WITH THE INTENT OF INTIMIDATING OR RETALIATING AGAINST A PERSON WHO DOES REPORT A THREAT OF SCHOOL VIOLENCE, AND TO GRANT IMMUNITY FROM CRIMINAL PROSECUTION TO ANYONE WHO REPORTS A THREAT OF SCHOOL VIOLENCE, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1 and recommendation that Committee Substitute Bill No. 2 be re-referred to the Committee on Rules, Calendar, and Operations of the House.

Committee Substitute Bill No. 2 is re-referred to the Committee on Rules, Calendar, and Operations of the House. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

S.B. 1081, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS AT AN EMPLOYEE OF A DETENTION FACILITY WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representatives Bonner and Warner, Chairs, for the Committee on Education:

S.B. 394, A BILL TO BE ENTITLED AN ACT TO APPOINT THE STATE PRINCIPAL OF THE YEAR TO THE STATE BOARD OF EDUCATION AS AN ADVISORY MEMBER, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the House committee substitute bill be re-referred to the Committee on Appropriations.

The House committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

By Representatives Church and Morgan, Chairs, for the Committee on Financial Institutions:

H.B. 1106, A BILL TO BE ENTITLED AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative J. Crawford, Chair, for the Committee on Mental Health:

H.B. 381 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar of July 23. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following is introduced, read the first time and referred to Committee:

By Representative Barefoot:

H.J.R. 1462, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DAVID WEBSTER BUMGARDNER, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 195** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE A YEARLONG COURSE OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO ALL FOURTH- AND EIGHTH-GRADE STUDENTS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

H.B. 363 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 23.

Senate Committee Substitute for **H.B. 774** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOW DRIVERS SHALL OPERATE THEIR MOTOR VEHICLES WHEN PASSING PARKED OR STANDING EMERGENCY VEHICLES THAT HAVE THEIR EMERGENCY LIGHTS ILLUMINATED, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 23.

Upon concurrence, the Senate committee substitute bill changes the title.

S.B. 1066 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS, is read the first time and referred to the Committee on Finance.

CALENDAR

Action is taken on the following:

July 19, 2001

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 34 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BAN BUTTERFLY AND PUNCH-CARD BALLOTS.

On motion of Representative Goodwin, the House concurs in the Senate committee substitute bill, by electronic vote (104-8), and the bill is ordered enrolled and presented to the Governor.

Representative Gillespie requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (103-9).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute No. 2 for **H.B. 42** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX RELIEF TO LOW-INCOME ELDERLY AND DISABLED HOME-OWNERS BY EXPANDING THE EXCLUSION AMOUNT TO THE GREATER OF TWENTY THOUSAND DOLLARS OR FIFTY PERCENT OF THE PROPERTY'S TAX VALUE AND BY INCREASING THE INCOME ELIGIBILITY TO EIGHTEEN THOUSAND DOLLARS TO BE ADJUSTED BY A COLA PERCENTAGE.

On motion of Representative Allred, the House concurs in Senate Committee Substitute Bill No. 2, which changes the title, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

Representative Warren states that her voting equipment malfunctioned and she requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (114-0).

H.B. 583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE NASH COUNTY OCCUPANCY TAX, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bowie, Boyd-McIntyre, Brubaker, Capps, Carpenter, Church, Clary, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Eddins, Edwards, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus,

Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 109.

Voting in the negative: Representatives Coates, Harrington, Nye, and Underhill - 4.

Excused absences: Representatives Bonner, Buchanan, Easterling, Ellis, McAllister, and West - 6.

S.B. 407, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THAT CITY TO USE QUICK TAKE PROCEDURE FOR ACQUISITION OF PROPERTY TO BE USED FOR STORMWATER AND PUBLIC TRANSPORTATION SYSTEMS, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Blue, Bowie, Boyd-McIntyre, Church, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Edwards, Fitch, Fox, Gibson, Goodwin, Gray, Guley, Hackney, Haire, Hall, Harrington, Hiatt, Hill, Holliman, Holmes, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McComas, McLawhorn, McMahan, Miller, Miner, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Redwine, Saunders, Sherrill, Smith, Sutton, Teague, Thompson, Tucker, Wainwright, Walker, Warner, Warren, Warwick, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 80.

Voting in the negative: Representatives Allred, Baker, Blust, Brubaker, Capps, Carpenter, Clary, Coates, Creech, Davis, Decker, Eddins, Esposito, Gillespie, Grady, Hensley, Hilton, Howard, Kiser, McCombs, Michaux, Mitchell, Rayfield, Russell, Setzer, Sexton, Shubert, Starnes, Underhill, Walend, and Weatherly - 31.

Excused absences: Representatives Bonner, Buchanan, Easterling, Ellis, McAllister, and West - 6.

H.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO

LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Blue, Bowie, Boyd-McIntyre, Capps, Carpenter, Clary, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Edwards, Fitch, Fox, Gibson, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Hensley, Hiatt, Hill, Holliman, Holmes, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Oldham, Owens, Preston, Redwine, Russell, Saunders, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Wainwright, Walend, Walker, Warner, Warren, Weatherly, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 86.

Voting in the negative: Representatives Allred, Baker, Blust, Brubaker, Coates, Creech, Davis, Decker, Eddins, Esposito, Gillespie, Harrington, Hilton, Howard, Justus, Morris, Nye, Pope, Rayfield, Setzer, Sexton, Shubert, Starnes, Underhill, and Warwick - 25.

Excused absences: Representatives Bonner, Buchanan, Easterling, Ellis, McAllister, and West - 6.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 144 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAM-LINED SALES AND USE TAX AGREEMENT.

Representative Carpenter requests that she be excused from voting on this bill because she is an Internet business owner, under Rule 24.1A and this request is granted.

The bill passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Bowie, Boyd-McIntyre, Capps, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Davis, Dedmon, Dockham, Earle, Edwards, Fitch, Fox, Gibson, Goodwin, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Holliman, Howard,

Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 92.

Voting in the negative: Representatives Allred, Blust, Brubaker, Clary, Creech, Daughtry, Decker, Eddins, Esposito, Gillespie, Grady, Hiatt, Hilton, Holmes, Kiser, McComas, Setzer, Shubert, and Starnes - 19.

Excused absences: Representatives Bonner, Buchanan, Easterling, Ellis, McAllister, and West - 6.

Excused vote: Representative Carpenter.

S.B. 751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DRUG OFFENSES COMMITTED AT OR NEAR CHILD CARE CENTERS, passes its third reading, by electronic vote (112-0), and is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE EFFECTIVE DATE OF THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF CERTAIN WATERS IN THE NEUSE RIVER BASIN BELOW FALLS LAKE DAM THAT WOULD HAVE THE EFFECT OF ALLOWING THE TOWN OF WAKE FOREST TO WITHDRAW ADDITIONAL WATER FROM THE NEUSE RIVER AND TO PROVIDE THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY MAY DISAPPROVE THE RULE, passes its second reading, by electronic vote (112-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 11 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FILLING VACANCIES IN NOMINATION FOR THE NATIONAL TICKET AND FOR

PRESIDENTIAL ELECTOR; TO EXPAND THE NOTICE REQUIREMENT FOR PRECINCT CHANGES; TO CLARIFY THE RIGHT OF MILITARY/OVERSEAS VOTERS TO REGISTER AND VOTE ON ELECTION DAY; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO FOLLOW THE DIRECTION OF THE STATE BOARD OF ELECTIONS IN PRINTING ABSENTEE BALLOTS DURING AND AFTER THE PENDENCY OF APPEALS; TO REPEAL A COURT-DISAPPROVED PROVISION OF THE AD-LABELING LAW; TO TOLL THE VERIFICATION OF MUNICIPAL INCORPORATION PETITIONS DURING A PERIOD AROUND A PRIMARY OR ELECTION AND TO MAKE OTHER CHANGES TO THE INCORPORATION PETITION STATUTE; TO MAKE TECHNICAL CHANGES TO THE MANDATORY RECOUNT STATUTES; TO REQUIRE PRIVACY FOR THE VOTER TO MARK THE BALLOT; TO STOP THE DAILY CAMPAIGN FINANCE PENALTY AFTER THE POSTMARK DATE AND FOR ANY DAY WHEN THE BOARD OF ELECTIONS IS CLOSED; AND TO CHANGE THE MAILING REQUIREMENT FOR NOTICE OF LATE FILING.

Representative Allred offers Amendment No. 1.

Representative Allred withdraws his amendment.

The bill passes its second reading by electronic vote (107-3).

Representative Grady objects to the third reading. The bill remains on the Calendar.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 278** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES INVOLVING THE THEFT OF MOTOR FUEL SHALL HAVE THEIR DRIVERS LICENSES REVOKED, is withdrawn from the Calendar and placed on the Calendar of July 24.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

H.B. 34, AN ACT TO BAN BUTTERFLY AND PUNCH-CARD BALLOTS.

H.B. 42, AN ACT TO PROVIDE PROPERTY TAX REDUCTIONS BY AUTHORIZING LOCAL GOVERNMENTS TO REDUCE PROPERTY TAXES IN LIGHT OF THE GOVERNOR'S UNANTICIPATED RELEASE OF WITHHELD REIMBURSEMENTS AND BY EXPANDING HOMESTEAD PROPERTY TAX RELIEF FOR ELDERLY AND DISABLED HOMEOWNERS.

On motion of Representative Culpepper, seconded by Representative Esposito, the House adjourns at 12:35 p.m. to reconvene Monday, July 23, 2001, at 7:00 p.m.

ONE HUNDRED THIRD DAY

HOUSE OF REPRESENTATIVES
Monday, July 23, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Eternal God, You are the Alpha and Omega, the beginning and the end. You have blessed us with the journey of life, moving from the past into the present and the present into the future. You have provided Your Word as our moral compass to give direction to our personal and corporate lives. Forgive us when we allow our culture or our ambition, our fears or our desires to reorient our values and virtues along paths that are less than ultimate. Grant us the courage to remain true to Your guidance. May our pursuit for justice be more than a search for that which is convenient and our quest for mercy be greater than seeking expedient excuses. Lead us, loving Lord, along the path of righteousness, so that our direction will be towards Your Kingdom and our destination will be Your intention. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 19 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Baker, Brubaker, Dockham, Eddins, Hackney, Hiatt and McAllister for today. Representatives Barbee and Hunter are excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 476, AN ACT TO REALIGN SUPERIOR COURT DISTRICTS IN GUILFORD AND WAKE COUNTIES.

S.B. 751, AN ACT TO INCREASE THE PUNISHMENT FOR DRUG OFFENSES COMMITTED AT OR NEAR CHILD CARE CENTERS.

H.B. 332, AN ACT TO REVISE THE BUSINESS ENERGY IMPROVEMENT PROGRAM.

H.B. 686, AN ACT TO DEFINE "RECREATION VEHICLE" AND TO INCREASE THE LENGTH AND WIDTH LIMITATIONS FOR THESE VEHICLES.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 407, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THAT CITY TO USE QUICK TAKE PROCEDURE FOR ACQUISITION OF PROPERTY TO BE USED FOR STORMWATER AND PUBLIC TRANSPORTATION SYSTEMS.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 31, AN ACT TO PROVIDE FOR SELECTION OF PRESIDENTIAL ELECTORS BY THE GENERAL ASSEMBLY IF THE ELECTION RESULTS HAVE NOT BEEN PROCLAIMED BY THE SIXTH DAY BEFORE ELECTORS ARE TO MEET, AND BY THE GOVERNOR IF ELECTORS HAVE NOT BEEN SELECTED BY THE DAY BEFORE ELECTORS ARE TO MEET. (S.L. 2001-289)

H.B. 218, AN ACT TO PROVIDE FOR DOUBLE DAMAGES FOR THE INJURY TO, OR THE DESTRUCTION OF, AGRICULTURAL COMMODITIES OR PRODUCTION SYSTEMS. (S.L. 2001-290)

H.B. 275, AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES INVOLVING ABANDONED JUVENILES. (S.L. 2001-291)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Baddour, Chair, for the Committee on Judiciary II:

S.B. 1014 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Jarrell, Chair, for the Committee on State Government:

S.B. 895 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1013, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS TO INCREASE FEES AND REQUIRING CONTINUING EDUCATION

OF PERSONS PRACTICING UNDER THE COSMETIC ART ACT, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

S.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

S.B. 446 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

CALENDAR

Action is taken on the following:

H.B. 363 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES.

On motion of Representative Sutton, the House concurs in the Senate committee substitute bill, by electronic vote (102-3), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute for **H.B. 774** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOW DRIVERS

SHALL OPERATE THEIR MOTOR VEHICLES WHEN PASSING PARKED OR STANDING EMERGENCY VEHICLES THAT HAVE THEIR EMERGENCY LIGHTS ILLUMINATED.

On motion of Representative Morris, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (105-0), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1318 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND AND CLARIFY THE FARM MACHINERY AGREEMENT LAW.

On motion of Representative Warwick, the House concurs in the Senate committee substitute bill, by electronic vote (105-0), and the bill is ordered enrolled and presented to the Governor.

H.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan, Carpenter, Church, Clary, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Earle, Easterling, Edwards, Ellis, Fox, Gibson, Goodwin, Grady, Gray, Gulley, Haire, Hall, Hensley, Hill, Holliman, Holmes, Hurley, Jarrell, Jeffus, Johnson, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Wainwright, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 87.

Voting in the negative: Representatives Allred, Capps, Coates, Creech, Davis, Esposito, Gillespie, Harrington, Hilton, Justus, Nye, Pope, Setzer, Shubert, Starnes, Underhill, and Warwick - 17.

Excused absences: Representatives Baker, Barbee, Brubaker, Dockham, Eddins, Hackney, Hiatt, and McAllister - 8.

H.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, Allen, Arnold, Baddour, Barefoot, Barnhart, Bell, Bonner, Bowie, Boyd-McIntyre, Buchanan, Carpenter, Clary, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Earle, Easterling, Edwards, Ellis, Fox, Gibson, Goodwin, Grady, Gray, Gulley, Haire, Hall, Hill, Hilton, Holliman, Holmes, Hurley, Insko, Jarrell, Jeffus, Johnson, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Weatherly, West, C. Wilson, G. Wilson, Womble, and Yongue - 85.

Voting in the negative: Representatives Allred, Blue, Blust, Capps, M. Crawford, Creech, Davis, Esposito, Gillespie, Harrington, Hensley, Luebke, Nye, Pope, Setzer, Shubert, Starnes, Warwick, and Weiss - 19.

Excused absences: Representatives Baker, Barbee, Brubaker, Dockham, Eddins, Hackney, Hiatt, and McAllister - 8.

S.B. 255 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Earle, Easterling, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sherrill, Shubert, Smith, Sutton, Teague, Thompson, Tolson, Tucker,

Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 105.

Voting in the negative: None.

Excused absences: Representatives Baker, Barbee, Brubaker, Dockham, Eddins, Hackney, Hiatt, and McAllister - 8.

S.B. 144 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAM-LINED SALES AND USE TAX AGREEMENT, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 24.1A(c), the request that Representative Carpenter be excused from voting on this bill is continued.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Barefoot, Barnhart, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Buchanan, Capps, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Dedmon, Earle, Easterling, Edwards, Esposito, Fox, Gibson, Goodwin, Gray, Gulley, Haire, Hall, Hensley, Hill, Holliman, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sherrill, Smith, Sutton, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, C. Wilson, G. Wilson, Womble, and Yongue - 88.

Voting in the negative: Representatives Blust, Clary, Creech, Daughtry, Davis, Decker, Ellis, Gillespie, Grady, Harrington, Hilton, Holmes, Kiser, Setzer, Shubert, Starnes, Teague, and West - 18.

Excused absences: Representatives Baker, Barbee, Brubaker, Dockham, Eddins, Hackney, Hiatt, and McAllister - 8.

Excused vote: Representative Carpenter.

Representatives Allred and McComas request and are granted permission to change their votes from "aye" to "no". The adjusted vote total is (86-20).

S.B. 11 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FILLING VACANCIES IN NOMINATION FOR THE NATIONAL TICKET AND FOR PRESIDENTIAL ELECTOR; TO EXPAND THE NOTICE REQUIREMENT FOR PRECINCT CHANGES; TO CLARIFY THE RIGHT OF MILITARY/OVERSEAS VOTERS TO REGISTER AND VOTE ON ELECTION DAY; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO FOLLOW THE DIRECTION OF THE STATE BOARD OF ELECTIONS IN PRINTING ABSENTEE BALLOTS DURING AND AFTER THE PENDENCY OF APPEALS; TO REPEAL A COURT-DISAPPROVED PROVISION OF THE AD-LABELING LAW; TO TOLL THE VERIFICATION OF MUNICIPAL INCORPORATION PETITIONS DURING A PERIOD AROUND A PRIMARY OR ELECTION AND TO MAKE OTHER CHANGES TO THE INCORPORATION PETITION STATUTE; TO MAKE TECHNICAL CHANGES TO THE MANDATORY RECOUNT STATUTES; TO REQUIRE PRIVACY FOR THE VOTER TO MARK THE BALLOT; TO STOP THE DAILY CAMPAIGN FINANCE PENALTY AFTER THE POSTMARK DATE AND FOR ANY DAY WHEN THE BOARD OF ELECTIONS IS CLOSED; AND TO CHANGE THE MAILING REQUIREMENT FOR NOTICE OF LATE FILING.

Representative Grady offers Amendment No. 2 which is adopted by electronic vote (108-0).

On motion of the Chair, the bill is temporarily displaced.

H.B. 381 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL

On motion of the Chair and without objection, the bill is postponed until July 24.

S.B. 11 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FILLING VACANCIES IN NOMINATION FOR THE NATIONAL TICKET AND FOR PRESIDENTIAL ELECTOR; TO EXPAND THE NOTICE REQUIREMENT FOR PRECINCT CHANGES; TO CLARIFY THE RIGHT OF MILITARY/OVERSEAS VOTERS TO REGISTER AND VOTE ON ELECTION DAY; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO FOLLOW THE DIRECTION OF THE STATE BOARD OF ELECTIONS IN PRINTING ABSENTEE BALLOTS DURING AND AFTER THE PENDENCY OF APPEALS; TO REPEAL A COURT-DISAPPROVED PROVISION OF THE AD-LABELING LAW;

TO TOLL THE VERIFICATION OF MUNICIPAL INCORPORATION PETITIONS DURING A PERIOD AROUND A PRIMARY OR ELECTION AND TO MAKE OTHER CHANGES TO THE INCORPORATION PETITION STATUTE; TO MAKE TECHNICAL CHANGES TO THE MANDATORY RECOUNT STATUTES; TO REQUIRE PRIVACY FOR THE VOTER TO MARK THE BALLOT; TO STOP THE DAILY CAMPAIGN FINANCE PENALTY AFTER THE POSTMARK DATE AND FOR ANY DAY WHEN THE BOARD OF ELECTIONS IS CLOSED; AND TO CHANGE THE MAILING REQUIREMENT FOR NOTICE OF LATE FILING, which was temporarily displaced is before the Body.

Representative Allred offers Amendment No. 3 which fails of adoption by electronic vote (8-101).

Representative Decker offers Amendment No. 4 which fails of adoption by electronic vote (27-82).

The bill, as amended, passes its third reading, by electronic vote (102-6), and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Representative Underhill requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (103-6).

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 17** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, is withdrawn from the Calendar and re-referred to the Committee on Election Law and Campaign Finance Reform.

On motion of Representative Culpepper and without objection, **S.B. 420** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT, is withdrawn from the Calendar of

July 26 and re-referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGES FROM THE SENATE

The following are received from the Senate:

H.B. 146 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PASS-THROUGH DISTRIBUTION OF PARTNER-SHIP INCOME TAX CREDITS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 24.

H.B. 432 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 24.

INTRODUCTION OF PAGES

Pages for the week of July 23 are introduced to the membership. They are: Mary Lauren Cheek of Alamance; William Draughn of Duplin; Jessica Giles of Stanly; Rachel House of Franklin; Henry Weldon Jones, III, of Wake; Erica Maddox of Cabbarrus; Stephanie Miller of Wake; Jennifer Odum of Onslow; Lorin Parnell of Moore; Christopher Prince of Wake; Noah Raper of Madison; Philip Sheppard of Durham; Benjamin Simpson of Wake; Tanisha Spivey of Franklin; Benjamin Sweezy of Orange; Molly Warner of Cumberland; William Warren, III, of Sampson; Thomas Wilkins of Wake; and Scott Winton of Durham.

On motion of Representative Culpepper, seconded by Representative Bowie, the House adjourns at 8:31 p.m. to reconvene July 24 at 2:00 p.m.

ONE HUNDRED FOURTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, July 24, 2001

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Gracious God, it is easy to bow our heads and be silent, but it is more difficult to surrender ourselves to true prayer. Forgive us when this quiet moment becomes merely one more item on the agenda and not a time to truly seek Your presence. Forgive us when the only invocation that comes from our lips is to consecrate our will as Your will.

"Lord, like a loving parent You desire a relationship with us. You patiently wait to hear our concerns and answer our needs. You know the path that we should follow and You are ready to guide us along the way. Speak to our spirits, O God, and give us direction. Turn us toward what is true. Lead us along the paths of righteousness. Conform our will to Your will, our vision to Your vision, our heart to Your heart. Make us one with You, Loving Father. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 23 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Eddins, Hackney, and Hiatt for today. Representatives Gray, Luebke, Sutton, and Warwick are excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 627, AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS WHO REQUEST A PERMIT TO PARK AT A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

S.B. 815, AN ACT TO REQUIRE LENDERS TO PROVIDE APPLICANTS FOR HOME LOANS WITH AMORTIZATION INFORMATION AND AMORTIZATION CHARTS FOR FIXED RATE HOME LOANS.

H.B. 363, AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES.

H.B. 774, AN ACT TO PROVIDE FOR HOW DRIVERS SHALL OPERATE THEIR MOTOR VEHICLES WHEN PASSING PARKED OR STANDING EMERGENCY VEHICLES THAT HAVE THEIR EMERGENCY LIGHTS ILLUMINATED, AND TO REQUIRE RENTAL CAR COMPANIES TO NOTIFY RENTERS OF THE LAW FORBIDDING PASSING OF A STOPPED SCHOOL BUS.

H.B. 1169, AN ACT AMENDING THE LOCAL GOVERNMENT PURCHASING LAWS UNDER THE LAWS RELATING TO PUBLIC CONTRACTS AND THE SALE OF PROPERTY FOR CITIES AND TOWNS.

H.B. 1318, AN ACT TO AMEND AND CLARIFY THE FARM MACHINERY AGREEMENT LAW.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 757, AN ACT TO AUTHORIZE WASHINGTON COUNTY TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 980, AN ACT TO ALLOW CHILDREN OF A VOTER TO ACCOMPANY THE VOTER INTO THE VOTING ENCLOSURE. (S.L. 2001-292)

H.B. 558, AN ACT TO AUTHORIZE THE REAL ESTATE COMMISSION TO ADOPT RULES TO PERMIT REAL ESTATE BROKERS TO PAY TRAVEL AGENTS FOR PROCURING POTENTIAL TENANTS IN VACATION RENTALS. (S.L. 2001-293)

H.B. 440, AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW OF NORTH CAROLINA. (S.L. 2001-294)

S.B. 1023, AN ACT TO REVISE THE UNIFORM ELECTRONIC TRANSACTIONS ACT. (S.L. 2001-295)

H.B. 824, AN ACT TO REQUIRE THE INSTALLATION OF AN ACCESSIBLE CLEANOUT AT THE JUNCTION OF THE PUBLIC SEWER LINE AND THE HOUSE OR BUILDING SEWER LINE. (S.L. 2001-296)

H.B. 593, AN ACT TO PROVIDE FOR DIRECT PAYMENT OF LICENSED PROFESSIONAL COUNSELORS UNDER HEALTH INSURANCE POLICIES AND PLANS. (S.L. 2001-297)

H.B. 1067, AN ACT TO CLARIFY THE AUTOMOTIVE BILL OF RIGHTS. (S.L. 2001-298)

S.B. 367, AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN. (S.L. 2001-299)

H.B. 968, AN ACT TO CLARIFY THE AUTHORITY OF COUNTIES AND CITIES TO PROVIDE FOR THE DEFENSE OF AND TO PAY JUDGMENTS AGAINST SOIL AND WATER CONSERVATION SUPERVISORS AND EMPLOYEES. (S.L. 2001-300)

H.B. 236, AN ACT TO ALLOW CERTAIN SANITARY DISTRICTS TO MAKE SATELLITE ANNEXATIONS IN CONJUNCTION WITH SIMILAR ANNEXATIONS MADE BY MUNICIPALITIES LOCATED WITHIN THE SANITARY DISTRICT. (S.L. 2001-301)

H.B. 1286, AN ACT REPEALING THE REQUIREMENT OF THE CONFERENCE OF DISTRICT ATTORNEYS TO MAINTAIN A REPOSITORY RELATING TO VICTIMS' INFORMATION. (S.L. 2001-302)

S.B. 836, AN ACT TO MODIFY THE PUBLIC SCHOOL RESIDENCY REQUIREMENT FOR CHILDREN RESIDING IN PRE-ADOPTIVE HOMES. (S.L. 2001-303)

S.B. 407, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THAT CITY TO USE QUICK TAKE

PROCEDURE FOR ACQUISITION OF PROPERTY TO BE USED FOR STORMWATER AND PUBLIC TRANSPORTATION SYSTEMS. (S.L. 2001-304)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

S.B. 247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DELAY ISSUANCE OF THE BONDS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representative Nesbitt, Vice Chair, for the Committee on Judiciary I:

S.B. 936 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 360** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW ON STIPULATIONS AS TO JURISDICTION AND LIMITATIONS OF ACTION AND THE PREFERRED PROVIDER PLAN LAW; AMEND THE SMALL EMPLOYER RATE GUARANTEE LAW; PROVIDE FOR THE PROMOTION OF ALCOHOL AND NARCOTIC SCREENING AND INTERVENTION; AMEND THE LAW ON NEWBORN AND FOSTER CHILD COVERAGE; PROVIDE FOR SUCCESSOR HEALTH PLAN

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COVERAGE FOR CONFINEMENT OR PREGNANCY; PROVIDE FOR A HEALTH INSURANCE CONTINUATION ELECTION PERIOD; REQUIRE AN HMO GROUP COVERAGE PREMIUM CHANGE NOTICE; CLARIFY THE HMO POINT-OF-SERVICE LAW; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONDITIONS FIRST DIAGNOSED UNDER PREVIOUS COVERAGE; TO EXPAND MEDICARE SUPPLEMENT GUARANTEED ISSUANCE FOR DISABLED PERSONS; TO ALLOW THE INSURANCE COMMISSIONER TO ADOPT TEMPORARY RULES FOR MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE TO IMPLEMENT FEDERAL REQUIREMENTS; TO MAKE TECHNICAL CORRECTIONS TO REFLECT REPEALS OF LAWS; TO CLARIFY THE LAWS ON RECONSTRUCTIVE SURGERY NOTICES; AND TO CLARIFY THE LAW ON DEEMER PROVISIONS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

H.B. 437 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN THIS STATE OR OUT-OF-STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

S.B. 438 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER, is read the first time and referred to the Committee on Judiciary III and, if favorable, to the Committee on Finance.

CALENDAR

Action is taken on the following:

H.R. 1455, A HOUSE RESOLUTION HONORING THE MEMORY OF CIVIL WAR VETERANS IRA T. HARDISON AND JOHN F. MCNAIR,

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AND OTHERS BURIED IN THE WINDLEY CEMETERY AND COMMENDING THE EFFORTS OF THE WINDLEY CEMETERY PERPETUAL CARE ASSOCIATION, INC., AND THE PLYMOUTH COMMUNITY IN RESTORING AND PRESERVING THAT CEMETERY.

The resolution is adopted, by electronic vote (107-1), and ordered printed.

Representative Adams states her voting equipment malfunctioned and she requests to change her vote from "no" to "aye". This request is granted. The adjusted vote total is (108-0).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 146 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PASS-THROUGH DISTRIBUTION OF PARTNERSHIP INCOME TAX CREDITS.

On motion of Representative Luebke, the House concurs in the Senate committee substitute bill, by electronic vote (92-17), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 432 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS.

On motion of Representative Saunders, the House concurs in the Senate committee substitute bill, by electronic vote (107-6), and the bill is ordered enrolled and presented to the Governor.

H.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barefoot, Barnhart, Bell, Bonner, Bowie, Boyd-McIntyre, Buchanan, Carpenter, Church, Cole, Cox, J. Crawford,

Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Edwards, Ellis, Fitch, Fox, Gibson, Goodwin, Grady, Gray, Gulley, Haire, Hall, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jarrell, Jeffus, Johnson, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Warner, Warren, Weatherly, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 89.

Voting in the negative: Representatives Allred, Baker, Barbee, Blue, Blust, Brubaker, Capps, Clary, M. Crawford, Creech, Davis, Esposito, Gillespie, Harrington, Hensley, Hilton, Luebke, Pope, Setzer, Shubert, Starnes, Walker, Warwick, and Weiss - 24.

Excused absences: Representatives Eddins, Hackney, and Hiatt - 3.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 157 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE DIETETICS/NUTRITION PRACTICE ACT AND TO AUTHORIZE THE BOARD OF DIETETICS/NUTRITION TO INCREASE FEES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barefoot, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Goodwin, Gray, Gulley, Haire, Hall, Harrington, Hensley, Hill, Holliman, Holmes, Howard, Hunter, Hurley, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Sutton, Thompson, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Warwick, Weatherly, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 96.

Voting in the negative: Representatives Baker, Barnhart, Blust, Capps, Carpenter, Creech, Davis, Decker, Gillespie, Grady, Hilton, Rayfield, Starnes, Walend, and West - 15.

Excused absences: Representatives Eddins, Hackney, and Hiatt - 3.

Representative Allred states his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (97-15).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 817 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS IN CERTAIN SITUATIONS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Edwards, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 112.

Voting in the negative: Representative Fitch.

Excused absences: Representatives Eddins, Hackney, and Hiatt - 3.

H.B. 381 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

Representative Clary offers Amendment No. 1 which is adopted by electronic vote (69-46).

Representative Hensley offers Amendment No. 2 which is adopted by electronic vote (115-1).

Representative Nesbitt offers Amendment No. 3 which is adopted by electronic vote (113-0).

Representative Owens offers Amendment No. 4 which is adopted by electronic vote (68-44).

Representative Insko offers Amendment No. 5 which is adopted by electronic vote (110-2).

Representative Thompson requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (111-1).

Representative Insko offers Amendment No. 6 which is adopted by electronic vote (113-0).

The bill, as amended, passes its second reading by electronic vote (81-31).

Representative Clary objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 113 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM.

Representative Barnhart offers Amendment No. 1 which is adopted by electronic vote (109-0).

The bill, as amended, passes its second reading, by electronic vote (112-0), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE

CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST.

On motion of Representative Hurley and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of July 31.

S.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES INVOLVING THE THEFT OF MOTOR FUEL SHALL HAVE THEIR DRIVERS LICENSES REVOKED.

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (113-0).

The bill, as amended, passes its second reading, by electronic vote (95-17), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered sent to the Senate for concurrence in House amendment.

S.B. 461 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

Representative Hurley offers Amendment No. 1 which is adopted by electronic vote (109-0).

The bill, as amended, passes its second reading, by electronic vote (108-0), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 1081 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO

THROW BODILY FLUIDS OR EXCREMENT AT A STATE OR LOCAL GOVERNMENT EMPLOYEE WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.

On motion of the Chair and without objection, the bill is temporarily displaced.

S.B. 255 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND.

On motion of Representative Allred and without objection, the bill is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

By Representatives Gibson, McComas, and Warwick, Chairs, for the Committee on Environment and Natural Resources:

S.B. 783, A BILL TO BE ENTITLED AN ACT TO EXTEND BY FIVE YEARS THE SUNSET REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

S.B. 848, A BILL TO BE ENTITLED AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

CALENDAR (continued)

S.B. 1081 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS OR EXCREMENT AT A STATE OR LOCAL GOVERNMENT EMPLOYEE WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES, which was temporarily displaced, is before the Body.

The bill passes its second reading, by electronic vote (109-0).

Representative Baddour requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (110-0).

Representative Redwine objects to the third reading. The bill remains on the Calendar.

On motion of Representative Culpepper, seconded by Representative Howard, the House adjourns at 5:15 p.m. to reconvene July 25 at 2:00 p.m.

ONE HUNDRED FIFTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 25, 2001

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, in this time of difficult decisions, let us not shrink from our duties to face the responsibilities of legislating the policy of this State. Trusting in Your grace and guiding hand, let us boldly move forward and seek the future that is in the best interest of all North Carolinians. As we fulfill this task, grant us courage to enter the debate and state our convictions. Grant us grace to see the wisdom in the ideas of others even as we are open to the imperfections of our own. Grant us wisdom to know when compromise is necessary and when it is an abdication of our ideals. May our participation in the debate of democracy bring honor to our positions, the people we represent, and to You. Amen."

July 25, 2001

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 24 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Easterling, Eddins, Hackney, Hiatt, and Hunter for today.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 173, AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH.

H.B. 146, AN ACT TO MODIFY THE PASS-THROUGH DISTRIBUTION OF PARTNERSHIP INCOME TAX CREDITS.

H.B. 432, AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS.

H.B. 1157, AN ACT TO COMBAT TAX FRAUD, ENHANCE CORPORATE COMPLIANCE WITH TAXES ON TRADEMARK INCOME, ASSURE THAT FRANCHISE TAX APPLIES EQUALLY TO CORPORATE ASSETS, AND CONFORM CORPORATE DIVIDEND TREATMENT TO THE GENERALLY ACCEPTED FORMULA USED IN OTHER STATES.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Baddour, Chair, for the Committee on Judiciary II:

H.B. 385 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE

GENERAL STATUTES COMMISSION, with recommendation that the House concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 780 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE METHOD BY WHICH PHYSICIANS' LIENS ARE PERFECTED AND THE DUTIES OF ATTORNEYS WITH RESPECT TO PHYSICIANS' LIENS, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Hill, Chair, for the Committee on Agriculture:

H.B. 984, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING LANDSCAPE CONTRACTORS, TO INCLUDE IRRIGATION CONTRACTORS UNDER THE LAWS REGULATING LANDSCAPE CONTRACTORS, TO ALLOW THE GENERAL ASSEMBLY TO APPOINT TWO OF THE NINE MEMBERS TO THE NORTH CAROLINA LANDSCAPE/IRRIGATION CONTRACTORS' LICENSING BOARD, AND TO AUTHORIZE THE BOARD TO INCREASE FEES, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

H.B. 118, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BRUNSWICK, reported without prejudice as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

H.J.R. 1456, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILVER DORNELL "WILLIE" STARGELL, MEMBER OF THE BASEBALL HALL OF FAME, with a favorable report.

Pursuant to Rule 36(b), the resolution is placed on the Calendar.

S.B. 420 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 355** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; AND TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Insurance.

Upon concurrence, the Senate committee substitute bill changes the title.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

H.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VANCE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER CHANGES TO THE VANCE COUNTY ROOM OCCUPANCY TAX, is returned for concurrence in two Senate amendments.

Pursuant to Rule 36(b), the Senate amendments are placed on the Calendar.

S.B. 657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, is read the first time and referred to the Committee on Finance.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 360** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW ON STIPULATIONS AS TO JURISDICTION AND LIMITATIONS OF ACTION AND THE PREFERRED PROVIDER PLAN LAW; AMEND THE SMALL EMPLOYER RATE GUARANTEE LAW; PROVIDE FOR THE PROMOTION OF ALCOHOL AND NARCOTIC SCREENING AND INTERVENTION; AMEND THE LAW ON NEWBORN AND FOSTER CHILD COVERAGE; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONFINEMENT OR PREGNANCY; PROVIDE FOR A HEALTH INSURANCE CONTINUATION ELECTION PERIOD; REQUIRE AN HMO GROUP COVERAGE PREMIUM CHANGE NOTICE; CLARIFY THE HMO POINT-OF-SERVICE LAW; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONDITIONS FIRST DIAGNOSED UNDER PREVIOUS COVERAGE; TO EXPAND MEDICARE SUPPLEMENT GUARANTEED ISSUANCE FOR DISABLED PERSONS; TO ALLOW THE INSURANCE COMMISSIONER TO ADOPT TEMPORARY RULES FOR MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE TO IMPLEMENT FEDERAL REQUIREMENTS; TO MAKE TECHNICAL CORRECTIONS TO REFLECT REPEALS OF LAWS; TO CLARIFY THE LAWS ON RECONSTRUCTIVE SURGERY NOTICES; AND TO CLARIFY THE LAW ON DEEMER PROVISIONS.

On motion of Representative Dockham, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (106-0), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 437 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN

THIS STATE OR OUT-OF-STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY.

On motion of Representative Tolson, the House concurs in the Senate committee substitute bill, by electronic vote (109-0), and the bill is ordered enrolled and presented to the Governor.

S.B. 157 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE DIETETICS/NUTRITION PRACTICE ACT AND TO AUTHORIZE THE BOARD OF DIETETICS/NUTRITION TO INCREASE FEES, passes its third reading, by the following vote, and is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Buchanan, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Edwards, Ellis, Esposito, Fox, Gibson, Goodwin, Grady, Gray, Gullely, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, C. Wilson, G. Wilson, Womble, and Yongue - 96.

Voting in the negative: Representatives Allred, Baker, Barnhart, Blust, Capps, Carpenter, Creech, Davis, Decker, Gillespie, Pope, Setzer, and West - 13.

Excused absences: Representatives Easterling, Eddins, Hackney, Hiatt, and Hunter - 5.

S.B. 817 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS IN CERTAIN SITUATIONS, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot,

Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 110.

Voting in the negative: None.

Excused absences: Representatives Easterling, Eddins, Hackney, Hiatt, and Hunter - 5.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1013 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS TO INCREASE FEES, TO ISSUE INACTIVE LICENSES, AND TO REQUIRE CONTINUING EDUCATION OF PERSONS PRACTICING UNDER THE COSMETIC ART ACT.

On motion of Representative Morris and without objection, consideration of the bill is postponed until August 1.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 92 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES.

Representative Goodwin offers Amendment No. 1 which is adopted by electronic vote (109-1).

Representative Thompson offers Amendment No. 2 which fails of adoption by electronic vote (48-56).

Representative Shubert offers Amendment No. 3 which fails for lack of a majority by electronic vote (53-53).

Representative Thompson offers Amendment No. 4 which fails of adoption by electronic vote (49-57).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Buchanan, Church, Clary, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Davis, Decker, Dedmon, Dockham, Earle, Edwards, Fox, Gibson, Goodwin, Grady, Gray, Haire, Hall, Hill, Holliman, Hurley, Insko, Jarrell, Jeffus, Johnson, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Smith, Teague, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Weatherly, Weiss, C. Wilson, Womble, Wright, and Yongue - 81.

Voting in the negative: Representatives Allred, Baker, Blust, Capps, Carpenter, M. Crawford, Creech, Daughtry, Ellis, Esposito, Gillespie, Gulley, Harrington, Hensley, Hilton, Holmes, Justus, Pope, Setzer, Sexton, Sherrill, Shubert, Starnes, Thompson, Walend, West, and G. Wilson - 27.

Excused absences: Representatives Easterling, Eddins, Hackney, Hiatt, and Hunter - 5.

Representative Culpepper moves, seconded by Representative Blust that the House adjourn, subject to the receipt of Committee Reports, to reconvene July 26 at 9:00 a.m.

The motion carries.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing Committee is presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.B. 398, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO THE DEFINITION OF UNDUE FAMILY HARDSHIP UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, reported without prejudice as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of July 26. The original bill is placed on the Unfavorable Calendar.

The House stands adjourned at 4:10 p.m.

ONE HUNDRED SIXTH DAY

HOUSE OF REPRESENTATIVES
Thursday, July 26, 2001

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"O Lord, as we go about our work, open the eyes of our faith to Your will, for it is only with You as our focus that we truly see clearly. We confess that we can be too shortsighted and seek a quick 'win' rather than a lasting gain. We also confess that we can be so far-sighted that the immediate needs of our world are sacrificed for a future that is only imagined. Be Thou our vision, O God. May Your love be the lens through which we perceive the world, Your mercy be the frame of reference which brings all else into focus, and Your righteousness the horizon that brings everything into proper perspective. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 25 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Easterling, Hackney, Hiatt, and Sutton for today.

July 26, 2001

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 157, AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE DIETETICS/NUTRITION PRACTICE ACT AND TO AUTHORIZE THE BOARD OF DIETETICS/NUTRITION TO INCREASE FEES.

H.B. 360, AN ACT TO CLARIFY THE LAW ON STIPULATIONS AS TO JURISDICTION AND LIMITATIONS OF ACTION AND THE PREFERRED PROVIDER PLAN LAW; AMEND THE SMALL EMPLOYER RATE GUARANTEE LAW; PROVIDE FOR THE PROMOTION OF ALCOHOL AND NARCOTIC SCREENING AND INTERVENTION; AMEND THE LAW ON NEWBORN AND FOSTER CHILD COVERAGE; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONFINEMENT OR PREGNANCY; PROVIDE FOR A HEALTH INSURANCE CONTINUATION ELECTION PERIOD; REQUIRE AN HMO GROUP COVERAGE PREMIUM CHANGE NOTICE; CLARIFY THE HMO POINT-OF-SERVICE LAW; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONDITIONS FIRST DIAGNOSED UNDER PREVIOUS COVERAGE; EXPAND MEDICARE SUPPLEMENT GUARANTEED ISSUANCE FOR DISABLED PERSONS; ALLOW THE INSURANCE COMMISSIONER TO ADOPT TEMPORARY RULES FOR MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE TO IMPLEMENT FEDERAL REQUIREMENTS; MAKE TECHNICAL CORRECTIONS TO REFLECT REPEALS OF LAWS; CLARIFY THE LAWS ON RECONSTRUCTIVE SURGERY NOTICES; CLARIFY THE LAW ON DEEMER PROVISIONS; CODIFY A RULE ON CLAIM STATUS UPDATES; MAKE TECHNICAL CHANGES IN MORTGAGE GUARANTY INSURANCE RESERVING LAWS; AUTHORIZE THE ADOPTION OF LIFE AND HEALTH ACTUARIAL RULES; AND CLARIFY LAWS ON LOCAL GOVERNMENT RISK POOLING.

H.B. 437, AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN THIS STATE OR OUT-OF-STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY.

H.B. 977, AN ACT TO REMOVE THE EXCUSE REQUIREMENT FROM ABSENTEE VOTING.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 653, AN ACT TO MAKE LOCAL MODIFICATIONS IN THE FOOTHILLS REGION CONCERNING AIRPORTS AND IN MITCHELL COUNTY CONCERNING ELECTIONS.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.B. 255 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND, reported without prejudice as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representatives Bonner and Warner, Chairs, for the Committee on Education:

S.B. 778 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Nesbitt, Vice Chair, for the Committee on Judiciary I:

S.B. 633 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR

REHABILITATING EXISTING BUILDINGS, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following is received from the Senate:

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS, is returned for concurrence in two Senate amendments.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

The Speaker rules Senate Amendment No. 2 to be material, thus constituting its first reading.

On motion of the Chair, the House recesses at 9:13 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Goodwin, Chair, for the Committee on Judiciary III:

S.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representatives Gibson, McComas, and Warwick, Chairs, for the Committee on Environment and Natural Resources:

H.B. 1439, A BILL TO BE ENTITLED AN ACT TO ALLOW CREATION OF THE UPPER CAPE FEAR WATER AUTHORITY, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative Alexander, Chair, for the Committee on Election Law and Campaign Finance Reform:

S.B. 17 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VANCE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER CHANGES TO THE VANCE COUNTY ROOM OCCUPANCY TAX.

Representative Fox, moves that the House concur in Senate Amendment No. 1.

On motion of the Chair and without objection, the bill is temporarily displaced.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 195** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE A YEARLONG COURSE OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO ALL FOURTH- AND EIGHTH-GRADE STUDENTS.

On motion of Representative Barefoot, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (94-18), and the bill is ordered enrolled and presented to the Governor.

H.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VANCE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER CHANGES TO THE VANCE COUNTY ROOM OCCUPANCY TAX, which was temporarily displaced with concurrence in Amendment No. 1 pending, is before the Body.

The House concurs in Senate Amendment No. 1.

On motion of Representative Fox, the House concurs in Senate Amendment No. 2 and the bill is ordered enrolled.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 446 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS AND TO INCLUDE PHARMACY TECHNICIANS IN BOARD AGREEMENTS WITH SPECIAL PEER REVIEW ORGANIZATIONS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp,

Culpepper, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 107.

Voting in the negative: Representatives Allred, Baker, Blust, and Walker - 4.

Excused absences: Representatives Easterling, Eddins, Hackney, Hiatt, and Sutton - 5.

S.B. 398 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF THE PROVISIONS OF THE CHECK CASHER ACT AUTHORIZING POSTDATED OR DELAYED DEPOSIT CHECKS, is moved up on today's Calendar.

The bill passes its second reading, by electronic vote (105-4), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 783 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN CHANGES TO THE LAW REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS AND TO EXTEND THE SUNSET OF THIS LAW, is moved up on today's Calendar.

The bill passes its second reading, by electronic vote (109-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 848 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS AND TO PROVIDE THAT AN ANIMAL WASTE MANAGEMENT SYSTEM THAT SERVES A PUBLIC LIVESTOCK MARKET MAY BE PERMITTED EITHER AS AN ANIMAL OPERATION OR UNDER THE STATE'S GENERAL WATER QUALITY STATUTES, is moved up on today's Calendar.

The bill passes its second reading, by electronic vote (111-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of the Chair and without objection, **S.B. 936** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING, is withdrawn from the Calendar and placed on the Calendar of July 30.

CALENDAR (continued)

H.B. 381 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

Representative Tucker offers Amendment No. 7 which is adopted by electronic vote (110-0).

Representative Howard offers Amendment No. 8 which is adopted by electronic vote (110-0).

The bill, as amended, passes its third reading, by electronic vote (92-19), and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute No. 2 by Special Message.

S.B. 1081 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS OR EXCREMENT AT A STATE OR LOCAL GOVERNMENT EMPLOYEE WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.

Representative Redwine moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Appropriations.

The Speaker stops debate and attends to the following business.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.B. 34 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW; TO APPROPRIATE FUNDS FOR THE STATE EMPLOYEE HEALTH BENEFIT PLAN; TO EXTEND ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; AND TO CLARIFY STATUTORY SALARY INCREASES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of the Chair, the House recesses at 12:46 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.B. 34 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION

AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW; TO APPROPRIATE FUNDS FOR THE STATE EMPLOYEE HEALTH BENEFIT PLAN; TO EXTEND ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; AND TO CLARIFY STATUTORY SALARY INCREASES, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Without objection the House committee substitute bill is placed on today's Calendar for immediate consideration. The Senate committee substitute bill is placed on the Unfavorable Calendar.

Representative Blust moves that the rules be suspended in order that he might offer an amendment that would amend the title of the bill.

The motion fails by electronic vote (51-63).

The bill passes its second reading, by electronic vote (113-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

By Representative Baddour, Chair, for the Committee on Judiciary II:

S.B. 842 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NON-PROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAWS GOVERNING PARTNERSHIPS, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The Senate committee substitute bill is placed on the Unfavorable Calendar.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 199** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS; ESTABLISH STANDARDS FOR HEALTH PLAN DISCLOSURES TO CONSUMERS; ESTABLISH A PATIENTS' ASSISTANCE PROGRAM; REQUIRE COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING; PROVIDE STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATION BY AN INSURER OR MANAGED CARE PLAN, AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING TREATMENT DECISIONS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Health.

On motion of Representative Culpepper, seconded by Representative Shubert, the House adjourns at 3:25 p.m. to reconvene Monday, July 30, 2001, at 7:00 p.m.

ONE HUNDRED SEVENTH DAY

HOUSE OF REPRESENTATIVES
Monday, July 30, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Merciful God, Your presence never leaves us and Your grace is always upon us. As we prepare for the work that awaits us, we seek Your guidance. If only there were simple answers to the problems we face. If only there was a clearly discernable way through the complexities of the issues. Unfortunately, we are faced with the ambiguities of imperfect knowledge, unforeseen consequences, and unintended results. We seek to do what is right. We desire to do what is best for the people of the State. Grant us wisdom as we ponder our position. Bless us with discernment as

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we wrestle with divergent possibilities. Show us the way. We bow now before You and open ourselves to the leading of Your Spirit with the faith that Your grace is sufficient for our needs. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 26 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, Boyd-McIntyre, Eddins, Fox, Gibson, Gray, Hiatt, Miner, Nesbitt, Preston, and Thompson for today. Representatives Hunter, Russell, and Womble are excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 144, AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT.

S.B. 278, AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES INVOLVING THE THEFT OF MOTOR FUEL SHALL HAVE THEIR DRIVERS LICENSES REVOKED.

S.B. 817, AN ACT TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS IN CERTAIN SITUATIONS.

H.B. 195, AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE COURSES OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO STUDENTS IN ELEMENTARY SCHOOL AND TO STUDENTS IN MIDDLE SCHOOL, AND TO ENACT THE STUDENT CITIZEN ACT OF 2001.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 765, AN ACT TO AUTHORIZE VANCE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER CHANGES TO THE VANCE COUNTY ROOM OCCUPANCY TAX.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 757, AN ACT TO AUTHORIZE WASHINGTON COUNTY TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION. (S.L. 2001-305)

S.B. 653, AN ACT TO MAKE LOCAL MODIFICATIONS IN THE FOOTHILLS REGION CONCERNING AIRPORTS AND IN MITCHELL COUNTY CONCERNING ELECTIONS. (S.L. 2001-306)

H.B. 1174, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF DRUGS IN PUBLIC PARKS AND PLAY-GROUNDS. (S.L. 2001-307)

H.B. 42, AN ACT TO PROVIDE PROPERTY TAX REDUCTIONS BY AUTHORIZING LOCAL GOVERNMENTS TO REDUCE PROPERTY TAXES IN LIGHT OF THE GOVERNOR'S UNANTICIPATED RELEASE OF WITHHELD REIMBURSEMENTS AND BY EXPANDING HOME-STEAD PROPERTY TAX RELIEF FOR ELDERLY AND DISABLED HOMEOWNERS. (S.L. 2001-308)

S.B. 715, AN ACT TO REQUIRE COLLABORATION BETWEEN THE DIVISION OF SOCIAL SERVICES AND THE COMMISSION OF INDIAN AFFAIRS AND THE NORTH CAROLINA DIRECTORS OF SOCIAL SERVICES ASSOCIATION ON INDIAN CHILD WELFARE ISSUES. (S.L. 2001-309)

H.B. 34, AN ACT TO BAN BUTTERFLY AND PUNCH-CARD BALLOTS. (S.L. 2001-310)

S.B. 690, AN ACT TO AMEND THE FACILITY AUTHORITY ACT SO AS TO CLARIFY THAT THE CHANCELLOR REPRESENTS THE INTEREST OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA. (S.L. 2001-311)

H.B. 1246, AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S

UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION. (S.L. 2001-312)

S.B. 628, AN ACT REQUIRING OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTANTS TO NOTIFY THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS WHEN THEY PERFORM WORK IN THIS STATE, AUTHORIZING THE BOARD TO INCREASE FEES, AND AMENDING CERTAIN PROVISIONS RELATING TO CERTIFIED PUBLIC ACCOUNTANTS. (S.L. 2001-313)

H.B. 1193, AN ACT TO ALLOW VOTERS TO REPORT CHANGES OF ADDRESS BY FAX. (S.L. 2001-314)

H.B. 1186, AN ACT TO ALLOW CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REGISTER TO VOTE BY FAX. (S.L. 2001-315)

H.B. 1126, AN ACT TO CLARIFY THE DEFINITION OF RESIDENCY FOR PERSONS ENGAGING IN THE SERVICE OF STATE GOVERNMENT, AND TO MAKE OTHER TECHNICAL CHANGES. (S.L. 2001-316)

H.B. 57, AN ACT TO PROVIDE REASONABLE AND PRACTICAL REQUIREMENTS FOR THE LABELING OF CAMPAIGN ADS; AND TO CLARIFY MEDIA LIABILITY. (S.L. 2001-317)

H.B. 897, AN ACT TO PROVIDE FOR REPRESENTATION OF THE TRIANGLE NATIVE AMERICAN SOCIETY ON THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS, THE NORTH CAROLINA INDIAN HOUSING AUTHORITY, AND THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER, INCORPORATED. (S.L. 2001-318)

H.B. 831, AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF ELECTIONS TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE AS LONG AS A NEARBY SITE IS PROVIDED; TO

ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING VOTER REGISTRATION LIST MAINTENANCE; TO REQUIRE PERMANENT VOTER REGISTRATION NUMBERS; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; TO REQUIRE THAT ALL NEW PRECINCT LINES FOLLOW CENSUS BLOCK LINES UNLESS THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS GRANTS A WAIVER AFTER MAKING CERTAIN FINDINGS; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR". (S.L. 2001-319)

H.B. 668, AN ACT TO ESTABLISH MEDIATED SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY FINANCIAL ISSUES. (S.L. 2001-320)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following is introduced, read the first time and referred to committee:

By Representatives Goodwin, Alexander, Allen, Arnold, Baddour, Barefoot, Barnhart, Bell, Blust, Bonner, Boyd-McIntyre, Carpenter, Church, Cox, J. Crawford, Culpepper, Daughtry, Dedmon, Earle, Edwards, Gibson, Gray, Gulley, Haire, Hall, Hensley, Hill, Hilton, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Lucas, Luebke, McLawhorn, Nesbitt, Nye, Owens, Redwine, Rogers, Russell, Saunders, Smith, Teague, Tolson, Underhill, Wainwright, Walker, Warner, Warwick, Weatherly, West, Wright, and Yongue:

H.J.R. 1463, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH WAYNE GRIMSLEY, DEDICATED PUBLIC SERVANT AND FORMER PRESIDENT OF RICHMOND COMMUNITY COLLEGE, is referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 570** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE ADMINISTRATIVE RULE ENTITLED TARPAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY WITH CERTAIN MODIFICATIONS, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCORPORATE THESE MODIFICATIONS INTO A REVISED ADMINISTRATIVE RULE, AND TO DIRECT THE SOIL AND WATER CONSERVATION COMMISSION TO ADOPT STANDARD BEST MANAGEMENT PRACTICES AND A NUTRIENT LOADING ACCOUNTING METHODOLOGY, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 31.

Upon concurrence, the Senate committee substitute bill changes the title.

H.B. 1084 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY, is returned for concurrence in Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Senate Committee Substitute Bill No. 2 is placed on the Calendar of July 31.

Senate Committee Substitute for **H.B. 1217** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS AND INNOCENT MOTOR VEHICLE OWNERS WHEN A MOTOR VEHICLE IS SEIZED UNDER DWI FORFEITURE PROVISIONS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 31.

Upon concurrence, the Senate committee substitute bill changes the title.

S.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED

FOOD TAX, is read the first time and referred to the Committee on Finance.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS.

On motion of Representative Baker, the House concurs in Senate Amendment No. 1 by electronic vote (100-0).

On motion of Representative Hill, the House concurs in material Senate Amendment No. 2 on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Edwards, Ellis, Esposito, Gillespie, Goodwin, Grady, Gully, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Mitchell, Morgan, Morris, Nye, Owens, Pope, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Wright, and Yongue - 102.

Voting in the negative: None.

Excused absences: Representatives Blue, Boyd-McIntyre, Eddins, Fox, Gibson, Gray, Hiatt, Hunter, Miner, Nesbitt, Preston, Thompson, and Womble - 13.

S.B. 1081 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS OR EXCREMENT AT A STATE OR LOCAL

GOVERNMENT EMPLOYEE WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES, is before the Body with a motion to re-refer the bill to the Committee on Appropriations pending.

Representative Redwine withdraws his motion.

The bill passes its third reading, by electronic vote (102-0), and is ordered sent to the Senate for concurrence in House committee substitute.

S.B. 405 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

S.B. 420 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT; TO REGULATE CENTER-FIRED RIFLE HUNTING IN PERQUIMANS COUNTY; AND TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT WRITTEN PERMISSION IN PERQUIMANS COUNTY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

S.B. 92 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES.

Representative Creech offers Amendment No. 5 which is adopted by electronic vote (96-4).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Bonner, Bowie, Buchanan, Church, Clary, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon,

Dockham, Earle, Easterling, Edwards, Ellis, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Hill, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Mitchell, Morgan, Morris, Nye, Owens, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Weatherly, Weiss, C. Wilson, Wright, and Yongue - 82.

Voting in the negative: Representatives Allred, Baker, Blust, Capps, Carpenter, M. Crawford, Creech, Esposito, Gillespie, Harrington, Hensley, Hilton, Justus, Pope, Rayfield, Setzer, Shubert, West, and G. Wilson - 19.

Excused absences: Representatives Blue, Boyd-McIntyre, Eddins, Fox, Gibson, Gray, Hiatt, Hunter, Miner, Nesbitt, Preston, Thompson, and Womble - 13.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 247** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DELAY ISSUANCE OF THE BONDS, is withdrawn from the Calendar and placed on the Calendar of August 2.

CALENDAR (continued)

H.B. 1130 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN NEWLY INCORPORATED MUNICIPALITIES THAT ARE NOT ELIGIBLE FOR POWELL BILL FUNDS AND THAT HAD ROADS ON THE SECONDARY PAVING PRIORITY LIST SHALL KEEP THEIR PREINCORPORATION SECONDARY ROAD PAVING PRIORITY.

Representative Decker offers Amendment No. 1.

On motion of the Chair, the bill with pending amendment is temporarily displaced.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 895 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA GEOGRAPHIC

INFORMATION COORDINATING COUNCIL, passes its second reading, by electronic vote (102-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 1014 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS.

Representative Baker offers Amendment No. 1 which is adopted by electronic vote (64-37).

REPRESENTATIVE HACKNEY, SPEAKER PRO TEMPORE PRESIDING.

Representative Baker offers Amendment No. 2, which is adopted by electronic vote (56-45).

The bill, as amended, passes its second reading, by electronic vote (95-7), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

H.B. 1130 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN NEWLY INCORPORATED MUNICIPALITIES THAT ARE NOT ELIGIBLE FOR POWELL BILL FUNDS AND THAT HAD ROADS ON THE SECONDARY PAVING PRIORITY LIST SHALL KEEP THEIR PREINCORPORATION SECONDARY ROAD PAVING PRIORITY, which was temporarily displaced with Amendment No. 1 pending, is before the Body.

On motion of Representative Saunders, the bill with pending amendment is withdrawn from the Calendar and re-referred to the Committee on Transportation.

S.B. 446 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS AND TO INCLUDE

PHARMACY TECHNICIANS IN BOARD AGREEMENTS WITH SPECIAL PEER REVIEW ORGANIZATIONS, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Edwards, Esposito, Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Mitchell, Morgan, Morris, Nye, Owens, Pope, Rayfield, Redwine, Rogers, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Wright, and Yongue - 99.

Voting in the negative: None.

Excused absences: Representatives Blue, Boyd-McIntyre, Eddins, Fox, Gibson, Gray, Hiatt, Hunter, Miner, Nesbitt, Preston, Russell, Thompson, and Womble - 14.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of the Chair and without objection, **S.B. 936** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING, is withdrawn from the Calendar and placed on the Calendar of July 31.

INTRODUCTION OF PAGES

Pages for the week of July 30 are introduced to the membership. They are: Meredith Bare of Rowan; Katherine June Byrum of Gates; Andrew Childs of Lincoln; Joshua Collins of Mecklenburg; Jermaine Cross of Gates; Timothy Cunningham of Guilford; Jennifer Everett of Wake; Alia Henderson of Davidson; Joseph Jackson of Wilson; Ashley Mann of Lee; Laurel Mann of Lee; Benjamin Massey of Wake; Laureen McComas of

New Hanover; Nathan Morris of Buncombe; Brittany Parish of New Hanover; Pia Parris of Rockingham; Angel Sease of Hertford; Peter Silliman of Mecklenburg; and Lia Walker of Bertie.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

S.B. 34, AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW; TO APPROPRIATE FUNDS FOR THE STATE EMPLOYEE HEALTH BENEFIT PLAN; TO EXTEND ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO CLARIFY STATUTORY SALARY INCREASES; AND TO AUTHORIZE PRISON CONSTRUCTION.

On motion of Representative Culpepper, seconded by Representative Blust, the House adjourns at 8:30 p.m. to reconvene July 31 at 2:00 p.m.

ONE HUNDRED EIGHTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, July 31, 2001

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Omniscient God, You know us better than we know ourselves. You are aware of our hidden desires and secret motivations. You see what is upright and true and what is unclean and defiled. Cleanse the thoughts of our hearts and minds. Remove from us the biases and prejudices that hinder us from fully accepting our fellow brothers and sisters and thereby create walls that separate us. Make us aware of our own shortcomings and blind spots that we might acknowledge our own imperfections and receive the

imperfections of others with greater grace and understanding. Teach us to know ourselves even as You know us. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 30 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Hiatt, Miner, and Thompson for today. Representative Gibson is excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 11, AN ACT TO PROVIDE FOR FILLING VACANCIES IN NOMINATION FOR THE NATIONAL TICKET AND FOR PRESIDENTIAL ELECTOR; TO EXPAND THE NOTICE REQUIREMENT FOR PRECINCT CHANGES; TO CLARIFY THE RIGHT OF MILITARY/OVERSEAS VOTERS TO REGISTER AND VOTE ON ELECTION DAY; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO FOLLOW THE DIRECTION OF THE STATE BOARD OF ELECTIONS IN PRINTING ABSENTEE BALLOTS DURING AND AFTER THE PENDENCY OF APPEALS; TO REPEAL A COURT-DISAPPROVED PROVISION OF THE AD-LABELING LAW; TO TOLL THE VERIFICATION OF MUNICIPAL INCORPORATION PETITIONS DURING A PERIOD AROUND A PRIMARY OR ELECTION AND TO MAKE OTHER CHANGES TO THE INCORPORATION PETITION STATUTE; TO MAKE TECHNICAL CHANGES TO THE MANDATORY RECOUNT STATUTES; TO REQUIRE PRIVACY FOR THE VOTER TO MARK THE BALLOT; TO STOP THE DAILY CAMPAIGN FINANCE PENALTY AFTER THE POSTMARK DATE AND FOR ANY DAY WHEN THE BOARD OF ELECTIONS IS CLOSED; AND TO CHANGE THE MAILING REQUIREMENT FOR NOTICE OF LATE FILING.

S.B. 398, AN ACT TO DELAY THE SUNSET OF THE PROVISIONS OF THE CHECK CASHER ACT AUTHORIZING POSTDATED OR DELAYED DEPOSIT CHECKS.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 868, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NAVASSA, AND TO

AMEND THE CHARTER OF THE TOWN OF NAVASSA TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND ALLOW FOR DISTRICT ELECTIONS.

CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 765, AN ACT TO AUTHORIZE VANCE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER CHANGES TO THE VANCE COUNTY ROOM OCCUPANCY TAX. (S.L. 2001-321)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Hurley and Dockham, Chairs, for the Committee on Insurance:

S.B. 729 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MOTORCYCLE INSURANCE RATES ARE SET IN ACCORDANCE WITH THE LAW REGULATING INSURANCE RATES RATHER THAN ESTABLISHED BY THE NORTH CAROLINA RATE BUREAU, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1070 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION, REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of August 1.

S.B. 1062, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of August 1.

By Representatives Bonner and Warner, Chairs, for the Committee on Education:

S.B. 990, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representative Hackney, Chair, for the Committee on Judiciary I:

S.B. 951, A BILL TO BE ENTITLED AN ACT TO AMEND RULE 5 OF THE RULES OF CIVIL PROCEDURE TO ELIMINATE THE REQUIREMENT OF FILING OF BRIEFS OR MEMORANDA REGARDING DISPOSITIVE MOTIONS WITHIN FIVE DAYS OF SERVICE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following is received from the Senate:

S.B. 904 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS, is read the first time and referred to the Committee on Finance.

CALENDAR

Action is taken on the following:

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS.

On motion of Representative Baker, the House concurs in material Senate Amendment No. 2, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Gibson, Hiatt, Miner, and Thompson - 4.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 385 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

On motion of Representative Culpepper, the House concurs in the material Senate committee substitute bill, on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan,

Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Gibson, Hiatt, Miner, and Thompson - 4.

H.B. 570 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE ADMINISTRATIVE RULE ENTITLED TAR-PAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY WITH CERTAIN MODIFICATIONS, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCORPORATE THESE MODIFICATIONS INTO A REVISED ADMINISTRATIVE RULE, AND TO DIRECT THE SOIL AND WATER CONSERVATION COMMISSION TO ADOPT STANDARD BEST MANAGEMENT PRACTICES AND A NUTRIENT LOADING ACCOUNTING METHODOLOGY.

On motion of Representative Allen, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (89-24), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following resolution appears on today's Calendar.

H.J.R. 1456, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILVER DORNELL "WILLIE" STARGELL, MEMBER OF THE BASEBALL HALL OF FAME, is moved up on today's Calendar.

The resolution passes its second reading, by electronic vote (116-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

H.B. 1084 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY.

On motion of Representative Hackney, the House concurs in the Senate committee substitute bill, by electronic vote (108-0), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute for **H.B. 1217** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS AND INNOCENT MOTOR VEHICLE OWNERS WHEN A MOTOR VEHICLE IS SEIZED UNDER DWI FORFEITURE PROVISIONS.

On motion of Representative Hackney, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (98-14), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 255 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND AND TO ALLOW THE TOWN OF ELON TO EXERCISE PLANNING JURISDICTION OVER A DESCRIBED AREA SUBJECT TO A REFERENDUM.

Representative Barnhart offers Amendment No. 1 which is adopted by electronic vote (103-1).

Representative Sexton offers Amendment No. 2.

The Speaker stops debate and attends to the following business.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

S.B. 848, AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE

PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS AND TO PROVIDE THAT AN ANIMAL WASTE MANAGEMENT SYSTEM THAT SERVES A PUBLIC LIVESTOCK MARKET MAY BE PERMITTED EITHER AS AN ANIMAL OPERATION OR UNDER THE STATE'S GENERAL WATER QUALITY STATUTES.

CALENDAR (continued)

S.B. 255 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND AND TO ALLOW THE TOWN OF ELON TO EXERCISE PLANNING JURISDICTION OVER A DESCRIBED AREA SUBJECT TO A REFERENDUM, is before the Body with Amendment No. 2 pending.

Amendment No. 2 is adopted by electronic vote (80-33). This amendment changes the title.

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan, Capps, Church, Clary, Coates, Cole, Cox, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Eddins, Edwards, Esposito, Fitch, Fox, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tolson, Tucker, Wainwright, Walend, Warner, Warren, Warwick, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 103.

Voting in the negative: Representatives Bell, Carpenter, Ellis, Gibson, Lucas, Teague, Walker, and Weatherly - 8.

Excused absences: Representatives Hiatt, Miner, and Thompson - 3.

Representative Ellis states that his voting equipment malfunctioned and he requests to change his vote from "no" to "aye". This request is granted.

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Representative Underhill requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (105-7).

MOTION TO WITHDRAW BILL FROM CALENDAR

Representative Shubert moves that the House reconsider its action taken, without objection, July 30, 2001, and place **S.B. 247** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DELAY ISSUANCE OF THE BONDS, on today's Calendar for consideration.

The Speaker states that the bill was removed from the Calendar, without objection, no vote was taken, and rules that a motion to reconsider is not in order. He states that the proper motion would be to suspend the rules to withdraw the bill from the Calendar and place it on today's Calendar.

Representative Shubert moves that the rules be suspended in order that the bill be withdrawn from the Calendar of August 2, 2001, and placed on today's Calendar.

Representative Shubert withdraws her motion.

CALENDAR (continued)

S.B. 195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Buchanan, Carpenter, Church, Clary, Coates, Cole, Cox, M. Crawford, Creech, Culp, Culpepper, Cunningham,

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Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 105.

Voting in the negative: Representatives Fitch and Hensley - 2.

Excused absences: Representatives Hiatt, Miner, and Thompson - 3.

Representative Allred requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (106-2).

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Michaux and without objection, **S.B. 17** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, is withdrawn from the Calendar and placed on the Calendar of August 7.

On motion of Representative Goodwin and without objection, **S.B. 866** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT, is withdrawn from the Calendar and placed on the Calendar of August 2.

CALENDAR (continued)

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 633 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS.

Representative C. Wilson offers Amendment No. 1 which is adopted by electronic vote (110-0).

The bill, as amended, passes its second reading, by electronic vote (108-0), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 778 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS.

On motion of the Chair, the bill is temporarily displaced.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 780 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE METHOD BY WHICH PHYSICIANS' LIENS ARE PERFECTED AND THE DUTIES OF ATTORNEYS WITH RESPECT TO PHYSICIANS' LIENS, passes its second reading, by electronic vote (113-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

S.B. 778 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS, which was temporarily displaced is before the Body.

The bill passes its second reading, by electronic vote (106-1), and there being no objection is read a third time.

Representative Smith states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (107-1).

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 936 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING.

Representative Blue offers Amendment No. 1 which is adopted by electronic vote (107-0).

The bill, as amended, passes its second reading, by electronic vote (111-0), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

CONFERENCE REPORT

Representative Alexander sends forth the Conference Report on **S.B. 16** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of August 1.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
July 31, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 16** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS, and when a similar action has been taken

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on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

On motion of Representative Culpepper, seconded by Representative Weiss, the House adjourns at 5:11 p.m. to reconvene August 1 at 3:00 p.m.

ONE HUNDRED NINTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Good and gracious God, in our performance driven lives where schedules rule and accomplishments become the measure of our personal worth, we draw near to You to hear Your words of approbation and acceptance. Silence the clamor of obligation which weighs down our souls. Calm the din of demand that drowns out Your call to discipleship. Drain us of the pools of anxiety that threaten to engulf our creative spirits. Remove from us a preoccupation with reputation which causes us to first ask what others think and then, only in passing, reflect upon what You think.

"In the silence of this time, recenter our attention upon You. May our hearts refocus on You, our souls reconnect with You, our minds reflect upon You, that with vision cleared, priorities reordered and confidence restored, we will be ready for the tasks that lay before us. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 31 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Baddour, Brubaker, Edwards, Hall, Harrington, Hiatt, Thompson, and Warner for today. Representative Weatherly is excused for a portion of the session.

August 1, 2001

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Church and Morgan, Chairs, for the Committee on Financial Institutions:

S.B. 723, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DISCLOSURE AND WARNING STATEMENTS ON UNSOLICITED CHECKS THAT, WHEN CASHED BY THE RECIPIENTS, OBLIGATE THE RECIPIENTS TO REPAY THE AMOUNT OF THE CHECKS PLUS INTEREST AND FEES, with a favorable report as to House committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 359 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

H.B. 1284 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INTERVENTION OF RIGHT UNDER RULE 24 OF THE RULES OF CIVIL PROCEDURE FOR THOSE THAT ASSERT A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD AND TO CREATE A NEW FEE FOR FILING A MOTION TO INTERVENE UNDER G.S. 1-72.1, with a favorable report as to Committee Substitute Bill No. 3, which changes the title, unfavorable as to Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Committee Substitute Bill No. 3 is placed on the Calendar. Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

S.B. 206 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Goodwin, Chair, for the Committee on Judiciary III:

S.B. 646 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, TO OBSTRUCT OR DELAY THE ANIMAL IN THE PERFORMANCE OF ITS OFFICIAL DUTIES, OR TO TEASE OR HARASS THE ANIMAL, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of August 2. The Senate committee substitute bill is placed on the Unfavorable Calendar.

S.B. 680 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS, MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR TRADE ASSOCIATIONS AND TO AMEND THE LAWS REGARDING GUN SHOWS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate Committee Substitute Bill No. 2 and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

By Representatives Hurley and Dockham, Chairs, for the Committee on Insurance:

H.B. 355 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALES- PERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS, with recommendation that the House do not concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar of August 2.

By Representative Alexander, Chair, for the Committee on Election Law and Campaign Finance Reform:

S.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following is received from the Senate:

S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, is read the first time and referred to the Committee on Finance.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), the Chair withdraws **S.B. 990** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Judiciary III.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 113, AN ACT TO EXTEND THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM.

S.B. 461, AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

S.B. 783, AN ACT TO MAKE CERTAIN CHANGES TO THE LAW REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS AND TO EXTEND THE SUNSET OF THIS LAW.

H.B. 570, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE ADMINISTRATIVE RULE ENTITLED "TAR-PAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY" WITH CERTAIN MODIFICATIONS, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCORPORATE THESE MODIFICATIONS INTO A REVISED ADMINISTRATIVE RULE, AND TO DIRECT THE SOIL AND WATER CONSERVATION COMMISSION

August 1, 2001

TO APPROVE BEST MANAGEMENT PRACTICES AND A NUTRIENT LOADING POINT SYSTEM FOR PASTURE-BASED PRODUCTION AND MANAGEMENT OF LIVESTOCK.

H.B. 1052, AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS.

H.B. 1084, AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY.

H.B. 1217, AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS WHEN A MOTOR VEHICLE IS SEIZED UNDER DWI FORFEITURE PROVISIONS AND TO SPEED THE RELEASE OF A SEIZED VEHICLE TO INNOCENT OWNERS.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.J.R. 1456, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILVER DORNELL "WILLIE" STARGELL, MEMBER OF THE BASEBALL HALL OF FAME. (RESOLUTION 2001-26)

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 34, AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW; TO APPROPRIATE FUNDS FOR THE STATE EMPLOYEE HEALTH BENEFIT PLAN; TO EXTEND ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO CLARIFY STATUTORY SALARY INCREASES; AND TO AUTHORIZE PRISON CONSTRUCTION. (S.L. 2001-322)

S.B. 398, AN ACT TO DELAY THE SUNSET OF THE PROVISIONS OF THE CHECK CASHER ACT AUTHORIZING POSTDATED OR DELAYED DEPOSIT CHECKS. (S.L. 2001-323)

S.B. 817, AN ACT TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS IN CERTAIN SITUATIONS. (S.L. 2001-324)

H.B. 868, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NAVASSA, AND TO AMEND THE CHARTER OF THE TOWN OF NAVASSA TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND ALLOW FOR DISTRICT ELECTIONS. (S.L. 2001-325)

S.B. 848, AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS AND TO PROVIDE THAT AN ANIMAL WASTE MANAGEMENT SYSTEM THAT SERVES A PUBLIC LIVESTOCK MARKET MAY BE PERMITTED EITHER AS AN ANIMAL OPERATION OR UNDER THE STATE'S GENERAL WATER QUALITY STATUTES. (S.L. 2001-326)

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Walend, and without objection, **H.B. 1013** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS TO INCREASE FEES, TO ISSUE INACTIVE LICENSES, AND TO REQUIRE CONTINUING EDUCATION OF PERSONS PRACTICING UNDER THE COSMETIC ART ACT, is withdrawn from the Calendar and re-referred to the Committee on Finance.

CONFERENCE REPORT

Representative Alexander moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 16

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 16, A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS, House Committee

August 1, 2001

Substitute Favorable 5/14/01, Fourth Edition Engrossed 5/15/01, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute Favorable 5/14/01, Fourth Edition Engrossed, 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 S16-CCSRR-1 [v.7].

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: July 31, 2001.

*Conferees for the
Senate*

S/ Wib Gulley, Chair
S/ Steve Metcalf
S/ Ken Moore
S/ Frank W. Ballance, Jr.

*Conferees for the
House of Representatives*

S/ Martha B. Alexander, Chair
S/ Walter Church
S/ H.M. Michaux, Jr.
S/ Martin Nesbitt
S/ Edgar Starnes
S/ Leo Daughtry

The Conference Report is adopted, by electronic vote (108-0), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix).

CALENDAR

Action is taken on the following:

H.B. 385 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The House concurs in the material Senate committee substitute bill on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, Allred, Arnold, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Warwick, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 107.

Voting in the negative: None.

Excused absences: Representatives Baddour, Brubaker, Edwards, Hall, Harrington, Hiatt, Thompson, and Warner - 8.

S.B. 255 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Those voting in the affirmative are: Representatives Adams, Alexander, Arnold, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Davis, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Warwick, Weiss, West, G. Wilson, Womble, Wright, and Yongue - 103.

Voting in the negative: Representative Allred.

Excused absences: Representatives Baddour, Brubaker, Edwards, Hall, Harrington, Hiatt, Thompson, and Warner - 8.

S.B. 195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST.

Representative Nesbitt offers Amendment No. 1 which is adopted by electronic vote (106-0).

The bill, as amended, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House amendment.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Warwick, Weiss, West, G. Wilson, Womble, Wright, and Yongue - 107.

Voting in the negative: None.

Excused absences: Representatives Baddour, Brubaker, Edwards, Hall, Harrington, Hiatt, Thompson, and Warner - 8.

H.B. 1070 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION, REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Warwick, Weiss, West, G. Wilson, Womble, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Baddour, Brubaker, Edwards, Hall, Harrington, Hiatt, Thompson, and Warner - 8.

S.B. 1062, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Barbee, Barefoot, Barnhart, Bell, Bonner, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Gray, Gulley, Hackney, Haire, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister,

McComas, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Redwine, Rogers, Russell, Saunders, Sherrill, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Warwick, Weiss, G. Wilson, Womble, Wright, and Yongue - 88.

Voting in the negative: Representatives Allred, Arnold, Baker, Blue, Blust, M. Crawford, Creech, Davis, Decker, Eddins, Grady, Hensley, McCombs, Rayfield, Setzer, Sexton, Shubert, and West - 18.

Excused absences: Representatives Baddour, Brubaker, Edwards, Hall, Harrington, Hiatt, Thompson, Warner, and Weatherly - 9.

CONFERENCE REPORT

Representative Michaux sends forth the Conference Report on **S.B. 137** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of August 2.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Goodwin and without objection, **S.B. 866** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT, is withdrawn from the Calendar of August 2 and placed on the Calendar of August 8.

On motion of Representative Culpepper, seconded by Representative Jarrell, the House adjourns at 3:49 p.m. to reconvene August 2 at 11:00 a.m.

ONE HUNDRED TENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, August 2, 2001

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

August 2, 2001

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, we greet You this day with thankful hearts. The sun again arose this morning, our eyes awakened to greet the new day, our hearts continue to beat, and our lungs continue to breathe. None of this comes by our power or design. Truly it is by Your mercy and in Your grace that we live each day.

"Grant that this humbling reminder will continue with us, that throughout this day gratitude will pervade our every thought and action. May the joys we savor be acknowledged as gifts from Your hand. May the challenges we face be embraced as opportunities that You will use to build our character. May the people we meet be experienced not as opponents or foes, but as brothers and sisters who will bless us with new insights and opportunities. May our friends and families be received as precious treasures which You have sown into our lives that we might experience the fruit of joy and acceptance. In our thankfulness, may we experience the peace and joy that comes from knowing we are in Your hands. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 1 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Baddour, Barbee, Brubaker, Culp, Davis, Dockham, Edwards, Fox, Hiatt, Holmes, Miner, Morris, Thompson, Weatherly, and West for today.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 895, AN ACT TO ESTABLISH THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL.

S.B. 1081, AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS OR EXCREMENT AT A STATE OR LOCAL GOVERNMENT EMPLOYEE WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.

H.B. 385, AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION

PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 612, AN ACT TO SPECIFY THE EFFECTIVE DATE OF THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF CERTAIN WATERS IN THE NEUSE RIVER BASIN BELOW FALLS LAKE DAM THAT WOULD HAVE THE EFFECT OF ALLOWING THE TOWN OF WAKE FOREST TO WITHDRAW ADDITIONAL WATER FROM THE NEUSE RIVER AND TO PROVIDE THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY MAY DISAPPROVE THE RULE.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 405, AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE.

S.B. 420, AN ACT TO ELIMINATE THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT; TO REGULATE CENTER-FIRED RIFLE HUNTING IN PERQUIMANS COUNTY; AND TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT WRITTEN PERMISSION IN PERQUIMANS COUNTY.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittee are presented:

By Representatives Allen, Buchanan, Luebke and Wainwright, Chairs, for the Committee on Finance:

H.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of August 6.

S.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 842 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NON-PROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAWS GOVERNING PARTNERSHIPS, with a favorable report, as amended.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representative McLawhorn, Chair, for the Permanent Subcommittee on Community Colleges of the Standing Committee on Education, with approval of standing committee chairs for report to be made directly to the floor of the House:

S.B. 531 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN COMMUNITY COLLEGE ACTIVITIES FROM THE UMSTEAD ACT, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of August 6. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Barefoot, Chair, for the Committee on Cultural Resources:

H.B. 1271, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NATIONAL HERITAGE AREA COMMISSION TO SEEK THE DESIGNATION THROUGH THE UNITED STATES CONGRESS OF THE NORTH CAROLINA APPALACHIAN HERITAGE AREA AS A NATIONAL HERITAGE AREA, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Rules, Calendar, and Operations of the House.

The committee substitute bill is re-referred to the Committee on Rules, Calendar, and Operations of the House. The original bill is placed on the Unfavorable Calendar.

CONFERENCE REPORT

Representative Allen sends forth the Conference Report on **S.B. 353** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of August 7.

The Conference Report is ruled to be material, thus constituting its first reading.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
August 1, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute to **S.B. 92**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, and requests conferees. The President Pro Tempore appoints:

Senator Hoyle, Chair
Senator Wellons
Senator Forrester
Senator Dalton
Senator Carrington

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

August 2, 2001

The Speaker appoints Representative Jarrell, Chair; Representatives Alexander, McComas, Buchanan, and Allen as conferees on the part of the House and the Senate is so notified by Special Message.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 106** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

S.B. 890 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES, is read the first time and referred to the Committee on Financial Institutions and, if favorable, to the Committee on Finance.

CONFERENCE REPORT

Representative Michaux moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 137

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 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW, House Committee Substitute Favorable 4/12/01, Fifth Edition Engrossed 5/29/01, submit the following report:

August 2, 2001

The Senate and House of Representatives agree to the following amendment to the House Committee Substitute Favorable 4/12/01, Fifth Edition Engrossed 5/29/01, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 4/12/01, Fifth Edition Engrossed 5/29/01, and substitute the attached Proposed Conference Committee Substitute S137-PCCS1682-RO-1.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: July 31, 2001.

*Conferees for the
Senate*

S/ Frank W. Ballance, Jr., Chair
S/ Luther H. Jordan
S/ Stan W. Bingham

*Conferees for the
House of Representatives*

S/ H. M. Michaux, Jr., Chair
S/ Wayne Goodwin
S/ Joe L. Kiser

The Conference Report is adopted, by electronic vote (97-3), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix).

CALENDAR

Action is taken on the following:

H.B. 355 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES

REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALES-PERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS.

On motion of Representative Hurley, the House does not concur in the material Senate committee substitute bill on its second roll call reading, by the following vote, and conferees are requested.

Those voting in the affirmative are: Representatives Adams, Alexander, Allred, Arnold, Baker, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, Michaux, Miller, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 99.

Voting in the negative: None.

Excused absences: Representatives Baddour, Barbee, Brubaker, Culp, Davis, Dockham, Edwards, Fox, Hiatt, Holmes, Miner, Morris, Thompson, Weatherly, and West - 15.

H.B. 1070 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION, REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allred, Arnold, Baker, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culpepper, Cunningham,

Daughtry, Decker, Dedmon, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, Michaux, Miller, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 99.

Voting in the negative: None.

Excused absences: Representatives Baddour, Barbee, Brubaker, Culp, Davis, Dockham, Edwards, Fox, Hiatt, Holmes, Miner, Morris, Thompson, Weatherly, and West - 15.

S.B. 1062. A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES, passes its third reading, by the following vote, and is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, Arnold, Barefoot, Barnhart, Bell, Blue, Bonner, Boyd-McIntyre, Buchanan, Carpenter, Church, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Earle, Easterling, Ellis, Esposito, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McLawhorn, Miller, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 87.

Voting in the negative: Representatives Allred, Baker, Blust, Capps, M. Crawford, Eddins, McCombs, Setzer, and Sexton - 9.

Excused absences: Representatives Baddour, Barbee, Brubaker, Culp, Davis, Dockham, Edwards, Fox, Hiatt, Holmes, Miner, Morris, Thompson, Weatherly, and West - 15.

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 247** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DELAY ISSUANCE OF THE BONDS, is withdrawn from the Calendar and re-referred to the Committee on Appropriations.

On motion of Representative Goodwin and without objection, **S.B. 646** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL, is withdrawn from the Calendar and placed on the Calendar of August 7.

CONFEREES APPOINTED

The Speaker announces the following conferees on **H.B. 355** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALES- PERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE

A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS: Representative Hurley, Chair; Representatives Dockham, C. Wilson, Blue, and Smith.

The Senate is so notified by Special Message.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 368** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING AN ANNEXATION TO THE CITY OF WELDON, is withdrawn from the Committee on Finance and referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Culpepper, seconded by Representative Gibson, the House adjourns at 11:41 a.m. to reconvene Monday, August 6, 2001, at 7:00 p.m.

ONE HUNDRED ELEVENTH DAY

HOUSE OF REPRESENTATIVES
Monday, August 6, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Lord, too often we forget our dependence upon You. Too often we are guilty of trying to save ourselves, which inevitably leads us down paths of greater trouble. But You have promised to come to us. You have made Yourself known to us not only as Creator, but also as Savior. Because of Your goodness, we come to You. Inspire us through the work of Your Spirit, that we might see beyond our hopes to the horizon of Your will. Strengthen us to labor for something beyond our personal gain, something for the good of all people. Be present with us and guide us, O God. Make us more than we could have been had we been left to ourselves. Hear our prayer, O Lord. Amen."

August 6, 2001

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 2 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Allred, Arnold, Brubaker, Capps, Cole, Ellis, Fox, Hiatt, Hill, Holmes, Hunter, Jarrell, McAllister, Nesbitt, Russell, Saunders, Sexton, Thompson, Walend, and Wright for today.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 16, AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS.

S.B. 446, AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS AND TO INCLUDE PHARMACY TECHNICIANS IN BOARD AGREEMENTS WITH SPECIAL PEER REVIEW ORGANIZATIONS.

S.B. 778, AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS.

S.B. 780, AN ACT TO CLARIFY THE METHOD BY WHICH PHYSICIANS' LIENS ARE PERFECTED AND THE DUTIES OF ATTORNEYS WITH RESPECT TO PHYSICIANS' LIENS.

S.B. 1062, AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1157, AN ACT TO COMBAT TAX FRAUD, ENHANCE CORPORATE COMPLIANCE WITH TAXES ON TRADEMARK INCOME, ASSURE THAT FRANCHISE TAX APPLIES EQUALLY TO CORPORATE ASSETS, AND CONFORM CORPORATE DIVIDEND TREATMENT TO THE GENERALLY ACCEPTED FORMULA USED IN OTHER STATES. (S.L. 2001-327)

H.B. 1169, AN ACT AMENDING THE LOCAL GOVERNMENT PURCHASING LAWS UNDER THE LAWS RELATING TO PUBLIC CONTRACTS AND THE SALE OF PROPERTY FOR CITIES AND TOWNS. (S.L. 2001-328)

S.B. 405, AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE. (S.L. 2001-329)

S.B. 420, AN ACT TO ELIMINATE THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT; TO REGULATE CENTER-FIRED RIFLE HUNTING IN PERQUIMANS COUNTY; AND TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT WRITTEN PERMISSION IN PERQUIMANS COUNTY. (S.L. 2001-330)

H.B. 774, AN ACT TO PROVIDE FOR HOW DRIVERS SHALL OPERATE THEIR MOTOR VEHICLES WHEN PASSING PARKED OR STANDING EMERGENCY VEHICLES THAT HAVE THEIR EMERGENCY LIGHTS ILLUMINATED, AND TO REQUIRE RENTAL CAR COMPANIES TO NOTIFY RENTERS OF THE LAW FORBIDDING PASSING OF A STOPPED SCHOOL BUS. (S.L. 2001-331)

S.B. 751, AN ACT TO INCREASE THE PUNISHMENT FOR DRUG OFFENSES COMMITTED AT OR NEAR CHILD CARE CENTERS. (S.L. 2001-332)

S.B. 476, AN ACT TO REALIGN SUPERIOR COURT DISTRICTS IN GUILFORD AND WAKE COUNTIES. (S.L. 2001-333)

H.B. 360, AN ACT TO CLARIFY THE LAW ON STIPULATIONS AS TO JURISDICTION AND LIMITATIONS OF ACTION AND THE PREFERRED PROVIDER PLAN LAW; AMEND THE SMALL EMPLOYER RATE GUARANTEE LAW; PROVIDE FOR THE PROMOTION OF ALCOHOL AND NARCOTIC SCREENING AND INTERVENTION; AMEND THE LAW ON NEWBORN AND FOSTER CHILD COVERAGE; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR

CONFINEMENT OR PREGNANCY; PROVIDE FOR A HEALTH INSURANCE CONTINUATION ELECTION PERIOD; REQUIRE AN HMO GROUP COVERAGE PREMIUM CHANGE NOTICE; CLARIFY THE HMO POINT-OF-SERVICE LAW; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONDITIONS FIRST DIAGNOSED UNDER PREVIOUS COVERAGE; EXPAND MEDICARE SUPPLEMENT GUARANTEED ISSUANCE FOR DISABLED PERSONS; ALLOW THE INSURANCE COMMISSIONER TO ADOPT TEMPORARY RULES FOR MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE TO IMPLEMENT FEDERAL REQUIREMENTS; MAKE TECHNICAL CORRECTIONS TO REFLECT REPEALS OF LAWS; CLARIFY THE LAWS ON RECONSTRUCTIVE SURGERY NOTICES; CLARIFY THE LAW ON DEEMER PROVISIONS; CODIFY A RULE ON CLAIM STATUS UPDATES; MAKE TECHNICAL CHANGES IN MORTGAGE GUARANTY INSURANCE RESERVING LAWS; AUTHORIZE THE ADOPTION OF LIFE AND HEALTH ACTUARIAL RULES; AND CLARIFY LAWS ON LOCAL GOVERNMENT RISK POOLING. (S.L. 2001-334)

H.B. 146, AN ACT TO MODIFY THE PASS-THROUGH DISTRIBUTION OF PARTNERSHIP INCOME TAX CREDITS. (S.L. 2001-335)

S.B. 627, AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS WHO REQUEST A PERMIT TO PARK AT A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA. (S.L. 2001-336)

H.B. 977, AN ACT TO REMOVE THE EXCUSE REQUIREMENT FROM ABSENTEE VOTING. (S.L. 2001-337)

H.B. 332, AN ACT TO REVISE THE BUSINESS ENERGY IMPROVEMENT PROGRAM. (S.L. 2001-338)

H.B. 437, AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN THIS STATE OR OUT-OF-STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY. (S.L. 2001-339)

S.B. 815, AN ACT TO REQUIRE LENDERS TO PROVIDE APPLICANTS FOR HOME LOANS WITH AMORTIZATION INFORMATION AND AMORTIZATION CHARTS FOR FIXED RATE HOME LOANS. (S.L. 2001-340)

H.B. 686, AN ACT TO DEFINE "RECREATION VEHICLE" AND TO INCREASE THE LENGTH AND WIDTH LIMITATIONS FOR THESE VEHICLES. (S.L. 2001-341)

S.B. 157, AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE DIETETICS/NUTRITION PRACTICE ACT AND TO AUTHORIZE THE BOARD OF DIETETICS/NUTRITION TO INCREASE FEES. (S.L. 2001-342)

H.B. 1318, AN ACT TO AMEND AND CLARIFY THE FARM MACHINERY AGREEMENT LAW. (S.L. 2001-343)

H.B. 363, AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES. (S.L. 2001-344)

H.B. 432, AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS. (S.L. 2001-345)

S.B. 173, AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH. (S.L. 2001-346)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Alexander, Chair, for the Committee on Election Law and Campaign Finance Reform:

S.B. 1002 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the unfavorable Calendar.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
August 2, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 137** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGES FROM THE SENATE

The following is received from the Senate:

H.B. 942 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCKSMITH LICENSING ACT, is returned for concurrence in Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), the Chair withdraws **H.B. 106** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Election Law and Campaign Finance Reform.

August 6, 2001

CALENDAR

Action is taken on the following:

S.B. 657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Alexander, Allen, Baddour, Baker, Barbee, Barefoot, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan, Carpenter, Coates, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Esposito, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Harrington, Hensley, Hilton, Holliman, Hurley, Insko, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Miller, Mitchell, Morgan, Morris, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Setzer, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Warwick, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 85.

Voting in the negative: None.

Excused absences: Representatives Adams, Allred, Arnold, Brubaker, Capps, Cole, Ellis, Fox, Hiatt, Hill, Holmes, Hunter, Jarrell, McAllister, Nesbitt, Russell, Saunders, Sexton, Thompson, Walend, and Wright - 21.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 206 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM.

On motion of the Chair and without objection, the bill is temporarily displaced.

S.B. 531 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN COMMUNITY COLLEGE ACTIVITIES FROM THE UMSTEAD ACT, passes its second reading, by electronic vote (80-10), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 951 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 5 OF THE RULES OF CIVIL PROCEDURE TO ELIMINATE THE REQUIREMENT OF FILING OF BRIEFS OR MEMORANDA REGARDING DISPOSITIVE MOTIONS WITHIN FIVE DAYS OF SERVICE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION, AND TO ELIMINATE THE UNNECESSARY FILING OF COVER SHEETS.

Representative Hackney offers Amendment No. 1 which is adopted by electronic vote (91-0).

The bill, as amended, passes its second reading, by electronic vote (91-0), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

INTRODUCTION OF PAGES

Pages for the week of August 6 are introduced to the membership. They are: Kimberly Bain of Wilson; Jason Battle of New Hanover; Christine Beck of Henderson; Hadia Block of Wake; Walter Clark of New Hanover; Keith Corbett, Jr., of Durham; Austin Davis of Wake; Marie Epps of Wake; Emily Fisher of Wake; Jessica Lee of Johnston; Clark Leonard of Wake; Melissa Martz of Currituck; Tracy Martz of Currituck; Tiffany Palmer of Wake; Regina Scheidt of Rowan; Tara Scheidt of Rowan; Shamiaka Silver of Franklin; and Ashley Winslow of Perquimans.

On motion of Representative Culpepper, seconded by Representative Daughtry, the House adjourns at 7:54 p.m. to reconvene August 7 at 3:00 p.m.

ONE HUNDRED TWELFTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, August 7, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

August 7, 2001

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"It is easy, O God, to take for granted that which is consistently offered to us. In so doing, we can become careless and inattentive to blessings worthy of our praise and attention. Invoke within us daily a profound respect for the mantle of leadership which has come to us through the electoral and appointive process. Make us aware of the awesome responsibility that inheres in our work. People around the State have entrusted us with their future. They look to us to seek that which is in their best interest. And You have charged us to be faithful stewards of the power we wield. You have called us to do that which is good and true and in accordance with Your will. Only by Your grace can we effectively fulfill our task. Guide us now, O God, in our discussion and decisions, that we may be found faithful to the call upon our lives. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 6 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Fox, Hiatt, Hill, Holmes, Morris, and Thompson for today. Representatives Bowie, Justus, and Wainwright are excused for a portion of the session.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Hackney, Chair, for the Committee on Judiciary I:

S.B. 109 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO ADOPT RULES ESTABLISHING MINIMUM STANDARDS FOR DEFENSE ATTORNEYS, PROSECUTORS, AND JUDGES HANDLING CAPITAL CASES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1431, A BILL TO BE ENTITLED AN ACT TO PREVENT DOUBLE TAXATION OF MOTOR VEHICLES WHOSE TAX YEAR

CHANGES DUE TO A CHANGE IN REGISTRATION, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following are received from the Senate:

H.B. 439 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of August 8.

Senate Committee Substitute for **H.B. 834** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of August 8.

Upon concurrence, the Senate committee substitute bill changes the title.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

Senate Committee Substitute for **H.B. 906**, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of August 8.

Upon concurrence, the Senate committee substitute bill changes the title.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

S.B. 137, AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

CONFERENCE REPORT

Representative Allen moves the adoption of the following Conference Report.

House Committee Substitute No. 2 for S.B. 353

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 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS, House Committee Substitute #2 Favorable 6/18/01, Seventh Edition Engrossed 6/21/01, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute #2 Favorable 6/18/01, Seventh Edition Engrossed 6/21/01, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute #2 Favorable 6/18/01, Seventh Edition Engrossed 6/21/01, and substitute the attached Proposed Conference Committee Substitute S353-PCCS3893-LCf-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: August 1, 2001.

August 7, 2001

*Conferees for the
Senate*

S/ John H. Kerr, III, Chair
 S/ David Hoyle
 S/ T. LaFontine Odom, Sr.
 S/ Fletcher L. Hartsell, Jr.

*Conferees for the
House of Representatives*

S/ Gordon P. Allen, Chair
 S/ Paul Luebke
 S/ William L. Wainwright
 S/ Charles F. Buchanan
 S/ David Redwine
 S/ Ruth M. Easterling
 S/ Warren "Pete" Oldham

The material Conference Report is adopted on its second roll call reading by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Baddour, Barefoot, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Church, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Esposito, Gibson, Gillespie, Goodwin, Gray, Gulley, Hackney, Haire, Hall, Holliman, Hurley, Insko, Jarrell, Jeffus, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Morgan, Nye, Oldham, Owens, Preston, Redwine, Rogers, Russell, Saunders, Sherrill, Smith, Sutton, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Warwick, Weiss, G. Wilson, Womble, Wright, and Yongue - 73.

Voting in the negative: Representatives Allred, Arnold, Baker, Barnhart, Blust, Capps, Carpenter, Clary, M. Crawford, Creech, Daughtry, Davis, Decker, Ellis, Fitch, Grady, Harrington, Hensley, Hilton, Howard, Hunter, Johnson, Kiser, McAllister, Michaux, Mitchell, Nesbitt, Pope, Rayfield, Setzer, Sexton, Shubert, Starnes, Teague, Walend, Weatherly, West, and C. Wilson - 38.

Excused absences: Representatives Barbee, Fox, Hiatt, Hill, Holmes, Justus, Morris, and Thompson - 8.

CALENDAR

Action is taken on the following:

S.B. 206 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN

August 7, 2001

(TODS) PROGRAM, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Earle, Easterling, Edwards, Ellis, Fitch, Gibson, Gillespie, Goodwin, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Lucas, Luebke, McAllister, McComas, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Sexton, Sherrill, Smith, Sutton, Teague, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, Womble, Wright, and Yongue - 90.

Voting in the negative: Representatives Brubaker, Capps, Creech, Davis, Decker, Dockham, Eddins, Esposito, Grady, Hilton, Howard, Justus, Kiser, McCombs, Nesbitt, Pope, Setzer, Shubert, Starnes, and G. Wilson - 20.

Excused absences: Representatives Barbee, Fox, Hiatt, Hill, Holmes, Morris, Thompson, and Wainwright - 8.

S.B. 657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Barnhart, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Esposito, Fitch, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Walend, Walker, Warner,

Warren, Warwick, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Barbee, Fox, Hiatt, Hill, Holmes, Morris, Thompson, and Wainwright - 8.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 359 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allred, Arnold, Baddour, Baker, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Barbee, Fox, Hiatt, Hill, Holmes, Morris, Thompson, and Wainwright - 8.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1284 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CREATE A PROCEDURE FOR INTERVENTION FOR THE LIMITED PURPOSE OF ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD AND TO

CREATE A NEW FEE FOR FILING A MOTION TO INTERVENE UNDER G.S. 1-72.1, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 108.

Voting in the negative: Representative Davis.

Excused absences: Representatives Barbee, Fox, Hiatt, Hill, Holmes, Morris, Thompson, and Wainwright - 8.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Michaux and without objection, **S.B. 14** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; AND TO MAKE CONFORMING CHANGES, is withdrawn from the Calendar and placed on the Calendar of August 14.

CALENDAR (continued)

S.B. 17 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY

BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, passes its second reading, by electronic vote (110-0), and remains on the Calendar.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
August 7, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill No. 2 to **S.B. 1014**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS, and requests conferees. The President Pro Tempore appoints:

Senator Albertson, Chair
Senator Odom
Senator Allran
Senator Hoyle

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

On motion of Representative Culpepper, seconded by Representatives Sexton, Baddour, and Wright, the House adjourns at 5:45 p.m. to reconvene August 8 at 2:00 p.m.

ONE HUNDRED THIRTEENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, August 8, 2001

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

August 8, 2001

The following prayer is offered by Anne Graham Lotz, Raleigh, North Carolina.

"We bow before You as the One, True, Living God
Creator of the heavens and the earth,
God of Abraham, Isaac, and Jacob,
Father of Jesus of Nazareth.

"In the words of Jeremiah, the prophet, we understand that
the wise man is not to boast in his wisdom,
or the strong man boast of his strength,
or the rich man boast of his riches,

"But the one who boasts should boast about this:
that we understand and know You,
that You are the Lord,
Who exercises kindness and justice and righteousness on earth.

"We acknowledge that You are Lord.
Lord of the Universe,
Lord of this planet,
Lord of this nation,
Lord of this State,
Lord of this city,
Lord of this legislative body,
Lord of my life,
Lord of lords.

"We thank You and praise You, O Lord, for Your blessings and Your
grace.
Of all the nations in the world, You have placed us in America.
Of all the states in this nation, You have placed us in North Carolina.
Of all the cities in this State, You have placed us in Raleigh.

-- that's just Your grace.

"We glimpse Your majesty reflected in the mountains.

"We glimpse Your power in the pounding of the waves.

"We glimpse Your faithfulness in the heartland as the sun comes up every
morning and goes down every evening.

"We glimpse Your mercy in the sunshine and the rain that benefits
the just and the unjust.

"We glimpse Your goodness in our fields yielding an abundance of corn
and cotton and soy and apples and tobacco.

"We glimpse Your own likeness in the faces of our fellow North
Carolinians.

"We are humbled and honored to serve You as the caretakers of this great State.

"We ask You for wisdom to make decisions that are right.

"We ask You for courage to stand against that which is wrong.

"We ask You for innovative ideas that will keep us on the cutting edge of business and trade opportunities.

"We ask You for patience to respectfully work out our disagreements.

"We ask You for Your solution to the budget impasse and the other issues facing this body.

"We ask that You get us home in time to enjoy Labor Day with our families.

"I pray for the men and women in this chamber to rise up, lay aside all self-interest, and be the leaders You have handpicked them to be, worthy of the trust of their constituents, accomplishing Your purpose for this State. And I pray that North Carolina would be a leader, not just in education and research and other areas in which we claim the forefront, but that North Carolina would be a leader in the example we set to the other states of how to work together with integrity and unity and charity for the good of all the people.

"O God, bless us, we pray. Not because we deserve it, but because we boldly ask for Your blessing in the name of Your Son, our Savior, Jesus Christ. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 7 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Culp, Hiatt, Morris, Sutton, and Wainwright for today. Representative Luebke is excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 195, AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF

August 8, 2001

PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST.

S.B. 633, AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS.

S.B. 936, AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 657, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL.

H.B. 583, AN ACT TO MODIFY THE NASH COUNTY OCCUPANCY TAX.

CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 144, AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT. (S.L. 2001-347)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Dedmon, Chair, for the Committee on Local Government I:

H.B. 500, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE ELECTORAL SYSTEM FOR THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO CHANGE TERMS FROM FOUR YEARS TO TWO YEARS, TO ADD TWO AT-LARGE MEMBERS, AND TO PROVIDE FOR NONPARTISAN PRIMARY ELECTIONS, with a favorable report as to committee substitute bill, which

changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Rules, Calendar, and Operations of the House.

The committee substitute bill is re-referred to the Committee on Rules, Calendar, and Operations of the House. The original bill is placed on the Unfavorable Calendar.

S.B. 885 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 522 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A REGIONAL TRANSPORTATION AUTHORITY FOR CUMBERLAND COUNTY, THE CITY OF FAYETTEVILLE, THE TOWN OF HOPE MILLS, AND THE TOWN OF SPRING LAKE, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

H.B. 1213, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ALTERNATIVE FUEL VEHICLE REBATE AND INFRASTRUCTURE GRANT PROGRAM, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

S.B. 1066 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS, with a favorable report as to House committee substitute bill, unfavorable as to Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

CONFERENCE REPORT

The material Conference Report for **S.B. 353** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Baddour, Barbee, Barefoot, Blue, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Church, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Hill, Holliman, Holmes, Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Lucas, Luebke, McAllister, McCombs, McLawhorn, McMahan, Miller, Miner, Morgan, Nesbitt, Nye, Oldham, Owens, Preston, Redwine, Rogers, Russell, Saunders, Sherrill, Smith, Teague, Thompson, Tolson, Tucker, Underhill, Walker, Warner, Warren, Warwick, Weatherly, Weiss, G. Wilson, Womble, Wright, and Yongue - 81.

Voting in the negative: Representatives Allred, Arnold, Baker, Barnhart, Blust, Capps, Carpenter, Clary, M. Crawford, Creech, Davis, Decker, Ellis, Fitch, Harrington, Hensley, Howard, Johnson, Kiser, McComas, Michaux, Mitchell, Pope, Rayfield, Setzer, Sexton, Shubert, Starnes, Walend, West, and C. Wilson - 31.

Excused absences: Representatives Culp, Hiatt, Morris, Sutton, and Wainwright - 5.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 834** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION.

On motion of Representative Edwards, the House concurs in the material Senate committee substitute bill, which changes the title, on its second roll call reading by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Baddour, Barefoot, Barnhart, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Buchanan, Carpenter, Church, Clary, Cole, Cox, J. Crawford, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Edwards, Fitch, Fox, Gibson, Goodwin, Grady, Gray, Hackney, Haire, Hall, Hensley, Hill, Holliman, Holmes, Hunter, Hurley, Jarrell, Jeffus, Johnson, Kiser, Lucas, Luebke, McAllister, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sherrill, Smith, Starnes, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 87.

Voting in the negative: Representatives Allred, Arnold, Baker, Barbee, Blust, Brubaker, Capps, Coates, M. Crawford, Creech, Davis, Eddins, Ellis, Esposito, Gillespie, Gullely, Harrington, Hilton, Justus, Setzer, Sexton, Shubert, and Warwick - 23.

Excused absences: Representatives Culp, Hiatt, Morris, Sutton, and Wainwright - 5.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 906**, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE.

On motion of Representative Weiss, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (111-1), and the bill is ordered enrolled.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 439 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

On motion of Representative Haire, and without objection, the bill is temporarily displaced.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 942 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCKSMITH LICENSING ACT.

On motion of Representative Hurley, the House concurs in Senate Committee Substitute Bill No. 2, by electronic vote (95-17), and the bill is ordered enrolled and presented to the Governor.

S.B. 646 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL.

Representative Hensley offers Amendment No. 1 which is adopted by electronic vote (94-19).

The bill, as amended, passes its second reading, by electronic vote (113-1), and remains on the Calendar.

S.B. 723 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DISCLOSURE AND WARNING STATEMENTS ON UNSOLICITED CHECKS THAT, WHEN CASHED BY THE RECIPIENTS, OBLIGATE THE RECIPIENTS TO REPAY THE AMOUNT OF THE CHECKS PLUS INTEREST AND FEES, passes its second reading, by electronic vote (112-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 729 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RATES AND CLASSIFICATIONS FOR MOTORCYCLE THEFT AND PHYSICAL DAMAGE INSURANCE ARE TO BE ESTABLISHED BY THE CARRIERS THAT

WRITE THOSE COVERAGES AND NOT BY THE NORTH CAROLINA RATE BUREAU; TO PROVIDE THAT THE RATE BUREAU RETAINS JURISDICTION OVER RATES AND CLASSIFICATIONS FOR MOTORCYCLE LIABILITY INSURANCE; AND TO PROVIDE THAT MOTORCYCLE LIABILITY INSURANCE IS STILL CEDABLE TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY.

Representative Dockham offers Amendment No. 1 which is adopted by electronic vote (113-0).

Representative Cox requests that he be excused from voting on this bill, to avoid the appearance of a conflict of interest, under Rule 24.1A and this request is granted.

The bill, as amended, passes its second reading, by electronic vote (77-32), and remains on the Calendar.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culpepper, Cunningham, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 110.

Voting in the negative: Representatives Barnhart, Daughtry, and Holmes - 3.

Excused absences: Representatives Culp, Hiatt, Morris, Sutton, and Wainwright - 5.

H.B. 359 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culpepper, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Culp, Hiatt, Morris, Sutton, and Wainwright - 5.

Representative Cunningham requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (113-0).

H.B. 1284 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CREATE A PROCEDURE FOR INTERVENTION FOR THE LIMITED PURPOSE OF ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD AND TO CREATE A NEW FEE FOR FILING A MOTION TO INTERVENE UNDER G.S. 1-72.1, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot,

Barnhart, Bell, Blue, Bonner, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 110.

Voting in the negative: None.

Excused absences: Representatives Culp, Hiatt, Morris, Sutton, and Wainwright - 5.

S.B. 206 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, Womble, Wright, and Yongue - 106.

Voting in the negative: Representatives Capps, Creech, Davis, Decker, Eddins, Justus, Kiser, and G. Wilson - 8.

Excused absences: Representatives Culp, Hiatt, Morris, Sutton, and Wainwright - 5.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 842 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NON-PROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAWS GOVERNING PARTNERSHIPS.

On motion of Representative Pope, Committee Amendment No. 1 is adopted by electronic vote (112-0).

The bill, as amended, passes its second reading, by the following vote and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allred, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Redwine, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 104.

Voting in the negative: Representatives Baker, Davis, Eddins, Kiser, Rayfield, Rogers, and Setzer - 7.

Excused absences: Representatives Culp, Hiatt, Luebke, Morris, Sutton and Wainwright - 6.

S.B. 17 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE

FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES.

Representative Ellis offers Amendment No. 1 which is adopted by electronic vote (111-1).

Representative Justus offers an amendment.

Representative Michaux inquires of the Chair if the amendment is eligible.

Representative Capps offers an amendment. The Speaker rules the amendment out of order.

Representative Capps moves that Rule 31(d) be suspended in order that he might offer an amendment that would change the title.

Representative Davis inquires of the Chair what the ruling was on the Justus amendment. The Speaker states that the amendment was ruled out of order.

The motion to suspend the rule fails for lack of a two-thirds majority, by electronic vote (57-56).

Representative Jarrell requests and is granted permission to be recorded as voting "no". The adjusted vote total is (56-57).

Representative Justus moves that the rules be suspended in order that he might offer an amendment that was previously ruled out of order.

The motion to suspend the rules fails for lack of a two-thirds majority, by electronic vote (58-55).

Representative Justus moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Election Law and Campaign Finance Reform.

Representative Ellis inquires of the Chair as to the reason that the amendment offered by Representative Justus was ruled out of order. The Speaker declines to reply.

The motion to re-refer the bill carries, by electronic vote (87-26), and the bill is ordered engrossed and re-referred to the Committee on Election Law and Campaign Finance Reform.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Goodwin and without objection, **S.B. 866** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT, is withdrawn from the Calendar and re-referred to the Committee on Judiciary III.

CALENDAR (continued)

H.B. 439 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION, which was temporarily displaced, is before the Body.

On motion of Representative Haire and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of August 9.

CONFEREES APPOINTED

The Speaker announces the following conferees on **S.B. 1014** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS: Representative Hackney, Chair; Representatives Weiss, Bowie, and Miller.

The Senate is so notified by Special Message.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.J.R. 52 (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF GREAT NORTH CAROLINIANS AND NAMING BILLY GRAHAM AS A FAVORITE SON OF NORTH CAROLINA, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Culpepper moves, seconded by Representative Jarrell, that the House adjourn, subject to the receipt of Special Messages from the

Senate, the receipt of Committee Reports, and the referral of bills to committee to reconvene August 9 at 10:00 a.m.

The motion carries.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.J.R. 1103, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR JOHN W. THOMAS UPON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF THOMASVILLE, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.J.R. 1103, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR JOHN W. THOMAS UPON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF THOMASVILLE, with a favorable report.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of August 9.

The House stands adjourned at 5:21 p.m.

ONE HUNDRED FOURTEENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, August 9, 2001

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

August 9, 2001

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Kind and caring God, You know us better than we know ourselves. In our need, You are there. When problems seem insoluble, when fears seem too great, when brokenness appears beyond the pale of healing, You share Your healing mercy with us. Even in matters that perplex us so deeply that we know not what to ask, or how to pray, You know what we truly require.

"We confess that we are often so intent with our own wishes that we fail to seek Your purpose for us. We confess that we are often more concerned with our own selves, rather than our service to others. Purify our hearts, that we might desire Your will. Give us what we truly need, despite what we think we want. Above all else, send Your grace that we might find the peace that only You can give. Amen."

Representative Hackney, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 8 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Culpepper, Hiatt, McComas, Miner, Morris, Preston, and Wainwright for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Goodwin, Chair, for the Committee on Judiciary III:

S.B. 990 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
August 8, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for House Committee Substitute No. 2 for **S.B. 353**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS.

Pursuant to your message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled and sent to the Governor.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CONFEREE APPOINTED

The Speaker appoints Representative Thompson as an additional conferee on **S.B. 92** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 834** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION.

August 9, 2001

On motion of Representative Holliman, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled.

Those voting in the affirmative are: Representatives Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan, Carpenter, Church, Cole, Cox, J. Crawford, M. Crawford, Culp, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Esposito, Fox, Gibson, Goodwin, Grady, Gray, Hackney, Haire, Hall, Hensley, Hill, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Lucas, Luebke, McAllister, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Nye, Oldham, Owens, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, C. Wilson, Womble, Wright, and Yongue - 85.

Voting in the negative: Representatives Allred, Baker, Brubaker, Capps, Clary, Coates, Creech, Davis, Eddins, Ellis, Gillespie, Gulley, Harrington, Hilton, Justus, Kiser, Pope, Setzer, Shubert, Thompson, Underhill, and G. Wilson - 22.

Excused absences: Representatives Adams, Culpepper, Hiatt, McComas, Miner, Morris, Preston, and Wainwright - 8.

Representative Esposito requests and is granted permission to change her vote from "aye" to "no". The adjusted vote total is (84-23).

H.B. 439 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

On motion of Representative Haire, the House concurs in the Senate committee substitute bill, by electronic vote (106-0), and the bill is ordered enrolled and presented to the Governor.

H.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter,

Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Eddins, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 106.

Voting in the negative: Representative Barnhart.

Excused absences: Representatives Adams, Culpepper, Hiatt, McComas, Miner, Morris, Preston, and Wainwright - 8.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX.

On motion of Representative Gibson and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of August 15.

S.B. 842 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NON-PROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAWS GOVERNING PARTNERSHIPS.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill,

Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 107.

Voting in the negative: Representative Davis.

Excused absences: Representatives Adams, Culpepper, Hiatt, McComas, Miner, Morris, Preston, and Wainwright - 8.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 353, AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS.

S.B. 531, AN ACT TO EXEMPT CERTAIN COMMUNITY COLLEGE ACTIVITIES FROM THE UMSTEAD ACT.

H.B. 942, AN ACT TO ESTABLISH THE LOCKSMITH LICENSING ACT.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 906, AN ACT TO MAKE A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE, TO EXPAND THE DURHAM COUNTY ABC BOARD TO FIVE MEMBERS, AND ALLOW THE CITY OF DURHAM TO USE THE SINGLE-PRIME CONTRACT SYSTEM FOR THE DESIGN AND CONSTRUCTION OF A TRANSFER FACILITY AND PARKING DECK.

CALENDAR (continued)

Pursuant to Rule 36(b), the following resolution appears on today's Calendar.

S.J.R. 1103, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR JOHN W. THOMAS UPON THE

ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF THOMASVILLE, is moved up on today's Calendar.

The resolution passes its second reading, by electronic vote (108-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

S.B. 646 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL.

On motion of Representative Goodwin and without objection, the bill is temporarily displaced.

S.B. 729 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RATES AND CLASSIFICATIONS FOR MOTORCYCLE THEFT AND PHYSICAL DAMAGE INSURANCE ARE TO BE ESTABLISHED BY THE CARRIERS THAT WRITE THOSE COVERAGES AND NOT BY THE NORTH CAROLINA RATE BUREAU; TO PROVIDE THAT THE RATE BUREAU RETAINS JURISDICTION OVER RATES AND CLASSIFICATIONS FOR MOTORCYCLE LIABILITY INSURANCE; AND TO PROVIDE THAT MOTORCYCLE LIABILITY INSURANCE IS STILL CEDABLE TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY.

Pursuant to Rule 24.1A(c), the request that Representative Cox be excused from voting on August 8 is continued.

Representative Luebke offers Amendment No. 2 which is adopted by electronic vote (106-2).

The bill, as amended, passes its third reading, by electronic vote (105-4), and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

ENROLLED BILLS

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

August 9, 2001

S.J.R. 1103, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR JOHN W. THOMAS UPON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF THOMASVILLE. (RESOLUTION 2001-27)

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Goodwin and without objection, **S.B. 646** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL, which was temporarily displaced, is withdrawn from the Calendar and placed on the Calendar of August 13.

On motion of Representative Hackney, seconded by Representative Sherrill, the House adjourns at 10:47 a.m. to reconvene Monday, August 13, 2001, at 7:00 p.m.

ONE HUNDRED FIFTEENTH DAY

HOUSE OF REPRESENTATIVES
Monday, August 13, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"God of grace and glory, we pause in gratitude for Your presence among us, Your guidance for us, and Your Spirit in us. For these men and women who not only envisioned a better future for this State, they also sought to implement that future through public office, we are grateful. For their family and friends that support them, and for the staff that assists them, we give thanks.

"Protect them from taking unduly strong criticism too personally and overly high praise too seriously, lest thinking too little or too high of

August 13, 2001

themselves, they may not be open to Your work within them. By Your grace, make them strong in their principles, honorable in their actions, and courteous in their discourse. Grant that not only the output of this Assembly, but the manner in which it is done, would bring honor to its members and glory to You. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 9 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Allred, Arnold, Barbee, Blue, Bowie, Brubaker, Cole, Cunningham, Dockham, Gibson, Gray, Hackney, Hiatt, Hunter, Hurley, Miner, Preston, Russell, Sexton, Sherrill, Sutton, Warwick, Weatherly, and Wright for today. Representatives Baker, Esposito, Justus, Kiser, Morgan, and Thompson are excused for a portion of the session.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 644 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

H.B. 1362 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 904 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
August 9, 2001

Mr. Speaker:

Pursuant to your message received on August 2, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 355**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; AND TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES, and requests conferees, the President Pro Tempore appoints:

Senator Swindell, Chair
Senator Rand
Senator Metcalf
Senator Shaw of Guilford

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

August 13, 2001

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
August 9, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that Senator Garwood has been added as a conferee on House Committee Substitute for **S.B. 92**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CALENDAR

Action is taken on the following:

S.B. 646 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL.

On motion of Representative Creech, the bill is withdrawn from the Calendar, by electronic vote (85-0), ordered engrossed, and re-referred to the Committee on Judiciary III.

S.B. 1002 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, passes its second reading, by electronic vote (78-7), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

August 13, 2001

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

H.B. 439, AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 834, AN ACT TO AUTHORIZE THE CITIES OF WASHINGTON AND LEXINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 657, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL. (S.L. 2001-348)

H.B. 583, AN ACT TO MODIFY THE NASH COUNTY OCCUPANCY TAX. (S.L. 2001-349)

H.B. 906, AN ACT TO MAKE A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE, TO EXPAND THE DURHAM COUNTY ABC BOARD TO FIVE MEMBERS, AND ALLOW THE CITY OF DURHAM TO USE THE SINGLE-PRIME CONTRACT SYSTEM FOR THE DESIGN AND CONSTRUCTION OF A TRANSFER FACILITY AND PARKING DECK. (S.L. 2001-350)

S.B. 461, AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102. (S.L. 2001-351)

S.B. 278, AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES INVOLVING THE THEFT

OF MOTOR FUEL SHALL HAVE THEIR DRIVERS LICENSES REVOKED. (S.L. 2001-352)

S.B. 11, AN ACT TO PROVIDE FOR FILLING VACANCIES IN NOMINATION FOR THE NATIONAL TICKET AND FOR PRESIDENTIAL ELECTOR; TO EXPAND THE NOTICE REQUIREMENT FOR PRECINCT CHANGES; TO CLARIFY THE RIGHT OF MILITARY/OVERSEAS VOTERS TO REGISTER AND VOTE ON ELECTION DAY; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO FOLLOW THE DIRECTION OF THE STATE BOARD OF ELECTIONS IN PRINTING ABSENTEE BALLOTS DURING AND AFTER THE PENDENCY OF APPEALS; TO REPEAL A COURT-DISAPPROVED PROVISION OF THE AD-LABELING LAW; TO TOLL THE VERIFICATION OF MUNICIPAL INCORPORATION PETITIONS DURING A PERIOD AROUND A PRIMARY OR ELECTION AND TO MAKE OTHER CHANGES TO THE INCORPORATION PETITION STATUTE; TO MAKE TECHNICAL CHANGES TO THE MANDATORY RECOUNT STATUTES; TO REQUIRE PRIVACY FOR THE VOTER TO MARK THE BALLOT; TO STOP THE DAILY CAMPAIGN FINANCE PENALTY AFTER THE POSTMARK DATE AND FOR ANY DAY WHEN THE BOARD OF ELECTIONS IS CLOSED; AND TO CHANGE THE MAILING REQUIREMENT FOR NOTICE OF LATE FILING. (S.L. 2001-353)

S.B. 113, AN ACT TO EXTEND THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM. (S.L. 2001-354)

H.B. 570, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE ADMINISTRATIVE RULE ENTITLED "TAR-PAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY" WITH CERTAIN MODIFICATIONS, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCORPORATE THESE MODIFICATIONS INTO A REVISED ADMINISTRATIVE RULE, AND TO DIRECT THE SOIL AND WATER CONSERVATION COMMISSION TO APPROVE BEST MANAGEMENT PRACTICES AND A NUTRIENT LOADING POINT SYSTEM FOR PASTURE-BASED PRODUCTION AND MANAGEMENT OF LIVESTOCK. (S.L. 2001-355)

H.B. 1052, AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS. (S.L. 2001-356)

S.B. 783, AN ACT TO MAKE CERTAIN CHANGES TO THE LAW REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-

SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS AND TO EXTEND THE SUNSET OF THIS LAW. (S.L. 2001-357)

H.B. 385, AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (S.L. 2001-358)

S.B. 895, AN ACT TO ESTABLISH THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL. (S.L. 2001-359)

S.B. 1081, AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS OR EXCREMENT AT A STATE OR LOCAL GOVERNMENT EMPLOYEE WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES. (S.L. 2001-360)

H.B. 612, AN ACT TO SPECIFY THE EFFECTIVE DATE OF THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF CERTAIN WATERS IN THE NEUSE RIVER BASIN BELOW FALLS LAKE DAM THAT WOULD HAVE THE EFFECT OF ALLOWING THE TOWN OF WAKE FOREST TO WITHDRAW ADDITIONAL WATER FROM THE NEUSE RIVER AND TO PROVIDE THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY MAY DISAPPROVE THE RULE. (S.L. 2001-361)

H.B. 1217, AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS WHEN A MOTOR VEHICLE IS SEIZED UNDER DWI FORFEITURE PROVISIONS AND TO SPEED THE RELEASE OF A SEIZED VEHICLE TO INNOCENT OWNERS. (S.L. 2001-362)

H.B. 195, AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE COURSES OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO STUDENTS IN ELEMENTARY SCHOOL AND TO STUDENTS IN MIDDLE SCHOOL, AND TO ENACT THE STUDENT CITIZEN ACT OF 2001. (S.L. 2001-363)

H.B. 1084, AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY. (S.L. 2001-364)

INTRODUCTION OF PAGES

Pages for the week of August 13 are introduced to the membership. They are: Sarah Cook of Wake; Darryl Fisher, Jr., of Wake; Joshua Freeman of Granville; Evan Gearino of Wake; Amanda Hall of Stanly; John Hall of Stanly; Jeremy Joyner of Wake; Robert Mason of Wake; Emily McDonald of Jackson; Joyce Pope of Wake; Hillarey Rohn of Jackson; Vickie Shaw of Wake; Martin Wells, Jr., of Moore; Andrew Wynn of Wake; and Nathaniel Wynn of Wake.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.J.R. 475 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LUNSFORD RICHARDSON PREYER AND EMILY HARRIS PREYER, TWO OF THE STATE'S MOST DISTINGUISHED CITIZENS.

On motion of the Chair and without objection, Rule 41(a) is suspended and the resolution is placed on the Calendar for immediate consideration.

The resolution passes its second reading, by electronic vote (64-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

On motion of Representative Culpepper, seconded by Representative Coates, the House adjourns at 8:34 p.m. to reconvene August 14 at 2:00 p.m.

ONE HUNDRED SIXTEENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, August 14, 2001

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

August 14, 2001

"Almighty God, You stride through the galaxies as though it were a walk in the park. You design the intricate beauty of the butterfly as if it were merely a doodle on the ledger of life. Yet, You have chosen to risk the goals of history on our human choices.

"How awesome the task to lead in the development of society. How great the responsibility to oversee the governance of a State. But here we are. We are mortal, fallible, and finite creatures. But You are immortal, infallible, and infinite in being. More importantly, You have shown Yourself ever willing to assist those who humble themselves before You. Therefore, we pause to seek Your presence and bow to ask Your direction, that through Your guidance, we will seek after that which has eternal value and value that which has divine significance. Conform our will to Your will, O God. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 13 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, Fitch, Gray, Hiatt, and Preston for today.

ENROLLED BILLS

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 255, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND.

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.J.R. 475, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LUNSFORD RICHARDSON PREYER AND EMILY HARRIS PREYER, TWO OF THE STATE'S MOST DISTINGUISHED CITIZENS. (RESOLUTION 2001-28)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Hackney, Chair, for the Committee on Judiciary I:

S.B. 470 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAW, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

H.J.R. 1463, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH WAYNE GRIMSLEY, DEDICATED PUBLIC SERVANT AND FORMER PRESIDENT OF RICHMOND COMMUNITY COLLEGE, with a favorable report.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of August 15.

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 822, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF OAK RIDGE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of August 15.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 402** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, AND TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, is returned for concurrence in Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Senate Committee Substitute Bill No. 2 is placed on the Calendar of August 15.

Upon concurrence, Senate Committee Substitute Bill No. 2 changes the title.

Senate Committee Substitute for **H.B. 1073** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS AND TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 1301**, A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF THE EXEMPTION OF CLEANUPS OF PETROLEUM FROM LEAKING UNDERGROUND STORAGE TANKS FROM CERTAIN REQUIREMENTS RELATED TO LAND-USE RESTRICTIONS AND DEED RECORDATION, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of August 15.

Upon concurrence, the Senate committee substitute bill changes the title.

S.B. 652 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO OCCUPANCY TAXES IN AVERY COUNTY, is read the first time and referred to the Committee on Finance.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

August 14, 2001

H.B. 522 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A REGIONAL TRANSPORTATION AUTHORITY FOR CUMBERLAND COUNTY, THE CITY OF FAYETTEVILLE, THE TOWN OF HOPE MILLS, THE TOWN OF STEDMAN, AND THE TOWN OF SPRING LAKE, TO AUTHORIZE THE CREATION OF COUNTY ECONOMIC DEVELOPMENT AUTHORITIES, AND TO INCREASE THE ANNUAL PER DIEM FOR WATER AND SEWER AUTHORITY MEMBERS.

On motion of Representative Hurley and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of August 15.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1213 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ALTERNATIVE FUEL VEHICLE REBATE AND INFRASTRUCTURE GRANT PROGRAM.

On motion of Representative Tolson, the bill is temporarily displaced.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 1066 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 112.

Voting in the negative: Representative Davis.

Excused absences: Representatives Blue, Fitch, Gray, Hiatt, and Preston - 5.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1431 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT DOUBLE TAXATION OF MOTOR VEHICLES WHOSE TAX YEAR CHANGES DUE TO A CHANGE IN REGISTRATION, passes its second reading, by electronic vote (113-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

S.B. 14 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; AND TO MAKE CONFORMING CHANGES.

Representative Michaux offers Amendment No. 1 which is adopted by electronic vote (111-0).

The bill, as amended, passes its second reading, by electronic vote (110-3), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute by Special Message.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 109 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO ADOPT RULES ESTABLISHING MINIMUM STANDARDS FOR DEFENSE ATTORNEYS, PROSECUTORS, AND JUDGES HANDLING CAPITAL CASES, passes its second reading, by electronic vote (108-3), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 885 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS AND TO EXTEND THE TIME DURING WHICH COUNTIES MAY DISPOSE OF DWELLINGS AT PRIVATE SALE THAT WERE PURCHASED UNDER THE HAZARD MITIGATION GRANT PROGRAM, passes its second reading, by electronic vote (112-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Tolson and without objection, **H.B. 1213** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ALTERNATIVE FUEL VEHICLE REBATE AND INFRASTRUCTURE GRANT PROGRAM, which was temporarily displaced, is withdrawn from the Calendar and placed on the Calendar of August 15.

On motion of Representative Culpepper, seconded by Representative McLawhorn, the House adjourns at 2:47 p.m. to reconvene August 15 at 2:00 p.m.

ONE HUNDRED SEVENTEENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, August 15, 2001

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Merciful God, make Your face to shine upon us and be gracious unto us. Even as we move through the daily agenda, deciding on legislative action, we are aware of the budget that has yet to be passed. In this period of impasse, where tough decisions are called for and few good options

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remain, help us to find ways to communicate with each other in charity and grace. Keep us from selfish ambition or retaliatory actions. Open our hearts and minds to find common ground and areas of compromise. Move us past our differences toward a path of unity. We ask this not only for ourselves, but for the sake of the people of this State. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 14 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Dedmon, Gray, Hiatt, Walend, and Wright for today.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 109, AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO ADOPT RULES ESTABLISHING MINIMUM STANDARDS FOR DEFENSE ATTORNEYS, PROSECUTORS, AND JUDGES HANDLING CAPITAL CASES.

S.B. 723, AN ACT TO REQUIRE CERTAIN DISCLOSURE AND WARNING STATEMENTS ON UNSOLICITED CHECKS THAT, WHEN CASHED BY THE RECIPIENTS, OBLIGATE THE RECIPIENTS TO REPAY THE AMOUNT OF THE CHECKS PLUS INTEREST AND FEES.

S.B. 729, AN ACT TO PROVIDE THAT RATES AND CLASSIFICATIONS FOR MOTORCYCLE THEFT AND PHYSICAL DAMAGE INSURANCE ARE TO BE ESTABLISHED BY THE CARRIERS THAT WRITE THOSE COVERAGES AND NOT BY THE NORTH CAROLINA RATE BUREAU; TO PROVIDE THAT THE RATE BUREAU RETAINS JURISDICTION OVER RATES AND CLASSIFICATIONS FOR MOTORCYCLE LIABILITY INSURANCE; AND TO PROVIDE THAT MOTORCYCLE LIABILITY INSURANCE IS STILL CEDABLE TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY.

S.B. 951, AN ACT TO AMEND RULE 5 OF THE RULES OF CIVIL PROCEDURE TO ELIMINATE THE REQUIREMENT OF FILING OF BRIEFS OR MEMORANDA REGARDING DISPOSITIVE MOTIONS WITHIN FIVE DAYS OF SERVICE, AS RECOMMENDED BY THE

NORTH CAROLINA COURTS COMMISSION, AND TO ELIMINATE THE UNNECESSARY FILING OF COVER SHEETS.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 834, AN ACT TO AUTHORIZE THE CITIES OF WASHINGTON AND LEXINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION. (S.L. 2001-365)

S.B. 255, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND. (S.L. 2001-366)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Baddour, Chair, for the Committee on Judiciary II:

S.B. 119, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT JUDGES, with a favorable report as to House committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

S.B. 241 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.B. 587 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of August 16. The Senate committee substitute bill is placed on the Unfavorable Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

H.B. 698 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of August 16.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 685**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

Senate Committee Substitute for **H.B. 844** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE DISTRICT COURT DISTRICT ELEVEN INTO A SET OF DISTRICTS FOR ELECTORAL PURPOSES ONLY, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), the Chair withdraws **S.B. 470** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAW, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

H.J.R. 1463, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH WAYNE GRIMSLEY, DEDICATED PUBLIC SERVANT AND FORMER PRESIDENT OF RICHMOND COMMUNITY COLLEGE, is moved up on today's Calendar.

The resolution passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

Senate Committee Substitute No. 2 for **H.B. 402** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, AND TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY.

On motion of Representative Rogers, the House concurs in Senate Committee Substitute Bill No. 2, which changes the title, by electronic vote (108-0), and the bill is ordered enrolled.

Senate Committee Substitute for **H.B. 1301**, A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF THE EXEMPTION OF CLEANUPS OF PETROLEUM FROM LEAKING UNDERGROUND STORAGE TANKS FROM CERTAIN REQUIREMENTS RELATED TO LAND-USE RESTRICTIONS AND DEED RECORDATION.

On motion of Representative Gibson, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (107-1), and the bill is ordered enrolled and presented to the Governor.

H.B. 822, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF OAK RIDGE.

The bill fails to pass its second reading, by the following vote.

Those voting in the affirmative are: Representatives Allred, Arnold, Baker, Barbee, Barnhart, Blust, Brubaker, Capps, Carpenter, Clary, M. Crawford, Creech, Culp, Davis, Decker, Eddins, Ellis, Gillespie, Grady, Gulley, Harrington, Hilton, Howard, Johnson, Justus, Kiser, McComas, McCombs, Mitchell, Morgan, Pope, Rayfield, Russell, Setzer, Sexton, Shubert, Starnes, Weatherly, West, and G. Wilson - 40.

Voting in the negative: Representatives Adams, Alexander, Allen, Baddour, Barefoot, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Church, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Dockham, Earle, Easterling, Edwards, Esposito, Fox, Gibson, Goodwin, Hackney, Haire, Hall, Hensley, Hill, Holliman, Holmes, Hurley, Insko, Jarrell, Jeffus, Lucas, Luebke, McAllister, McLawhorn, McMahan, Michaux, Miller, Miner, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Redwine, Rogers, Saunders, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Warwick, Weiss, C. Wilson, Womble, and Yongue - 70.

Excused absences: Representatives Dedmon, Fitch, Gray, Hiatt, Hunter, Walend, and Wright - 7.

S.B. 1066 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS, is moved up on today's Calendar.

The bill passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Warwick, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 110.

Voting in the negative: None.

Excused absences: Representatives Dedmon, Fitch, Gray, Hiatt, Hunter, Walend, and Wright - 7.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Gibson and without objection, **S.B. 664** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, is withdrawn from the Calendar and re-referred to the Committee on Finance.

CALENDAR (continued)

H.B. 522 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A REGIONAL TRANSPORTATION AUTHORITY FOR CUMBERLAND COUNTY, THE CITY OF FAYETTEVILLE, THE TOWN OF HOPE MILLS, THE TOWN OF STEDMAN, AND THE TOWN OF SPRING LAKE, TO AUTHORIZE THE CREATION OF

COUNTY ECONOMIC DEVELOPMENT AUTHORITIES, AND TO INCREASE THE ANNUAL PER DIEM FOR WATER AND SEWER AUTHORITY MEMBERS.

Representative Hurley offers Amendment No. 1 which is adopted by electronic vote (107-4).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Barbee, Barefoot, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dockham, Earle, Easterling, Edwards, Esposito, Fox, Gibson, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, and Yongue - 92.

Voting in the negative: Representatives Baker, Barnhart, Blust, Capps, Carpenter, Creech, Davis, Decker, Eddins, Ellis, Gillespie, Hilton, Kiser, Setzer, Sexton, Shubert, Starnes, Walker, and C. Wilson - 19.

Excused absences: Representatives Dedmon, Fitch, Gray, Hiatt, Hunter, Walend, and Wright - 7.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 644 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Alexander, Allen, Baddour, Barbee, Barefoot, Barnhart, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Church, Clary, Coates, Cole, J. Crawford, Culp, Cunningham, Daughtry, Dockham, Earle, Easterling, Edwards, Fox, Gibson, Goodwin, Gulley, Hackney, Haire, Harrington, Hill, Hurley, Insko,

Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McLawhorn, McMahan, Michaux, Miner, Mitchell, Morris, Nye, Oldham, Owens, Pope, Rayfield, Redwine, Rogers, Saunders, Sherrill, Smith, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, Weatherly, West, C. Wilson, G. Wilson, and Yongue - 71.

Voting in the negative: Representatives Adams, Allred, Arnold, Baker, Blust, Carpenter, Cox, M. Crawford, Creech, Culpepper, Davis, Decker, Eddins, Ellis, Esposito, Gillespie, Grady, Hall, Hensley, Hilton, Holliman, Holmes, Howard, Kiser, McAllister, McComas, McCombs, Miller, Morgan, Nesbitt, Preston, Russell, Setzer, Sexton, Shubert, Starnes, Thompson, Walker, Weiss, and Womble - 40.

Excused absences: Representatives Dedmon, Fitch, Gray, Hiatt, Hunter, Walend, and Wright - 7.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Tolson and without objection, **H.B. 1213** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ALTERNATIVE FUEL VEHICLE REBATE AND INFRASTRUCTURE GRANT PROGRAM, is withdrawn from the Calendar and re-referred to the Committee on Appropriations.

CALENDAR (continued)

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 904 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS.

Representative Brubaker offers Amendment No. 1 which is adopted by electronic vote (107-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson,

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Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue -109.

Voting in the negative: None.

Excused absences: Representatives Dedmon, Fitch, Gray, Hiatt, Hunter, Walend, and Wright - 7.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
August 15, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute to **S.B. 1002**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, and requests conferees. The President Pro Tempore appoints:

Senator Gulley, Chair
Senator Clodfelter
Senator Horton

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representatives Alexander, Nesbitt, and Justus as conferees on the part of the House and the Senate is so notified by Special Message.

August 15, 2001

CONFERENCE REPORT

Representative Nye sends forth the Conference Report on **H.B. 1068** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of August 16.

On motion of Representative Culpepper, seconded by Representative Sherrill, the House adjourns at 4:39 p.m. to reconvene August 16 at 10:00 a.m.

ONE HUNDRED EIGHTEENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, August 16, 2001

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Loving Lord, each new day You offer us the opportunity to begin again. As the morning sun gilds the sky, so also Your grace radiates into our lives lighting the way into a new and better future. As we journey through this day, plant within us the seeds of Your wisdom, that they will sprout into actions and decisions that are both just and merciful. Where we are weak or disheartened, give us courage and strength to continue along Your way. Where past failures and missed opportunities haunt us, wipe away their memory through Your redeeming grace. Free us now from all that binds us, that we might better serve You and the people of this State. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 15 has been examined and found correct. Upon his motion, the Journal is approved as written.

August 16, 2001

Leaves of absence are granted Representatives Buchanan, Davis, Dedmon, Gray, Hiatt, McCombs, Teague, and Wright for today. Representatives Allred, Baddour, Hurley, Sherrill, Tucker, and Warren are excused for a portion of the session.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 115** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Judiciary III.

Upon concurrence, the Senate committee substitute bill changes the title.

H.B. 1188 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PROTECTION OF VOTER RECORDS IN CASE OF DOMESTIC ABUSE PROTECTIVE ORDERS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

CONFERENCE REPORT

Representative Nye moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1068

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 1068, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT

August 16, 2001

CONSULTATION PROGRAM, Senate Health Care Committee Substitute Adopted 6/21/01, submit the following report:

The House concurs in the Senate Committee Substitute, and the House and Senate agree to the following amendments:

On page 2, line 26, by deleting the phrase "convene and Adult Care Home Quality of Standards Work Group to"; and

On page 2, line 28, by deleting the phrase "Work Group" and substituting "Department"; and

On page 3, lines 9-20, by deleting the lines.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: August 15, 2001.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ William R. Purcell, Chair
S/ Charles N. Carter, Jr.
S/ Charlie S. Dannelly
S/ John A. Garwood

S/ Edd Nye, Chair
S/ Zeno L. Edwards, Jr.
S/ Wilma M. Sherrill

The Conference Report is adopted, by electronic vote (101-0), and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 698 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX.

August 16, 2001

On motion of Representative Smith, the House concurs in the Senate committee substitute bill, by electronic vote (87-17), and the bill is ordered enrolled.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 1073** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS AND TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS.

On motion of Representative Culpepper, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (99-5), and the bill is ordered enrolled and presented to the Governor.

S.B. 587 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION AND TO PROHIBIT THE TAKING OF DEER WITH DOGS IN DURHAM COUNTY, passes its second reading, by electronic vote (96-8), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

H.B. 522 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A REGIONAL TRANSPORTATION AUTHORITY FOR CUMBERLAND COUNTY, THE CITY OF FAYETTEVILLE, THE TOWN OF HOPE MILLS, THE TOWN OF STEDMAN, AND THE TOWN OF SPRING LAKE, TO AUTHORIZE THE CREATION OF COUNTY ECONOMIC DEVELOPMENT AUTHORITIES, AND TO INCREASE THE ANNUAL PER DIEM FOR WATER AND SEWER AUTHORITY MEMBERS.

Representative Hackney requests that he be excused from voting on this bill because of State Bar Rules, under Rule 24.1A and this request is granted.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Brubaker, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Dockham, Earle, Easterling, Edwards, Esposito, Fitch, Fox, Gibson, Goodwin, Grady, Gulley, Haire, Harrington, Hensley, Hill, Holliman, Holmes, Howard, Hunter, Hurley, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McAllister, McComas, McLawhorn, McMahan, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Sutton, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 87.

Voting in the negative: Representatives Baker, Barnhart, Blust, Capps, Carpenter, Creech, Decker, Eddins, Gillespie, Hall, Hilton, Kiser, Rayfield, Setzer, Shubert, and Starnes - 16.

Excused absences: Representatives Allred, Buchanan, Davis, Dedmon, Gray, Hiatt, McCombs, Teague, and Wright - 9.

Excused vote: Representative Hackney.

Representative Allred requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (88-16).

H.B. 644 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

Representative Haire offers Amendment No. 1.

REPRESENTATIVE HACKNEY, SPEAKER PRO TEMPORE, PRESIDING.

On motion of Representative Haire, Amendment No. 1 is temporarily displaced.

Representative Owens offers Amendment No. 2.

Representative Arnold inquires of the Chair if Amendment No. 2 is in order. The Chair rules that the amendment is in order.

On motion of Representative Owens and without objection, the amendment is temporarily displaced.

Representative Insko offers Amendment No. 3 which is adopted by electronic vote (102-4).

Representative Allred offers Amendment No. 4 which is adopted by electronic vote (104-4).

Amendment No. 1, which was temporarily displaced, is before the Body.

Representative Arnold offers perfecting Amendment No. 5.

Representative Arnold inquires of the Chair if the bill is properly before the Body or is it required to go to the Committee on Appropriations. The Chair states that he will return to the Member's point of order.

Representative Nesbitt inquires of the Chair if withdrawal of the principal amendment takes care of withdrawal of the perfecting amendment. The Chair rules that it does.

Representative Haire withdraws Amendment No. 1.

Representative Nesbitt offers Amendment No. 6.

SPEAKER BLACK PRESIDING.

Representative Blue inquires of the Chair if the bill clearly requires the expenditure of funds, then following the disposal of the amendment would a motion or ruling be in order to refer the bill to the Committee on Appropriations. The Chair rules that the bill will have to be referred to the Committee on Appropriations.

On motion of Representative Redwine, the bill and pending Amendments Nos. 2 and 6 are withdrawn from the Calendar, by electronic vote (98-2); Amendments Nos. 3 and 4 are ordered engrossed and referred to the Committee on Appropriations.

S.B. 904 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Representatives Adams, Alexander, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Decker, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McLawhorn, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Underhill, Wainwright, Walend, Walker, Warner, Warwick, Weiss, West, G. Wilson, Womble, and Yongue - 99.

Voting in the negative: None.

Excused absences: Representatives Buchanan, Davis, Dedmon, Gray, Hiatt, Hurley, McCombs, Teague, Tucker, Warren, and Wright - 11.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 206, AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM.

S.B. 842, AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NONPROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAWS GOVERNING PARTNERSHIPS.

H.B. 1301, AN ACT TO CLARIFY THE CIRCUMSTANCES IN WHICH LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN THE OFFICE OF THE REGISTER OF DEEDS ARE REQUIRED IN CONNECTION WITH THE CLEANUP OF A RELEASE FROM A PETROLEUM UNDERGROUND STORAGE TANK IN ORDER TO PROTECT THE ENVIRONMENT AND PUBLIC HEALTH, TO ENSURE ENFORCEABILITY OF RESTRICTIONS, AND TO

PROVIDE NOTICE TO SUBSEQUENT OWNERS OF THE PROPERTY;
AND TO MAKE CONFORMING CHANGES TO RELATED STATUTES.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 402, AN ACT TO REGULATE ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, AND TO REPEAL EXISTING BERTIE COUNTY LOCAL ACTS INCONSISTENT WITH THESE LAWS.

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.J.R. 1463, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH WAYNE GRIMSLEY, DEDICATED PUBLIC SERVANT AND FORMER PRESIDENT OF RICHMOND COMMUNITY COLLEGE. (RESOLUTION 2001-29)

CALENDAR (continued)

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1362 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES.

On motion of Representative Fox and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of August 20.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 990 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE.

Representative Shubert offers Amendment No. 1 which is ruled out of order by the Speaker.

On motion of Representative Shubert, the bill is withdrawn from the Calendar, by electronic vote (57-42), and re-referred to the Committee on Education.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
August 16, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 1068**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM.

Pursuant to your message that your Honorable Body has adopted the report of the conferees, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor.

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1388, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

August 16, 2001

S.B. 165 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, with a favorable report as to House committee substitute bill, unfavorable as to Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

By Representative Edwards, Vice Chair, for the Committee on Health:

S.B. 199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS; ESTABLISH STANDARDS FOR HEALTH PLAN DISCLOSURES TO CONSUMERS; ESTABLISH A PATIENTS' ASSISTANCE PROGRAM; REQUIRE COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING; PROVIDE STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN, AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSURED OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING TREATMENT DECISIONS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

On motion of Representative Culpepper, seconded by Representative Easterling, the House adjourns at 12:12 p.m. to reconvene Monday, August 20, 2001, at 7:00 p.m.

ONE HUNDRED NINETEENTH DAY

HOUSE OF REPRESENTATIVES
Monday, August 20, 2001

August 20, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Guiding God, may Your presence be upon us and Your Spirit within us. Grant that as we gather together, we will assemble in courtesy and honor. Soften our hearts, that we might meet each other with grace and kindness. Open our minds, that we might be generous in our judgments of others and open to opinions that differ from our own. Purify our motives, that we might be charitable and gracious. Strengthen our will, that we might do the good we know and serve You, the God we love. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 16 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Allred, Arnold, Barefoot, Bowie, Boyd-McIntyre, Brubaker, Capps, Carpenter, Cole, Dedmon, Esposito, Goodwin, Gray, Hiatt, Howard, Hunter, Luebke, McAllister, McCombs, Miner, Preston, Russell, Saunders, Sexton, Starnes, Sutton, Thompson, Tucker, Walend, Warwick, and Weiss for today.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

H.B. 1068, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM.

H.B. 1073, AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS, TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AND

TO ALLOW THE SECRETARY OF STATE TO REINSTATE BUSINESS ENTITIES ADMINISTRATIVELY DISSOLVED BY THE SECRETARY.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 698, AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 402, AN ACT TO REGULATE ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, AND TO REPEAL EXISTING BERTIE COUNTY LOCAL ACTS INCONSISTENT WITH THESE LAWS. (S.L. 2001-367)

S.B. 531, AN ACT TO EXEMPT CERTAIN COMMUNITY COLLEGE ACTIVITIES FROM THE UMSTEAD ACT. (S.L. 2001-368)

H.B. 942, AN ACT TO ESTABLISH THE LOCKSMITH LICENSING ACT. (S.L. 2001-369)

S.B. 1062, AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES. (S.L. 2001-370)

S.B. 195, AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE

BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST. (S.L. 2001-371)

S.B. 633, AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS. (S.L. 2001-372)

S.B. 936, AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING. (S.L. 2001-373)

S.B. 16, AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS. (S.L. 2001-374)

S.B. 446, AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS AND TO INCLUDE PHARMACY TECHNICIANS IN BOARD AGREEMENTS WITH SPECIAL PEER REVIEW ORGANIZATIONS. (S.L. 2001-375)

S.B. 778, AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS. (S.L. 2001-376)

S.B. 780, AN ACT TO CLARIFY THE METHOD BY WHICH PHYSICIANS' LIENS ARE PERFECTED AND THE DUTIES OF ATTORNEYS WITH RESPECT TO PHYSICIANS' LIENS. (S.L. 2001-377)

S.B. 137, AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW. (S.L. 2001-378)

H.B. 439, AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION. (S.L. 2001-379)

S.B. 353, AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS. (S.L. 2001-380)

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Fox and without objection, **H.B. 1362** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES, is withdrawn from the Calendar and placed on the Calendar of August 22.

On motion of Representative Culpepper and without objection, **S.B. 241** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP, is with-drawn from the Calendar and placed on the Calendar of August 21.

On motion of Representative Culpepper, seconded by Representative Jarrell, the House adjourns at 7:12 p.m. to reconvene August 21 at 3:00 p.m.

ONE HUNDRED TWENTIETH DAY

HOUSE OF REPRESENTATIVES
Tuesday, August 21, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, in creating us in Your image, You gave us the gift of free will. This comes to us as both a great privilege and an awesome responsibility. In these times of difficult decisions we are faced with the humbling fact that we are not capable of discerning the way ourselves. We need Your presence and we seek Your guidance. Yet, our request is meaningless if we do not also offer You our hearts and our minds.

"Call to us, O God. Inspire us to take time to be with You, to seek Your will, to ask for Your direction. Open our ears that we might hear Your call through the gentle whisper of our conscience, the voice of a colleague, or an insight that comes from Your Word. Open our lives, that we might live more fully unto You and in an awareness of Your presence.

August 21, 2001

Have mercy upon us, and lead us into a positive and productive future. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 20 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Boyd-McIntyre, Capps, Hiatt, Luebke, McCombs, Miner, and Warwick for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Goodwin, Chair, for the Committee on Judiciary III:

S.B. 438 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER, with a favorable report as to House committee substitute bill, unfavorable as to Senate Committee Substitute Bill No. 2, and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

S.B. 646 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

S.B. 866 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 685** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

On motion of Representative Gibson, the House does not concur in the material Senate committee substitute bill on its second roll call reading, by the following vote, and conferees are requested.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Brubaker, Buchanan, Carpenter, Church, Clary, Coates, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McComas, McLawhorn, McMahan, Miller, Mitchell, Morgan, Morris, Nye, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, G. Wilson, Womble, and Yongue - 100.

Voting in the negative: Representatives Teague and Thompson - 2.

Excused absences: Representatives Boyd-McIntyre, Capps, Hiatt, Luebke, McCombs, Miner, and Warwick - 7.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 844** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE DISTRICT COURT DISTRICT ELEVEN INTO A SET OF DISTRICTS FOR ELECTORAL PURPOSES ONLY.

On motion of Representative Davis, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (102-2), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1188 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PROTECTION OF VOTER RECORDS IN CASE OF DOMESTIC ABUSE PROTECTIVE ORDERS.

On motion of Representative Hensley, the House concurs in the Senate committee substitute bill, by electronic vote (108-0), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS,

MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS.

On motion of Representative Baddour and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of August 22.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 241** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP, is withdrawn from the Calendar and placed on the Calendar of August 22.

CONFEREES APPOINTED

The Speaker announces the following conferees on Senate Committee Substitute for **H.B. 685** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX: Representative Gibson, Chair; Representatives Jarrell, McComas, Alexander, and Buchanan.

The Senate is so notified by Special Message.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

S.B. 885, AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS AND TO EXTEND THE TIME DURING WHICH COUNTIES MAY DISPOSE OF DWELLINGS AT

PRIVATE SALE THAT WERE PURCHASED UNDER THE HAZARD MITIGATION GRANT PROGRAM.

CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 698, AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX. (S.L. 2001-381)

On motion of Representative Culpepper, seconded by Representative McLawhorn, the House adjourns at 3:21 p.m. to reconvene August 22 at 3:00 p.m.

ONE HUNDRED TWENTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Wednesday, August 22, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"God of grace and God of glory, on Your people pour Your power. Infuse us with Your guidance and wisdom. Show us the means to balance both a strong sense of compassion with fiscal responsibility. Teach us to weigh the special needs of some with the general good for all. As we seek a solution, grant us the highest of motives and the noblest of intention, that in our proposals we would seek not only what is acceptable to each other, but that which is worthy of Your approval and Your blessing. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 21 has been examined and found correct. Upon his motion, the Journal is approved as written.

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Leaves of absence are granted Representatives Capps and Luebke for today. Representatives Allred, Sherrill, and Thompson are excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 14, AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; AND TO MAKE CONFORMING CHANGES.

S.B. 1066, AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS.

H.B. 844, AN ACT TO PROVIDE BALANCE IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT ELEVEN.

H.B. 1188, AN ACT TO ALLOW PROTECTION OF VOTER RECORDS IN CASE OF DOMESTIC ABUSE PROTECTIVE ORDERS.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 587, AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION AND TO PROHIBIT THE TAKING OF DEER WITH DOGS IN DURHAM COUNTY.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Gibson, McComas, and Warwick, Chairs, for the Committee on Environment and Natural Resources:

H.B. 1121, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE, with a favorable report as to committee substitute bill, unfavorable as to original bill and

recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representatives Allen, Buchanan, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1427, A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE DEFINITIONS USED FOR AGRICULTURAL, HORTICULTURAL, AND FORESTRY LAND; TO PERMIT A CHANGE OF OWNERSHIP WITH CONTINUED QUALIFICATION FOR DEFERRED TAX STATUS; TO PROVIDE AN OPTION FOR PREPAYMENT OF ANY DEFERRED TAXES; TO CREATE A STUDY; AND TO MAKE CONFORMING CHANGES, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of August 23. The original bill is placed on the Unfavorable Calendar.

H.B. 1439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF WATER AND SEWER AUTHORITIES IN CERTAIN URBAN COUNTIES AND TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER AUTHORITIES, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

POINT OF PERSONAL PRIVILEGE

"Dear Colleagues of the General Assembly,

"I humbly want to apologize if the e-mail forwarded from my office on Monday night was offensive or disrespectful to any one in this General Assembly, State or nation. That was certainly not my intention.

"The only reason the document was forwarded to each of you was for information and to show the type of messages that come across the Internet. My purpose in sending out the e-mail was for no other reason and was not

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intended to be indicative of my personal views. In fact I made no personal comment with the e-mail, it was simply forwarded as information only.

"My heart is clean and clear of any animosity or bigotry toward any race, color, creed or gender. I am not now nor have I ever been a racist or white supremacist. I have always shown respect for all individuals regardless of their background or position in society and would never purposefully be hurtful or insensitive to others.

"This country is a great nation built upon the blood, sweat and tears of people of many ethnicities and beliefs. America is the great melting pot. I have always believed that men should be judged on their actions and not on their ideology or opinions. At the same time, I am a believer in an Almighty Sovereign God Who is the ruler and sustainer of us all. It is He Who will be our ultimate judge. If I have offended any, I ask God's forgiveness and for your forgiveness also. "

Sincerely,
S/ Donald S. Davis
NC House District 19

On motion of Representative Davis and pursuant to Rule 11, the foregoing remarks are spread upon the Journal.

POINT OF PERSONAL PRIVILEGE

"Mr. Speaker and Members of this honored House. Reluctantly I rise to address the message or the communication that has come to us by e-mail from one of our fellow members here in this House and, if my understanding is correct, Mr. Speaker, that it went to the other House, also.

"It would be remiss of me if I did not at least address this not only as an American but as an African-American living in this country, born and reared, and serving in these hallowed halls.

"Supposedly there were excerpts from this speech by Mr. Patrick Henry. If this is true, then it is not so easy to understand why some people in our society - some segments of our society, ladies and gentlemen, yes, including our Native Americans and including African-Americans, to have some suspect or some suspicion when we have that kind of mentality, that kind of thought, that kind of philosophy, that kind of thinking, still pervading our society today. I am hoping that this is not the kind of thing in which this House will tolerate.

"We've all been taught the other speech by Patrick Henry - 'give me liberty or give me death'. I am hoping that he meant liberty for all - everybody - not just for some because it was a clarion call that went out during the formative years of our nation. Mr. Speaker and ladies and gentlemen it does disturb me that statements like that, white men made this country great and that the corruption and a fall of this nation is imminently and explicitly tied to the diminishing role of white men and Christianity. Plus Mr. Speaker and ladies and gentlemen, when it speaks about religion, especially it mentioned one in there Catholicism and state churches enslaved Europe and took a reformation of the free the white man to build God's true kingdom here.

"I prefer not to look upon America as the great melting pot as everybody else does, Mr. Speaker and ladies and gentlemen. I prefer to use the analogy that America is like a quilt rather than a melting pot. Well, why a quilt? Because I believe that it takes all kind of materials to go into the quilt - the gabardine, the corduroy, the silk, the flannel, the wool. Yet and still, all of those materials go into the making of the quilt, and at the same time, it serves a double purpose Mr. Speaker. Is that yes it makes the quilt, but at the same time it does not lose its identity because you can still pick up the gabardine in the quilt. You can still pick out the wool in the quilt. But they all help make the quilt, and I like to think that that's what America is about. That we don't lose our identity and become a melting pot and become a soup wherein that we are not proud of our identity and our background.

"Statements and philosophy, if that is true, that was in the statement that was passed around as an e-mail, those kinds of statements border on the kinds of philosophy that the KKK, the Ku Klux Klan, use to expose and maybe still expose today. But luckily we have people no matter what their color, race, their gender or their background who stand up and address those kinds of things when those kinds of philosophies raise their ugly venomous head.

"I'll accept Representative Davis' apology because I do believe that he is an honorable man. I do believe that there is room for everybody, and I am glad to serve in this great Body. It is an honorable Body, and I do believe that we are here to try to do the business for all of the people of North Carolina.

"Thank you Mr. Speaker, and thank you Members of this great Body."

On motion of Representative Womble and pursuant to Rule 11, the foregoing remarks are spread upon the Journal.

CALENDAR

Action is taken on the following:

H.B. 1362 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES.

Representative Fox offers Amendment No. 1.

The Speaker stops debate and attends to the following business.

POINT OF PERSONAL PRIVILEGE

Response to Representative Don Davis' E-Mail
Patrick Henry-His Other Speech! Secret of America's Greatness

"As Vice-Chairman of the North Carolina Legislative Black Caucus, I am confident that most members of the Caucus would share my sentiments in response to the recent e-mail from Representative Don Davis. They too, may have a response to such a disappointing, yet not surprising, statement.

"This great country was built by a diversity of our nation's people. Our ideals represent the rights of all citizens, and each citizen is to be valued. The contributions of any group or individual should not be diminished or dismissed. Anytime one group holds themselves up as superior to another, such action(s) are in direct contradiction to what is right and just. Moreover, such actions are in direct contradiction to what is righteous.

"It is not necessary to address the fallacies of the e-mail statements. Of greater note is the environment in which many of us as citizens must live and work. This type of mindset or thinking is reflective of how far we, as a nation and as a State, have NOT come. It is also reflective of the environment in which many of us must work, even in the establishment of public policy.

"This e-mail appears to defeat everything that we have and are still trying to accomplish in race relations. It absolutely destroys the racial harmony that we are trying to foster in this State and nation. I would hope

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that we would continue to create an environment of good will, peace, and harmony in our State and nation.

"This e-mail message is symbolic of why we still must have a Legislative Black Caucus. Our work is to assure fairness and justice for ALL citizens, - our constituents, African-Americans, other racial and ethnic groups, the elderly, the poor, the children, and the average working class North Carolinian. Hopefully, this e-mail message provides just another footnote in the progress that still must be made. "

Representative William L. Wainwright
Vice-Chairman of the North Carolina
Legislative Black Caucus

On motion of Representative Wainwright and without objection, pursuant to Rule 11, the foregoing remarks are spread upon the Journal.

CALENDAR (continued)

H.B. 1362 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES, is before the Body, with Amendment No. 1 pending.

Amendment No. 1 is adopted by electronic vote (112-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, Wright, and Yongue - 113.

Voting in the negative: Representative McComas.

Excused absences: Representatives Capps and Luebke - 2.

Representative McComas states that his voting equipment malfunctioned and he requests to change his vote from "no" to "aye". This request is granted. The adjusted vote total is (114-0).

S.B. 199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSURED OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS, is moved up on today's Calendar.

REPRESENTATIVE HACKNEY, SPEAKER PRO TEMPORE, PRESIDING.

Representative Baddour offers Amendment No. 1 which is adopted by electronic vote (108-0).

Representative Baddour offers Amendment No. 2 which is adopted by electronic vote (89-25).

SPEAKER BLACK PRESIDING.

Representative Arnold offers Amendment No. 3.

Representative Baddour offers perfecting Amendment No. 4 which is adopted by electronic vote (80-33).

Representative Hunter requests and is granted permission to be recorded as voting "no". The adjusted vote total is (80-34).

Amendment No. 3 is before the Body.

Representative Dockham inquires of the Chair if the Amendment is germane to the title. The Speaker rules that it is.

Amendment No. 3 is adopted by electronic vote (74-41).

The bill, as amended, passes its second reading, by electronic vote (114-4).

Representative Pope objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 119 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT JUDGES.

Representative Baddour offers Amendment No. 1 which is adopted by electronic vote (109-2).

The bill, as amended, passes its second reading, by electronic vote (60-54).

Representative C. Wilson objects to the third reading. The bill remains on the Calendar.

MESSAGE FROM THE SENATE

The following is received from the Senate:

Senate Committee Substitute for **H.B. 1257** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE TO THE DIVISION OF FOREST RESOURCES THE RESPONSIBILITY TO DETERMINE THE PRESENCE OF SURFACE WATERS THAT MAY BE AFFECTED BY SILVICULTURE ACTIVITIES FOR PURPOSES OF THE RIPARIAN BUFFER PROTECTION PROGRAM, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

On motion of Representative Culpepper, seconded by Representative Warren, the House adjourns at 6:32 p.m. to reconvene August 23 at 12:30 p.m.

ONE HUNDRED TWENTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Thursday, August 23, 2001

The House meets at 12:30 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Loving Creator, with care and compassion You look down upon us and share with us Your presence and power. You have created us and called us by name. You have claimed us as Your children and called us Your own. When we face despair, trials, suffering, uncertainty, fear, or loneliness, You are with us and You have promised us that nothing in all creation can separate us from Your love. Come to us in our need and through Your provision, make us conquerors in Your name. Grant us patience in all we endure, that we may follow You more closely. Teach us to bear one another's burdens, that we might fulfill Your law of love. Renew our hearts in dedication to Your will, that we might be faithful servants. For Your love and Your provision, we are grateful, O God. Amen."

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Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 22 has been examined and found correct. Upon his motion, the Journal is approved as written.

A leave of absence is granted Representative Hiatt for today. Representatives Barefoot, Coates, Gray, Smith, Sutton, and Underhill are excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 904, AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS.

H.B. 972, AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES.

CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 587, AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION AND TO PROHIBIT THE TAKING OF DEER WITH DOGS IN DURHAM COUNTY. (S.L. 2001-382)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Church and Morgan, Chairs, for the Committee on Financial Institutions:

S.B. 890 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES,

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with a favorable report as to House committee substitute bill, unfavorable as to Senate Committee Substitute Bill No 2.

Pursuant to Rule 32(a), the House committee substitute bill is referred to the Committee on Finance. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following are received from the Senate:

H.B. 1272 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

S.B. 861 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF QUALIFIED DENTAL PRACTITIONERS IN THE STATE BY AUTHORIZING THE BOARD OF DENTAL EXAMINERS TO LICENSE BY CREDENTIALS PERSONS WHO ARE LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE IN OTHER STATES AND WHO OTHERWISE MEET STATE REQUIREMENTS FOR LICENSE BY CREDENTIALS, TO LICENSE BY EXAMINATION PERSONS WHO HAVE PRACTICED AS DENTAL HYGIENISTS IN THE UNITED STATES MILITARY AND WHO OTHERWISE MEET STATE REQUIREMENTS FOR LICENSURE BY EXAMINATION, TO ISSUE A LIMITED VOLUNTEER DENTAL LICENSE, TO ISSUE AN INSTRUCTOR'S LICENSE, AND TO IMPOSE APPLICATION AND RENEWAL FEES FOR LICENSURE AUTHORIZED UNDER THIS ACT, AND BY AUTHORIZING STUDIES PERTAINING TO CLASS ENROLLMENT AT THE UNC SCHOOL OF DENTISTRY AND TO THE FEASIBILITY OF ESTABLISHING AN ADDITIONAL DENTAL SCHOOL, is read the first time and referred to the Committee on Health.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 241** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP, is withdrawn from the Calendar and placed on the Calendar of August 30.

CALENDAR

Action is taken on the following:

H.B. 1362 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 114.

Voting in the negative: None.

Excused absence: Representative Hiatt.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE DEFINITIONS USED FOR AGRICULTURAL, HORTICULTURAL, AND FORESTRY LAND; TO PERMIT A CHANGE OF OWNERSHIP WITH CONTINUED QUALIFICATION FOR DEFERRED TAX STATUS; TO PROVIDE AN OPTION FOR PREPAYMENT OF ANY DEFERRED TAXES; TO CREATE A STUDY; AND TO MAKE CONFORMING CHANGES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright and Yongue - 118.

Voting in the negative: None.

Excused absence: Representative Hiatt.

On motion of the Chair, the House recesses at 1:13 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

2001 GENERAL ASSEMBLY FIRST SESSION

August 23, 2001

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
August 23, 2001

Mr. Speaker:

Pursuant to your message received on August 21, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 685** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, and requests conferees, the President Pro Tempore appoints:

Senator Hoyle, Chair
Senator Dalton
Senator Foxx
Senator Wellons

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.B. 61 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS, FOR KINDERGARTEN CLASS SIZE REDUCTION, AND FOR THE "MORE AT FOUR" PILOT PROGRAM; TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL

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COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; AND TO DELAY REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR THE INTANGIBLES TAX, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR (continued)

S.B. 165 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.

Representative Baker offers Amendment No. 1 which is adopted by electronic vote (72-34).

Pursuant to Rule 36.1, Representative Redwine, Chair of the Committee on Appropriations, requests a fiscal note on the bill.

The bill is removed from the Calendar.

POINT OF PERSONAL PRIVILEGE

"Yesterday, Senator Jesse Helms said he would not run again. His announcement saddened me. This is a notable event for North Carolina and I just wanted to say something about it today.

"Thank you. "

On motion of Representative Morgan and without objection, pursuant to Rule 11, the aforementioned remarks are spread upon the Journal.

CALENDAR (continued)

S.B. 119 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT JUDGES.

Representative Daughtry moves that the bill be withdrawn from the Calendar and placed on the Calendar of August 29.

The motion fails by electronic vote (52-56).

The bill, as amended, passes its third reading, by electronic vote (54-52), and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

RECONSIDERATION OF VOTE

Representative Baddour moves that the vote by which **S.B. 199** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS, passed its second reading be reconsidered.

Representative Arnold moves, seconded by Representative Ellis, that the House adjourn subject to notices and announcements and the receipt of committee reports.

The motion fails by electronic vote (43-65).

The motion to reconsider the vote carries by electronic vote (84-24).

Having voted with the prevailing side, Representative Saunders moves that the vote by which Amendment No. 3 was adopted be reconsidered.

The motion carries by electronic vote (86-21).

Representative Arnold withdraws Amendment No. 3, which takes perfecting Amendment No. 4 with it.

The bill, as amended, passes its second reading, by electronic vote (108-0).

Representative Arnold objects to the third reading. The bill remains on the Calendar.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 231, A BILL TO BE ENTITLED AN ACT TO TREAT SALES OF COMPUTER SOFTWARE EQUALLY FOR SALES AND USE TAX PURPOSES REGARDLESS OF THE METHOD OF DELIVERY, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of August 27 as a Special Order of Business. The original bill is placed on the Unfavorable Calendar.

By Representatives Easterling, Oldham, Redwine, and Thompson, Chairs, for the Committee on Appropriations:

H.B. 1388, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

S.B. 247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DELAY ISSUANCE OF THE BONDS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

S.B. 394 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO THE STATE BOARD OF EDUCATION AS ADVISORY MEMBERS AND TO REDUCE THE NUMBER OF STUDENT ADVISORS TO THE STATE BOARD OF EDUCATION, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

On motion of Representative Culpepper, seconded by Representative Jarrell, the House adjourns at 4:44 p.m. to reconvene Monday, August 27, 2001, at 6:00 p.m.

ONE HUNDRED TWENTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Monday, August 27, 2001

The House meets at 6:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"O God, the lines are drawn and the debate is set. Tonight we stand on the precipice of another debate on the budget. Grant us in this solemn August 27, 2001

silence of prayer a renewed vision and affirmation that we all are part of a single human community and that we all have pledged our commitment to the good of this State. In the ensuing discussion, grant that we might not only argue well, but also honorably. Grant that we would not only be able to state our positions eloquently, but that we would also listen to others openly. May we debate strongly, even fiercely, but never with the intent to injure. Forbid that we would see in those who disagree with us an enemy who is to be defeated at all cost. For in the end, what matters is not only the final content of our legislation, but the manner in which we conducted ourselves to arrive at that conclusion. Therefore we ask that our work and our words would represent us well and that they would be pleasing in Your sight. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 24 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Hunter, and McComas for today.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 206, AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM. (S.L. 2001-383)

H.B. 1301, AN ACT TO CLARIFY THE CIRCUMSTANCES IN WHICH LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN THE OFFICE OF THE REGISTER OF DEEDS ARE REQUIRED IN CONNECTION WITH THE CLEANUP OF A RELEASE FROM A PETROLEUM UNDERGROUND STORAGE TANK IN ORDER TO PROTECT THE ENVIRONMENT AND PUBLIC HEALTH, TO ENSURE ENFORCEABILITY OF RESTRICTIONS, AND TO PROVIDE NOTICE TO SUBSEQUENT OWNERS OF THE PROPERTY; AND TO MAKE CONFORMING CHANGES TO RELATED STATUTES. (S.L. 2001-384)

H.B. 1068, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-

TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM. (S.L. 2001-385)

S.B. 885, AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS AND TO EXTEND THE TIME DURING WHICH COUNTIES MAY DISPOSE OF DWELLINGS AT PRIVATE SALE THAT WERE PURCHASED UNDER THE HAZARD MITIGATION GRANT PROGRAM. (S.L. 2001-386)

S.B. 842, AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NONPROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAWS GOVERNING PARTNERSHIPS. (S.L. 2001-387)

S.B. 951, AN ACT TO AMEND RULE 5 OF THE RULES OF CIVIL PROCEDURE TO ELIMINATE THE REQUIREMENT OF FILING OF BRIEFS OR MEMORANDA REGARDING DISPOSITIVE MOTIONS WITHIN FIVE DAYS OF SERVICE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION, AND TO ELIMINATE THE UNNECESSARY FILING OF COVER SHEETS. (S.L. 2001-388)

S.B. 729, AN ACT TO PROVIDE THAT RATES AND CLASSIFICATIONS FOR MOTORCYCLE THEFT AND PHYSICAL DAMAGE INSURANCE ARE TO BE ESTABLISHED BY THE CARRIERS THAT WRITE THOSE COVERAGES AND NOT BY THE NORTH CAROLINA RATE BUREAU; TO PROVIDE THAT THE RATE BUREAU RETAINS JURISDICTION OVER RATES AND CLASSIFICATIONS FOR MOTORCYCLE LIABILITY INSURANCE; AND TO PROVIDE THAT MOTORCYCLE LIABILITY INSURANCE IS STILL CEDABLE TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY. (S.L. 2001-389)

H.B. 1073, AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS, TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AND TO ALLOW THE SECRETARY OF STATE TO REINSTATE BUSINESS ENTITIES ADMINISTRATIVELY DISSOLVED BY THE SECRETARY. (S.L. 2001-390)

S.B. 723, AN ACT TO REQUIRE CERTAIN DISCLOSURE AND WARNING STATEMENTS ON UNSOLICITED CHECKS THAT, WHEN CASHED BY THE RECIPIENTS, OBLIGATE THE RECIPIENTS TO REPAY THE AMOUNT OF THE CHECKS PLUS INTEREST AND FEES. (S.L. 2001-391)

S.B. 109, AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO ADOPT RULES ESTABLISHING MINIMUM STANDARDS FOR DEFENSE ATTORNEYS, PROSECUTORS, AND JUDGES HANDLING CAPITAL CASES. (S.L. 2001-392)

MESSAGE FROM THE SENATE

The following is received from the Senate:

H.B. 226, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO ACQUIRE REAL PROPERTY AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE, is returned for concurrence in Senate amendment.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

CALENDAR

Action is taken on the following:

H.B. 1427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE DEFINITIONS USED FOR AGRICULTURAL, HORTICULTURAL, AND FORESTRY LAND; TO PERMIT A CHANGE OF OWNERSHIP WITH CONTINUED QUALIFICATION FOR DEFERRED TAX STATUS; TO PROVIDE AN OPTION FOR PREPAYMENT OF ANY DEFERRED TAXES; TO CREATE A STUDY; AND TO MAKE CONFORMING CHANGES, is moved up on today's Calendar.

The bill passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie,

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Goodwin, Grady, Gray, Gulley, Hackney, Haire, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weiss, West, C. Wilson, G. Wilson, Womble, Wright and Yongue - 108.

Voting in the negative: None.

Excused absences: Representatives Adams, Hunter, and McComas.

Representative Smith requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (109-0).

S.B. 199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS.

Representative Arnold offers Amendment No. 5.

The Speaker stops debate.

On motion of the Chair, the House is in recess.

RECESS

The House reconvenes pursuant to recess in front of the Museum of Natural Science and is called to order by the Speaker.

On motion of Representative Culpepper, seconded by Representative Baddour, the House adjourns at 6:42 p.m. to reconvene August 28 at 3:00 p.m. in the House Chamber.

ONE HUNDRED TWENTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, August 28, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, we pause to affirm Your presence among us, Your hand upon us, and Your Spirit within us. Though the communal quest for truth and understanding is not always systematic or predictable, we believe that You are at work within our Assembly. Guide us now, in our corporate venture of public debate, that with honesty we might share our positions and with openness we will hear the ideas of others. Remind us that obfuscation and equivocation are no less a threat to democracy than threats and violence. Let not our words become weapons nor our conversations become coercive. May we be swift to hear, slow to speak, and even slower to anger, recognizing that our anger does not bring forth Your righteousness. Come, now, O God, direct our discussion and lead us into Your will. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 27 has been

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examined and found correct. Upon his motion, the Journal is approved as written.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

S.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Goodwin, Chair, for the Committee on Judiciary III:

H.B. 115 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS AND CONFLICTS OF INTEREST, with recommendation that the House concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 435**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR MOREHEAD SCHOOL TO PROVIDE STAFF AND OTHER ASSISTANCE TO A NONPROFIT CORPORATION ESTABLISHED TO SUPPORT THE SCHOOL, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute Bill No. 2 for **H.B. 715**, A BILL TO BE ENTITLED AN ACT TO DISTRIBUTE THE PROCEEDS OF THE MECKLENBURG PREPARED FOOD TAX AMONG ALL MECKLENBURG COUNTY MUNICIPALITIES, is returned for concurrence in Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Senate Committee Substitute Bill No. 2 is placed on the Calendar.

Upon concurrence, Senate Committee Substitute Bill No. 2 changes the title.

Senate Committee Substitute for **H.B. 719**, A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Finance.

Upon concurrence, the Senate committee substitute bill changes the title.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION, is read the first time and referred to the Committee on Finance.

S.B. 970 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL, is read the first time and referred to the Committee on Finance.

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Culpepper, **H.B. 231** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR

LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) INCREASE THE STATE SALES TAX BY ONE-HALF CENT FOR THREE YEARS, (7) CREATE A STATE-EARNED INCOME TAX CREDIT, (8) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/4% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (9) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (10) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (11) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (12) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (13) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (14) ELIMINATE OTHER TAX LOOP-HOLES, is withdrawn from the Calendar, by electronic vote (63-56), and re-referred to the Committee on Finance.

Pursuant to Rule 36(b)(2), the Chair withdraws **S.B. 394** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE SHALL STUDY THE ISSUE OF ADVISORY MEMBERS TO THE STATE BOARD OF EDUCATION AND TO EXTEND THE REPORTING DATES AND EXPIRATION DATE FOR THE HEART DISEASE AND STROKE PREVENTION TASK FORCE, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Rules, Calendar, and Operations of the House.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Baddour, Chair, for the Committee on Judiciary II:

S.B. 790, A BILL TO BE ENTITLED AN ACT TO REVISE THE GOOD FUNDS SETTLEMENT ACT TO REPEAL THE AUTHORITY OF A SETTLEMENT AGENT TO DISBURSE SETTLEMENT PROCEEDS IN RELIANCE ON A DEPOSIT IN THE FORM OF A CHECK DRAWN ON THE ACCOUNT OF OR ISSUED BY A LENDER WHICH IS

APPROVED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AS EITHER A SUPERVISED OR NON-SUPERVISED MORTGAGEE, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

On motion of the Chair, the House recesses at 3:30 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

On motion of the Chair, the House recesses at 4:25 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.B. 61 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS, FOR KINDERGARTEN CLASS SIZE REDUCTION, AND FOR THE "MORE AT FOUR" PILOT PROGRAM; TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM

MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; AND TO DELAY REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR THE INTANGIBLES TAX, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 882**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF DUCK, is returned for concurrence in Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Senate Committee Substitute Bill No. 2 is placed on the Calendar of August 29.

Upon concurrence, Senate Committee Substitute Bill No. 2 changes the title.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice and **S.B. 61** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID

PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO BEGIN RECRUITING PERSONNEL FOR PROJECT COLLECT TAX; AND TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION, is placed on the Calendar for immediate consideration.

Representative Allred offers Amendment No. 1 which is adopted by electronic vote (65-54).

Representative Blust moves that Rule 31(d) be suspended in order that he might offer an amendment that does not fit the title.

The motion fails by electronic vote (58-59).

Representative Luebke offers Amendment No. 2 which is adopted by electronic vote (116-0).

Representative Howard offers Amendment No. 3 which is adopted by electronic vote (64-50).

The bill, as amended, passes its second reading, by electronic vote (113-3), and there being no objection is read a third time.

Representative Underhill requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (114-3).

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute by Special Message.

Representative Culpepper moves, seconded by Representative Howard, that the House adjourn, subject to the receipt of Committee Reports, to reconvene August 29 at 3:00 p.m.

The motion carries.

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following report from standing committee is presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs,
for the Committee on Finance:

H.B. 231 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) INCREASE THE STATE SALES TAX BY ONE-HALF CENT FOR THREE YEARS, (7) CREATE A STATE-EARNED INCOME TAX CREDIT, (8) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/4% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (9) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (10) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (11) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (12) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (13) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (14) ELIMINATE OTHER TAX LOOPHOLES, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar of August 29 as a Special Order of Business. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

The House stands adjourned at 9:00 p.m.

ONE HUNDRED TWENTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, August 29, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Covenanting God, You teach us that communal commitment is not predicated on the actions and acceptance of others, but ensues from a personal decision of the will to remain connected. Indeed, even though our love for You falters and fails, Your love remains steadfast and Your compassion continues unabated. Grant us grace to share a similar commitment to one another. In the heat of debate and the difference of perspectives that will be shared, let not our commitment to this State or this organism of government waiver. Despite our differences, keep strong the kinship that comes from our shared charge of governance and our common commitment to the good of this State. Though we will disagree, remind us that we are still brothers and sisters of the same human family. O, God, protect this process and guide us in this our elected responsibility and sacred task. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 28 has been examined and found correct. Upon his motion, the Journal is approved as written.

A leave of absence is granted Representative Hiatt for today. Representatives Hunter and Luebke are excused for a portion of the session.

CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 904, AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS. (S.L. 2001-393)

August 29, 2001

CALENDAR

Action is taken on the following:

Senate Committee Substitute No. 2 For **H.B. 882**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF DUCK, is moved up on today's Calendar.

On motion of Representative Culpepper, the House concurs in Senate Committee Substitute Bill No. 2, which changes the title, by electronic vote (100-0), and the bill is ordered enrolled.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 1257** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE TO THE DIVISION OF FOREST RESOURCES THE RESPONSIBILITY TO DETERMINE THE PRESENCE OF SURFACE WATERS THAT MAY BE AFFECTED BY SILVICULTURE ACTIVITIES FOR PURPOSES OF THE RIPARIAN BUFFER PROTECTION PROGRAM, is moved up on today's Calendar.

On motion of Representative Underhill, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor.

GUEST

Miss Ashley House, Miss North Carolina, is escorted to the Well of the House by Representatives Barefoot, Hilton, Kiser, Cunningham, Clary, Wainwright, Dedmon, Boyd-McIntyre, Weatherly, Adams, Harrington, and Rayfield, where she makes brief remarks to the Body.

CALENDAR (continued)

S.B. 199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION

DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS, is before the Body with Amendment No. 5 pending.

The Speaker stops debate and attends to the following business.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
August 29, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute to **S.B. 61** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS, FOR KINDERGARTEN CLASS SIZE REDUCTION, AND FOR THE

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"MORE AT FOUR" PILOT PROGRAM; TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; AND TO DELAY REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR THE INTANGIBLES TAX, and requests conferees. The President Pro Tempore appoints:

Senator Plyler, Chair
Senator Odom
Senator Lee

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CALENDAR (continued)

S.B. 199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON

CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS, is before the Body with Amendment No. 5 pending.

Amendment No. 5 fails of adoption by electronic vote (49-64).

The bill, as amended, passes its third reading, by electronic vote (114-1), and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute.

Representative Johnson requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (115-0).

On motion of the Chair, the House recesses at 4:15 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

On motion of the Chair, the House recesses at 5:05 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CALENDAR (continued)

H.B. 231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A

STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS.

On motion of the Chair, the bill is temporarily displaced.

CONFERENCE REPORT

Representative Redwine sends forth the Conference Report on House Committee Substitute for **S.B. 61**, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES

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AND UNIVERSITIES; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO BEGIN RECRUITING PERSONNEL FOR PROJECT COLLECT TAX; AND TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION. Without objection, Rule 44(d) is suspended and the Conference Report is placed on today's Calendar for immediate consideration.

Representative Redwine moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 61

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 61, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO BEGIN RECRUITING PERSONNEL FOR PROJECT COLLECT TAX; AND TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION, House Committee Substitute

Favorable 8/28/01, Fourth Edition Engrossed 8/28/01, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute Favorable 8/28/01, Fourth Edition Engrossed 8/28/01, 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 S61-PCCS9343-LT-1

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: August 29, 2001.

*Conferees for the
Senate*

S/ Aaron W. Plyler, Chair
S/ T. LaFontine Odom
S/ Howard N. Lee

*Conferees for the
House of Representatives*

S/ David E. Redwine, Chair
S/ Warren C. Oldham
S/ Ruth M. Easterling
S/ Gregory J. Thompson

The Conference Report, which changes the title, is adopted, by electronic vote (78-39), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Representative Blue requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (79-39).

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
August 29, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 61** (House Committee Substitute), A BILL TO BE ENTITLED AN August 29, 2001

ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO BEGIN RECRUITING PERSONNEL FOR PROJECT COLLECT TAX; AND TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION. When a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled and sent to the Governor.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CALENDAR (continued)

H.B. 231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET

August 29, 2001

TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS, is before the Body.

The bill passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, Allen, Baddour, Barefoot, Bell, Blue, Bonner, Boyd-McIntyre, Buchanan, Church, Coates, Cox, J. Crawford, Culpepper, Cunningham, Dedmon, Earle, Easterling, Edwards, Fitch, Fox, Gibson, Goodwin, Hackney, Haire, Hall, Hensley, Hill, Holliman, Hunter, Hurley, Jeffus, Lucas, Luebke, McLawhorn, Michaux, Miller, Nesbitt, Oldham, Owens, Redwine, Rogers, Sutton, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, Weiss, Womble, Wright, and Yongue - 56.

Voting in the negative: Representatives Allred, Arnold, Baker, Barbee, Barnhart, Blust, Bowie, Brubaker, Capps, Carpenter, Clary, M. Crawford, Creech, Culp, Daughtry, Davis, Decker, Dockham, Eddins, Ellis, Esposito, Gillespie, Grady, Gray, Gulley, Harrington, Hilton, Holmes, Howard, Johnson, Justus, Kiser, McComas, McCombs, McMahan, Miner, Mitchell, Morgan, Pope, Preston, Rayfield, Russell, Setzer, Sexton, Sherrill, Shubert, Starnes, Teague, Thompson, Walend, Walker, Weatherly, West, C. Wilson, and G. Wilson - 55.

Excused absence: Representative Hiatt.

Having voted with the prevailing side, Representative Fitch moves that the vote by which the bill passed its second reading be reconsidered.

The motion to reconsider carries by electronic vote (103-13).

The bill is before the Body on its second reading.

Representative Nesbitt offers Amendment No. 1, which the Speaker rules to be material.

Amendment No. 1 fails of adoption by the following vote.

Those voting in the affirmative are: Representatives Adams, Alexander, Baddour, Bell, Blue, Boyd-McIntyre, Cunningham, Earle, Fitch, Hackney, Haire, Hensley, Hunter, Insko, Jeffus, Luebke, McAllister, Michaux, Miller, Nesbitt, Oldham, Wainwright, Warner, Warren, Weiss, and Womble - 26.

Voting in the negative: Representatives Allen, Allred, Arnold, Baker, Barbee, Barefoot, Barnhart, Blust, Bonner, Bowie, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dockham, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hall, Harrington, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Jarrell, Johnson, Justus, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Miner, Mitchell, Morgan, Morris, Nye, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warwick, West, C. Wilson, G. Wilson, Wright, and Yongue - 91.

Excused absence: Representative Hiatt.

The Speaker stops debate and attends to the following business.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 61, AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, FOR IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS, AND FOR KINDERGARTEN CLASS SIZE REDUCTION, FOR HIRING REVENUE PERSONNEL FOR PROJECT COLLECT TAX; TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE

DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION; AND TO DELAY REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR THE INTANGIBLES TAX.

S.B. 119, AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT JUDGES.

H.B. 1257, AN ACT TO ESTABLISH A SURFACE WATER IDENTIFICATION TRAINING AND CERTIFICATION PROGRAM AS A COMPONENT OF THE RIPARIAN BUFFER PROTECTION PROGRAM.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 882, AN ACT TO INCORPORATE THE TOWN OF DUCK, AND TO MODIFY THE FORMULA FOR DISTRIBUTING THE PROCEEDS OF THE LOCAL OCCUPANCY TAX AND LOCAL LAND TRANSFER TAX.

CALENDAR (continued)

H.B. 231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET

TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS, is before the Body.

Representative Nesbitt offers Amendment No. 2, which the Speaker rules to be material.

Pursuant to Rule 24.1B, Representative Pope inquires of the Chair if Amendment No. 2 may be divided. The Speaker rules that the amendment is divisible.

Amendment No. 2B is before the Body.

Amendment No. 2B fails of adoption by the following vote.

Those voting in the affirmative are: Representatives Adams, Alexander, Baddour, Bell, Blue, Bonner, Earle, Easterling, Fitch, Gibson, Hackney, Hensley, Hunter, Insko, Luebke, Michaux, Nesbitt, Redwine, and Wainwright - 19.

Voting in the negative: Representatives Allen, Allred, Arnold, Baker, Barbee, Barefoot, Barnhart, Blust, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Eddins, Edwards, Ellis, Esposito, Fox, Gillespie, Goodwin, Grady, Gray, Gulley, Haire, Hall, Harrington, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Morris, Nye, Oldham, Owens, Pope, Preston, Rayfield, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 98.

Excused absence: Representative Hiatt.

Representative Nesbitt withdraws Amendment No. 2A.

Representative Michaux offers Amendment No. 3, which the Speaker rules to be material.

Amendment No. 3 fails of adoption by the following vote.

Those voting in the affirmative are: Representatives Adams, Bonner, Boyd-McIntyre, Cole, Earle, Fitch, Fox, Hackney, Hall, Hensley, Holliman, Hunter, Hurley, Insko, Michaux, Miller, Nesbitt, Oldham, Warner, Weiss, and Womble - 21.

Voting in the negative: Representatives Alexander, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bowie, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Easterling, Eddins, Edwards, Ellis, Esposito, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Haire, Harrington, Hill, Hilton, Holmes, Howard, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Miner, Mitchell, Morgan, Morris, Nye, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warren, Warwick, Weatherly, West, G. Wilson, Wright, and Yongue - 93.

Excused absence: Representative Hiatt.

Representative Michaux offers Amendment No. 4, which the Speaker rules to be material.

Pursuant to Rule 24.1B, Representative Michaux requests that Amendment No. 4 be divided. The Speaker rules that the amendment is divisible.

Amendment No. 4A fails of adoption by the following vote.

Those voting in the affirmative are: Representatives Earle, Fitch, Hall, Hensley, Holliman, Luebke, McAllister, Michaux, Miller, Nesbitt, Oldham, Weiss, and Womble - 13.

Voting in the negative: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford,

Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hill, Hilton, Holmes, Howard, Hunter, Hurley, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Miner, Mitchell, Morgan, Morris, Nye, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, West, C. Wilson, G. Wilson, Wright, and Yongue - 103.

Excused absence: Representative Hiatt.

Representative Michaux moves that the rules be suspended in order that Amendment No. 4B might be considered.

The motion fails by electronic vote (57-60).

Representative Michaux offers Amendment No. 5, which the Speaker rules to be material.

Representative Pope inquires of the Chair if the amendment is a new tax and if it is germane to the title. The Speaker states that it has been identified as a loophole and the amendment is proper.

Amendment No. 5 fails of adoption by the following vote.

Those voting in the affirmative are: Representatives Alexander, Bell, Bonner, Boyd-McIntyre, Cole, Earle, Fitch, Fox, Gibson, Goodwin, Hackney, Holliman, Hunter, Hurley, Insko, Lucas, Luebke, McAllister, McLawhorn, Michaux, Miller, Nesbitt, Oldham, Rogers, Wainwright, Warner, Weiss, Womble, and Wright - 29.

Voting in the negative: Representatives Adams, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Barnhart, Blust, Bowie, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Easterling, Eddins, Edwards, Ellis, Esposito, Gillespie, Grady, Gray, Gulley, Haire, Harrington, Hensley, Hill, Hilton, Holmes, Howard, Jarrell, Jeffus, Johnson, Justus, Kiser, McComas, McCombs, McMahan, Miner, Mitchell, Morgan, Morris, Nye, Owens, Pope, Preston, Rayfield, Redwine, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith,

Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warren, Warwick, Weatherly, West, C. Wilson, G. Wilson, and Yongue - 86.

Excused absence: Representative Hiatt.

The bill passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, Allen, Baddour, Barefoot, Bell, Blue, Bonner, Boyd-McIntyre, Buchanan, Church, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Dedmon, Earle, Easterling, Edwards, Fitch, Fox, Gibson, Goodwin, Hackney, Haire, Hall, Hensley, Hill, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Lucas, Luebke, McAllister, McLawhorn, Michaux, Miller, Nesbitt, Nye, Oldham, Owens, Redwine, Rogers, Saunders, Smith, Sutton, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, Weiss, Womble, Wright, and Yongue - 63.

Voting in the negative: Representatives Allred, Arnold, Baker, Barbee, Barnhart, Blust, Bowie, Brubaker, Capps, Carpenter, Clary, M. Crawford, Creech, Culp, Daughtry, Davis, Decker, Dockham, Eddins, Ellis, Esposito, Gillespie, Grady, Gray, Gulley, Harrington, Hilton, Holmes, Howard, Johnson, Justus, Kiser, McComas, McCombs, McMahan, Miner, Mitchell, Morgan, Morris, Pope, Preston, Rayfield, Russell, Setzer, Sexton, Sherrill, Shubert, Starnes, Teague, Thompson, Walend, Walker, Weatherly, West, C. Wilson, and G. Wilson - 56.

Excused absence: Representative Hiatt.

The fiscal note requested by Representative Redwine on August 23 is attached to **S.B. 165** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, on August 27.

Having voted with the prevailing side, Representative Baker moves that the vote by which Amendment No. 1 was adopted be reconsidered.

The motion carries, by electronic vote (114-1), and the amendment is before the Body.

Representative Baker withdraws Amendment No. 1.

Representative Baker offers Amendment No. 2 which is adopted by electronic vote (114-1).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 115.

Voting in the negative: None.

Excused absence: Representative Hiatt.

On motion of Representative Culpepper, seconded by Representative Weiss, the House adjourns at 8:31 p.m. to reconvene August 30 at 9:00 a.m.

ONE HUNDRED TWENTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Thursday, August 30, 2001

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

August 30, 2001

"It would be easy, O God, to castigate those who have let us down or did not do what we thought was right, yet You have said, 'Let whoever is without sin cast the first stone.' It would be easy to hold onto bitterness and nurture the quest for revenge, but You have taught us to pray, 'Forgive us our sins, as we forgive the sins of others.'

"Lord, You have not promised that the road of righteousness would be the easiest to travel, but You have pledged that it will lead to the greatest reward. Grant us the grace to walk that road. Orient our lives according to the compass of love. Center us through the discipline of forgiveness. Lead us with open minds and waiting hearts into the future of peace and purpose which You have promised to those who love and serve You. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 29 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Hiatt and Oldham for today. Representatives Adams, Thompson, and Wright are excused for a portion of the session.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 882, AN ACT TO INCORPORATE THE TOWN OF DUCK, AND TO MODIFY THE FORMULA FOR DISTRIBUTING THE PROCEEDS OF THE LOCAL OCCUPANCY TAX AND LOCAL LAND TRANSFER TAX. (S.L. 2001-394)

S.B. 61, AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, FOR IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS, AND FOR KINDERGARTEN CLASS SIZE REDUCTION, FOR HIRING REVENUE PERSONNEL FOR PROJECT COLLECT TAX; TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID

COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION; AND TO DELAY REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR THE INTANGIBLES TAX. (S.L. 2001-395)

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1272 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES.

On motion of Representative Tolson, the House concurs in the Senate committee substitute bill, by electronic vote (110-0), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1439 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF WATER AND SEWER AUTHORITIES IN CERTAIN URBAN COUNTIES AND TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER AUTHORITIES.

On motion of Representative Miner, the bill is temporarily displaced.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 646 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL, AND TO MAKE IT UNLAWFUL TO RESTRAIN A DOG BY A CHAIN OR WIRE GROSSLY IN EXCESS OF THE SIZE NECESSARY TO RESTRAIN THE DOG SAFELY, passes its second reading, by electronic vote (112-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 866 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT AND TO REQUIRE THE JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE ACCESSIBILITY OF SERVICES PROVIDED VIA INFORMATION TECHNOLOGY, passes its second reading, by electronic vote (112-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 664 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNION COUNTY OR THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX.

Representative Gibson offers Amendment No. 1 which is adopted by electronic vote (60-53).

The bill fails to pass its second reading by the following vote.

Those voting in the affirmative are: Representatives Alexander, Allen, Baddour, Barefoot, Bell, Blue, Bonner, Boyd-McIntyre, Buchanan, Cox, J. Crawford, Culpepper, Cunningham, Dedmon, Earle, Easterling, Edwards, Gibson, Goodwin, Hackney, Haire, Hall, Hill, Hurley, Insko, Jarrell, Lucas, Luebke, McAllister, McLawhorn, Miller, Nye, Owens, Redwine, Rogers, Saunders, Smith, Sutton, Thompson, Tolson, Tucker, Underhill, Wainwright, Warren, Warwick, Weiss, Womble, and Yongue - 48.

Voting in the negative: Representatives Adams, Allred, Arnold, Baker, Barbee, Barnhart, Blust, Bowie, Brubaker, Capps, Carpenter, Clary, Coates, M. Crawford, Creech, Culp, Daughtry, Davis, Decker, Dockham, Eddins, Ellis, Esposito, Fitch, Fox, Gillespie, Grady, Gray, Gulley, Harrington, Hensley, Hilton, Holliman, Holmes, Howard, Hunter, Jeffus, Johnson, Kiser, McComas, McCombs, McMahan, Michaux, Mitchell, Morgan, Morris, Nesbitt, Pope, Preston, Rayfield, Russell, Setzer, Sexton, Sherrill, Shubert, Starnes, Teague, Walend, Walker, Warner, Weatherly, West, C. Wilson, and G. Wilson - 64.

Excused absences: Representatives Hiatt, Oldham, and Wright - 3.

H.B. 1439 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF WATER AND SEWER AUTHORITIES IN CERTAIN URBAN COUNTIES AND TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER AUTHORITIES, which was temporarily displaced, is before the Body.

Representative Hackney offers Amendment No. 1 which is adopted by electronic vote (106-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Hunter, Insko, Jarrell, Jeffus, Johnson, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Owens, Pope, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert,

Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, West, C. Wilson, G. Wilson, and Womble - 104.

Voting in the negative: Representatives Arnold, Luebke, and Preston - 3.

Excused absences: Representatives Hiatt, Oldham, and Wright - 3.

S.B. 165 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Owens, Pope, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 109.

Voting in the negative: Representative Arnold.

Excused absences: Representatives Hiatt, Oldham, and Wright - 3.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1388 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS.

Representative Pope requests that he be excused from voting on this bill to avoid even the appearance of a conflict of interest since he has an interest in a company that uses the ports, under Rule 24.1A and this request is granted.

The bill passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Easterling, Eddins, Edwards, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 108.

Voting in the negative: Representative Ellis.

Excused absences: Representatives Hiatt, Oldham, and Wright - 3.

Excused vote: Representative Pope.

Representative Wainwright requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (109-1).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 247 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DEFER THE ISSUANCE OF THE CLEAN WATER BONDS, NATURAL GAS BONDS, AND PUBLIC SCHOOL BUILDING BONDS UNTIL AFTER JANUARY 1, 2002, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Bell, Blue,

Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Sexton, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, and Yongue - 100.

Voting in the negative: Representatives Allred, Barnhart, Blust, Creech, Davis, Ellis, Hilton, Johnson, Kiser, Pope, Saunders, Setzer, Shubert, Starnes, and C. Wilson - 15.

Excused absences: Representatives Hiatt, Oldham, and Wright - 3.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 241** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP, is withdrawn from the Calendar and placed on the Calendar of September 6.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.B. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM, is read the first time and referred to the Committee on Finance.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Jarrell, Chair, for the Committee on State Government:

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

CALENDAR (continued)

H.B. 231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS.

Representative Hensley offers Amendment No. 6.

Representative Cunningham requests that he be excused from voting on this bill under Rule 24.1A and this request is granted.

The Speaker rules that the amendment is not material.

Representative Cunningham requests that his excuse from voting pursuant to Rule 24.1A(d) be withdrawn.

Amendment No. 6 is adopted by electronic vote (78-37).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, Allen, Baddour, Barefoot, Bell, Blue, Bonner, Boyd-McIntyre, Buchanan, Church, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Dedmon, Earle, Easterling, Edwards, Fitch, Fox, Gibson, Goodwin, Hackney, Haire, Hall, Hensley, Hill, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Lucas, Luebke, McAllister, McLawhorn, Michaux, Miller, Nesbitt, Nye, Owens, Redwine, Rogers, Saunders, Smith, Sutton, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, Weiss, Womble, Wright, and Yongue - 62.

Voting in the negative: Representatives Allred, Arnold, Baker, Barbee, Barnhart, Blust, Bowie, Brubaker, Capps, Carpenter, Clary, M. Crawford, Creech, Culp, Daughtry, Davis, Decker, Dockham, Eddins, Ellis, Esposito, Gillespie, Grady, Gray, Gulley, Harrington, Hilton, Holmes, Howard, Johnson, Justus, Kiser, McComas, McCombs, McMahan, Miner, Mitchell, Morgan, Morris, Pope, Preston, Rayfield, Russell, Setzer, Sexton, Sherrill, Shubert, Starnes, Teague, Thompson, Walend, Walker, Weatherly, West, C. Wilson, and G. Wilson - 56.

Excused absences: Representatives Hiatt and Oldham - 2.

BILL RECALLED FROM ENROLLING

On motion of Representative Tolson and without objection, **H.B. 1272** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES, is recalled from Enrolling.

On motion of Representative Tolson, the vote by which the House concurred in the Senate committee substitute bill is reconsidered, by electronic vote (113-3).

On motion of Representative Tolson, the House does not concur in the Senate committee substitute bill, by electronic vote (113-0), and conferees are requested.

The Speaker appoints Representatives Tolson and Saunders as conferees on the part of the House and the Senate is so notified by Special Message.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
August 30, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute to **S.B. 199** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS; ESTABLISH STANDARDS FOR HEALTH PLAN DISCLOSURES TO CONSUMERS; ESTABLISH A PATIENTS' ASSISTANCE PROGRAM; REQUIRE COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING; PROVIDE STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN, AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING TREATMENT DECISIONS.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

August 30, 2001

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following report from standing committee is presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.B. 470 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAW, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

On motion of Representative Culpepper, seconded by Representative Alexander, the House adjourns at 7:00 p.m. to reconvene Monday, September 3, 2001, at 7:00 p.m.

ONE-HUNDRED TWENTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Monday, September 3, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker Pro Tempore.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"O God, as we gather this evening, we are saddened by the announcement of the death of former Speaker, Liston Ramsey. We give You thanks for his many years of work in this Chamber, for his leadership as Speaker of the House, and for his service to the people of Madison County. Bless his family with Your presence in this time of loss and sustain them with the promise of eternal life which You offer to all who love You.

"May this potent reminder of finitude engender in us the desire to make the most of the days we are given. Make strong our desire to do good, not only in our work as legislators, but also in our relationships with family and friends. Amen."

The Speaker Pro Tempore leads the Body in the Pledge of Allegiance.

Leaves of absence are granted Representatives Adams, Allred, Barefoot, Brubaker, Carpenter, Cole, Davis, Dedmon, Dockham, Esposito, Hiatt, Hunter, Hurley, Justus, McComas, McCombs, McMahan, Morris, Russell, Saunders, Sherrill, Sutton, Thompson, and Walend for today.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 29 has been examined and found correct. Representative Culpepper moves that the Journal be approved as written.

Representative Hensley raises the point of a quorum and pursuant to *Mason's Manual*, Section 505, Paragraph 3, questions whether a motion to adjourn is in order. The Chair rules that it is.

On motion of Representative Culpepper, seconded by Representative Cox, the House adjourns at 7:04 p.m. to reconvene September 4 at 2:00 p.m.

ONE HUNDRED TWENTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, September 4, 2001

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Let not our work become just another day at the office, O God. Infuse our labors with meaning. Remind us of the sacred responsibility of leadership, which finds its fullest meaning in becoming a servant to others. May our attention be focused, not on the bills which will be presented, but upon the people they will affect. May our goal move beyond merely legislation to the creation of a State where responsibility is fostered, mercy

September 4, 2001

is offered, and justice prevails. Guide our work and inspire our minds, O Lord. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journals of August 30 and September 3 have been examined and found correct. Upon his motion, the Journals are approved as written.

Leaves of absence are granted Representatives Barnhart, Hiatt, Pope, Russell, and Wainwright for today. Representative Fox is excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

H.B. 170, AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY MULCH-BLOWING EQUIPMENT.

H.B. 1431, AN ACT TO PREVENT DOUBLE TAXATION OF MOTOR VEHICLES WHOSE TAX YEAR CHANGES DUE TO A CHANGE IN REGISTRATION.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 118, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1188, AN ACT TO ALLOW PROTECTION OF VOTER RECORDS IN CASE OF DOMESTIC ABUSE PROTECTIVE ORDERS. (S.L. 2001-396)

H.B. 972, AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES. (S.L. 2001-397)

S.B. 14, AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; AND TO MAKE CONFORMING CHANGES. (S.L. 2001-398)

S.B. 1066, AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS. (S.L. 2001- 399)

H.B. 844, AN ACT TO PROVIDE BALANCE IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT ELEVEN. (S.L. 2001-400)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Alexander, Chair, for the Committee on Election Law and Campaign Finance Reform:

S.B. 17 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 719 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE TOWN OF MAYODAN FROM CERTAIN STATUTORY REQUIREMENTS CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF SOME OR ALL OF CERTAIN DESCRIBED PROPERTY, with recommendation that the House concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 3, 2001

Mr. Speaker:

Pursuant to the message sent from the Senate on August 30, 2001, with the information that the Senate fails to concur in the House Committee Substitute to **S.B. 199** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS; ESTABLISH STANDARDS FOR HEALTH PLAN DISCLOSURES TO CONSUMERS; ESTABLISH A PATIENTS' ASSISTANCE PROGRAM; REQUIRE COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING; PROVIDE STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN, AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING TREATMENT DECISIONS, and requests conferees, the President Pro Tempore appoints:

Senator Wellons, Chair
Senator Purcell
Senator Forrester
Senator Rand
Senator Lucas

September 4, 2001

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Baddour, Chair; Representatives Nye, Hackney, Hurley, Justus, Sherrill, and Edwards as conferees on the part of the House and the Senate is so notified by Special Message.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 189**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998 AND TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND BY ONE YEAR TO OCTOBER 1, 2002, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 280** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION AND THEN AN EXTENDED RECESS, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence, the Senate committee substitute bill changes the title.

The Speaker rules the Senate committee substitute bill to be material, requiring 3/5th's majority vote, thus constituting its first reading.

Senate Committee Substitute for **H.B. 351** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 226, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO ACQUIRE REAL PROPERTY AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE.

On motion of Representative Culpepper, the House concurs in the Senate amendment, by electronic vote (108-2), and the bill is ordered enrolled and presented to the Governor.

H.B. 1388 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers,

Saunders, Setzer, Sexton, Sherrill, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 110.

Voting in the negative: None.

Excused absences: Representatives Barnhart, Fox, Hiatt, Pope, Russell, and Wright - 6.

H.B. 1439 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF WATER AND SEWER AUTHORITIES IN CERTAIN URBAN COUNTIES AND TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER AUTHORITIES.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baker, Barbee, Barefoot, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, West, C. Wilson, G. Wilson, Womble, and Yongue - 106.

Voting in the negative: Representatives Creech, Davis, Decker, and Luebke - 4.

Excused absences: Representatives Barnhart, Fox, Hiatt, Pope, Russell, and Wright - 6.

S.B. 247 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DEFER THE ISSUANCE OF THE CLEAN

WATER BONDS, NATURAL GAS BONDS, AND PUBLIC SCHOOL BUILDING BONDS UNTIL AFTER JANUARY 1, 2002, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Edwards, Esposito, Fitch, Gibson, Gillespie, Goodwin, Grady, Gray, Hackney, Haire, Hall, Harrington, Hill, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Sexton, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, and Yongue - 98.

Voting in the negative: Representatives Allred, Blust, Eddins, Ellis, Gulley, Hensley, Hilton, Johnson, Kiser, Saunders, Shubert, Starnes, and C. Wilson - 13.

Excused absences: Representatives Barnhart, Fox, Hiatt, Pope, Russell, and Wright - 6.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute No. 2 for **H.B. 715**, A BILL TO BE ENTITLED AN ACT TO DISTRIBUTE THE PROCEEDS OF THE MECKLENBURG PREPARED FOOD TAX AMONG ALL MECKLENBURG COUNTY MUNICIPALITIES.

On motion of Representative Gulley, the House concurs in Senate Committee Substitute Bill No. 2, which changes the title, by electronic vote (106-5), and the bill is ordered enrolled.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 115** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS.

On motion of Representative Baker, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (109-0), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 435**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR MOREHEAD SCHOOL TO PROVIDE STAFF AND OTHER ASSISTANCE TO A NONPROFIT CORPORATION ESTABLISHED TO SUPPORT THE SCHOOL.

On motion of Representative Weiss, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (109-1), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 470 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS.

Representative Cole requests that he be excused from voting on this bill, because he is an auto dealer, under Rule 24.1A and this request is granted. Representative Blue requests that he be excused from voting on this bill, because of a legal representation conflict, under Rule 24.1A and this request is granted.

Representative Nesbitt offers Amendment No. 1 which fails of adoption by electronic vote (37-71).

The bill passes its second reading, by electronic vote (99-11).

Representative Thompson objects to the third reading. The bill remains on the Calendar.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 4, 2001

Mr. Speaker:

Pursuant to your message received on August 30, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1272**, A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES, and requests conferees, the President Pro Tempore appoints:

Senator Carter, Chair
Senator Garrou
Senator Swindell
Senator Berger
Senator Larry Shaw

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

September 4, 2001

CONFERENCE REPORT

Representative Tolson sends forth the Conference Report on **H.B. 1272** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES. Without objection, the Conference Report is placed on the Calendar of September 6.

Representative Culpepper moves, seconded by Representative Jarrell, that the House adjourn, subject to the receipt of Committee Reports, the receipt of Conference Reports, and in memory of the Honorable Liston Ramsey, four-term Speaker of this North Carolina House of Representatives, to reconvene September 6 at 10:00 a.m.

The motion carries.

CONFERENCE REPORT

Representative Alexander sends forth the Conference Report on House Committee Substitute for **S.B. 1002**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of September 6.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 623**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE BUILDING COMMISSION TO AUTHORIZE ALTERNATIVE CONTRACTING METHODS FOR PUBLIC CONTRACTS BY A MAJORITY VOTE OF ITS MEMBERS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of September 6.

Upon concurrence, the Senate committee substitute bill changes the title.

The House stands adjourned at 5:57 p.m.

ONE HUNDRED TWENTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Lord of compassion, for Your abounding grace, unlimited love, and infinite mercy we give You thanks. For Your persistent presence that sustains us through all our days, we are grateful. When we turn away from You in anger or fear, You remain true to us and are there waiting, even calling and inviting us into renewed relationship. When we seek You in times of distress, You are ready to receive our requests and provide for our needs.

"You have promised not to test us beyond our strengths and You provide the way for us to endure whatever comes our way. For Your steadfast love and never failing care, we offer our thanksgiving. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 4 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Alexander, Carpenter, Clary, Cunningham, Dedmon, Haire, Hiatt, Hill, Howard, Johnson, McCombs, Nesbitt, Pope, Russell, Saunders, Sherrill, Smith, and West for today.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 165, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.

S.B. 646, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL, AND TO MAKE IT UNLAWFUL TO RESTRAIN A DOG BY A CHAIN OR WIRE GROSSLY IN EXCESS OF THE SIZE NECESSARY TO RESTRAIN THE DOG SAFELY.

H.B. 115, AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS AND CONFLICTS OF INTEREST.

H.B. 226, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO ACQUIRE REAL PROPERTY AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE.

H.B. 435, AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE STAFF AND OTHER ASSISTANCE TO A NONPROFIT CORPORATION ESTABLISHED TO SUPPORT THE GOVERNOR MOREHEAD SCHOOL.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 715, AN ACT TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION OF THE PROCEEDS OF THE MECKLENBURG OCCUPANCY TAX AMONG THE TOWNS OF MECKLENBURG COUNTY, TO SUNSET THE MECKLENBURG MEALS TAX AND THE ADDITIONAL DISTRIBUTION, AND TO MODIFY THE MEMBERSHIP OF THE CHARLOTTE COLISEUM AUTHORITY.

CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 118, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE. (S.L. 2001-401)

CONFERENCE REPORT

Representative Hurley sends forth the Conference Report on Senate Committee Substitute for **H.B. 355** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; AND TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of September 10.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following is introduced, read the first time and referred to committee:

By Representatives Haire, Alexander, Barefoot, and Goodwin:

H.J.R. 1464, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LISTON B. RAMSEY, FORMER SPEAKER AND MEMBER OF THE HOUSE OF REPRESENTATIVES, is referred to the Committee on Rules, Calendar, and Operations of the House.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 4, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill No. 2 to **S.B. 866**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES

September 6, 2001

PROTECTION ACT, and requests conferees. The President Pro Tempore appoints:

Senator Miller, Chair
Senator Martin of Guilford
Senator Reeves
Senator Forrester

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representatives Goodwin, Insko, Michaux, and Russell as conferees on the part of the House and the Senate is so notified by Special Message.

MESSAGE FROM THE SENATE

The following is received from the Senate:

H.B. 381 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **H.B. 623** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAWS GOVERNING THE PUBLIC CONSTRUCTION LAWS TO PROVIDE FOR EFFICIENCIES AND FLEXIBILITY IN BUILDING DESIGN, CONSTRUCTION, AND PLAN REVIEW, TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS, AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

Representative Tolson moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1272

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 1272, A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES, Senate Commerce Committee Substitute Adopted 5/16/01, Fourth Edition Engrossed 8/21/01, submit the following report:

The House concurs in the Senate Commerce Committee Substitute Adopted 5/16/01, Fourth Edition Engrossed 8/21/01, with the following amendment:

On page 4, line 25, delete "July 1, 2001" and substitute "October 1, 2001"

The Senate agrees to the same

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 4, 2001.

*Conferees for the
Senate*

S/ Charles Carter, Chair
S/ Linda Garrou
S/ A. B. Swindell, IV
S/ Phil E. Berger

*Conferees for the
House of Representatives*

S/ Joe P. Tolson
S/ Drew P. Saunders

The Conference Report is adopted, by electronic vote (96-0), and the Senate is so notified by Special Message.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, the Conference Report on **S.B. 1002** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, is withdrawn from the Calendar and placed on the Calendar of September 11.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 790 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THE AUTHORITY OF A SETTLEMENT AGENT TO DISBURSE SETTLEMENT PROCEEDS IN RELIANCE ON A DEPOSIT IN THE FORM OF A CHECK ISSUED BY AN AGRICULTURAL CREDIT ASSOCIATION OR IN THE FORM OF A CHECK DRAWN ON THE ACCOUNT OF OR ISSUED BY A LICENSED MORTGAGE BANKER, passes its second reading, by electronic vote (96-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Hurley and without objection, **S.B. 210** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, is withdrawn from the Calendar and placed on the Calendar of September 11.

CALENDAR (continued)

S.B. 470 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE

OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS.

Pursuant to Rule 24.1A(c), the requests that Representatives Blue and Cole be excused from voting on September 4, are continued.

Representative Justus offers Amendment No. 2 which fails of adoption by electronic vote (20-75).

The bill passes its third reading, by electronic vote (87-8), and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Representative Esposito requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (88-7).

S.B. 241 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP.

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (97-0).

Representative Cox requests that he be excused from voting on this bill to avoid any appearance of a conflict of interest, under Rule 24.1A and this request is granted.

The bill, as amended, passes its second reading, by electronic vote (96-0), and there being no objection is read a third time.

Representative McComas states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (97-0).

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

CONFEREES APPOINTED

The Speaker appoints Representative Wright as an additional conferee on **S.B. 199** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS.

The Senate is so notified by Special Message.

On motion of Representative Culpepper, seconded by Representative Warren, the House adjourns at 10:51 a.m. to reconvene Monday, September 10, 2001, at 6:00 p.m.

ONE HUNDRED THIRTIETH DAY

HOUSE OF REPRESENTATIVES
Monday, September 10, 2001

The House meets at 6:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, we pause now before You. Grant us Your attention in this time of prayer. Share with us Your grace and guide our hearts and minds. With Your creative touch, mold us into vessels of mercy for the people of North Carolina. Through Your Spirit, inspire us with a vision of how best to accomplish Your purpose in this State. Keep us true to You, true to each other, true to our constituents, and true to ourselves. Give us the courage to act upon our convictions and live according to our faith, that we might embody that which is good and true and just. May the knowledge that You are among us and working through us bring peace to our spirits and encouragement to our souls. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 6 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Allred, Bowie, Cole, Cox, Dedmon, Dockham, Ellis, Gibson, Goodwin, Gray, Hiatt, Insko, Luebke, McAllister, McComas, McLawhorn, McMahan, Miner, Nesbitt, Pope, Saunders, Sexton, Smith, Thompson, Underhill, Wainwright, and Wright for today.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 715, AN ACT TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION OF THE PROCEEDS OF THE MECKLENBURG OCCUPANCY TAX AMONG THE TOWNS OF MECKLENBURG

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COUNTY, TO SUNSET THE MECKLENBURG MEALS TAX AND THE ADDITIONAL DISTRIBUTION, AND TO MODIFY THE MEMBERSHIP OF THE CHARLOTTE COLISEUM AUTHORITY. (S.L. 2001-402)

S.B. 119, AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT JUDGES. (S.L. 2001-403)

H.B. 1257, AN ACT TO ESTABLISH A SURFACE WATER IDENTIFICATION TRAINING AND CERTIFICATION PROGRAM AS A COMPONENT OF THE RIPARIAN BUFFER PROTECTION PROGRAM. (S.L. 2001-404)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 688 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN ASSESSMENT ON TURFGRASS FERTILIZER AND TO PROVIDE FOR THE COLLECTION, USE, AND REFUND OF THIS ASSESSMENT, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

S.B. 890 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

S.B. 970 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS

EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 1272**, A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES.

Pursuant to your message that your Honorable Body has adopted the report of the conferees, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 6, 2001

September 10, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that Senator Kinnaird has been added as a conferee on **S.B. 866**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), the Chair withdraws **S.B. 400** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Appropriations.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 164**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

S.B. 348 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, is read the first time and referred to the Committee on Finance.

September 10, 2001

CONFERENCE REPORT

Representative Hurley moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 355

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 355, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS, Senate Commerce Committee Substitute Adopted 7/18/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Commerce Committee Substitute Adopted 7/18/01, and the House concurs in the Senate Committee Substitute as amended:

on page 7, line 5, insert the following sentence at the end of the line:
"Section 2.3 of this act expires June 30, 2002.";

September 10, 2001

and on page 4, lines 39 -41, rewrite the lines to read:

"and the standards adopted by the Commissioner of Insurance under G.S. 143-143.15(a)."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 6, 2001.

*Conferees for the
Senate*

S/ A. B. Swindell, IV, Chair
S/ Anthony E. Rand
S/ Stephen M. Metcalf
S/ Robert G. Shaw

*Conferees for the
House of Representatives*

S/ John W. Hurley, Chair
S/ Jerry C. Dockham
S/ Constance K. Wilson
S/ Daniel T. Blue, Jr.
S/ Ronald L. Smith

The material Conference Report, which changes the title, is adopted on its second roll call reading, by the following vote.

Those voting in the affirmative are: Representatives Alexander, Allen, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Brubaker, Buchanan, Capps, Carpenter, Church, Coates, J. Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Earle, Easterling, Eddins, Edwards, Esposito, Fox, Gillespie, Grady, Gulley, Hackney, Haire, Harrington, Hensley, Hill, Hilton, Holliman, Howard, Hurley, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McCombs, Miller, Mitchell, Morgan, Nye, Oldham, Owens, Rayfield, Redwine, Rogers, Setzer, Sherrill, Starnes, Sutton, Teague, Tolson, Tucker, Walend, Walker, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 76.

Voting in the negative: None.

Excused absences: Representatives Adams, Allred, Bowie, Cole, Cox, Dedmon, Dockham, Ellis, Gibson, Goodwin, Gray, Hiatt, Insko, Luebke, McAllister, McComas, McLawhorn, McMahan, Miner, Nesbitt, Pope, Saunders, Sexton, Smith, Thompson, Underhill, Wainwright, and Wright - 28.

Representative Cunningham requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (77-0).

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 351** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES.

On motion of Representative Hurley, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (80-0), and the bill is ordered enrolled and presented to the Governor.

On motion of Representative Culpepper, seconded by Representative Coates, the House adjourns at 6:22 p.m. to reconvene September 11 at 2:00 p.m.

ONE HUNDRED THIRTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Tuesday, September 11, 2001

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"God of Comfort: We are shocked and saddened by the death and destruction that has been inflicted upon our nation. We are horrified by the extent of the damage and appalled by the numerous loss of life. Be with those people who experienced this disaster and whose lives have been indelibly altered. Be near to all who have suffered loss. Shed Your grace upon them. May they feel the support and prayers offered by the hosts of people throughout this land.

"God of Wisdom: We pray for the President of the United States, the members of the Cabinet, and the representatives of the people. If ever we have needed Your guidance and wisdom, it is now. We know that by ourselves we are not sufficient to face this crisis. But with Your presence,

September 11, 2001

we can proceed in the trust and knowledge that You will lead us. Be with all who defend this nation and those who now seek to rescue the victims and fight the fires and assess the damage.

"Spirit of Unity: As we put aside our political and ideological differences and stand together as Americans, we implore You to calm our fears, strengthen our spirits, and lift us up in Your everlasting arms. Calm us, comfort us, protect us, O God. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 10 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Hackney, Hiatt, Miner, Pope, Russell, Thompson, Warner, and C. Wilson for today.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 247, AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DEFER THE ISSUANCE OF THE CLEAN WATER BONDS, NATURAL GAS BONDS, AND PUBLIC SCHOOL BUILDING BONDS UNTIL AFTER JANUARY 1, 2002.

H.B. 351, AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES; TO CLARIFY THE DEFINITION OF "HEALTH CARE PROVIDER" IN THE PROMPT PAYMENT LAW; AND TO MAKE A CORRECTION IN THE DEFINITION OF "HMO".

H.B. 1272, AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 10, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for the Senate Committee Substitute for **H.B. 355** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

September 11, 2001

CONFERENCE REPORT

The material Conference Report for Senate Committee Substitute for **H.B. 355** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; AND TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Easterling, Eddins, Edwards, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, Wright, and Yongue - 104.

Voting in the negative: None.

Excused absences: Representatives Adams, Hackney, Hiatt, Miner, Pope, Russell, Thompson, Warner, and C. Wilson - 9.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor.

CONFERENCE REPORT

Representative Alexander moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1002

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 1002, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, House Committee Substitute Favorable 8/6/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, House Finance Committee Substitute Favorable 8/6/01, and the Senate concurs in the House Committee Substitute as amended:

on page 3, line 18, delete the term "and willfully".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 4, 2001.

*Conferees for the
Senate*

S/ Wib Gulley, Chair
S/ Daniel G. Clodfelter

*Conferees for the
House of Representatives*

S/ Martha B. Alexander, Chair
S/ Martin Nesbitt
S/ Larry T. Justus

The Conference Report is adopted, by electronic vote (104-2), and the Senate is so notified by Special Message.

Representative Edwards requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (105-2).

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 719** (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF
September 11, 2001

OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS.

On motion of Representative Sexton, the House concurs in the material Senate committee substitute bill, which changes the title, on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, Wright, and Yongue - 108.

Voting in the negative: None.

Excused absences: Representatives Adams, Hackney, Hiatt, Miner, Pope, Russell, Thompson, Warner, and C. Wilson - 9.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 189**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998 AND TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND BY ONE YEAR TO OCTOBER 1, 2002, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEA-FOOD AND AQUACULTURE.

On motion of Representative Wainwright, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (102-4), and the bill is ordered enrolled and presented to the Governor.

Representative Preston requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (103-4).

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS.

Representative Decker offers Amendment No. 1 which fails of adoption by electronic vote (39-66).

Representative Decker moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Local Government II.

On motion of Representative Hurley and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of September 12.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 17 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES.

Representative Michaux offers Amendment No. 2.

Representative Justus inquires of the Chair if the amendment is germane.

On motion of the Chair and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of September 12 with Amendment No. 2 pending.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bills are withdrawn from the Committee on September 11, 2001

Education and re-referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 586, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS; and

S.B. 914 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO PUBLIC SCHOOL CONSTRUCTION PROJECTS.

Representative Culpepper moves, seconded by Representative Earle, that the House adjourn, subject to the receipt of Messages from the Senate, to reconvene September 12 at 3:00 p.m.

The motion carries.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 1147** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT A HOSPITAL TO TEMPORARILY INCREASE ITS BED CAPACITY AFTER NOTIFYING THE DIVISION OF FACILITY SERVICES, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of September 12.

Upon concurrence, the Senate committee substitute bill changes the title.

The House stands adjourned at 5:43 p.m.

ONE HUNDRED THIRTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Wednesday, September 12, 2001

September 12, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"O God, You have been our dwelling place in all generations. You are our refuge and strength, a very present help in times of trouble. Enable us to put our trust in You, that our spirits might grow calm and our hearts be comforted. Lift our eyes beyond the shadows of this earth that we might see the light of eternity.

"Be with us who gather here. Grant us the strength and courage for the facing of this hour. May we not weary in our endeavor to do the work that liberty requires. Let not fear dissuade us from our public duties. Protect us from a despair that would cloud our hope and prevent us from moving forward. Come and be with us, O God. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 11 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Bowie, Brubaker, Capps, Dockham, Holmes, Luebke, Morris, and Pope for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representative Alexander, Chair, for the Committee on Election Law and Campaign Finance Reform:

Senate Committee Substitute for **H.B. 106** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION, with recommendation that the House do not concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar of September 13.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that Senator Kinnaird has been added as a conferee to the House Committee Substitute for **S.B. 199** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS; ESTABLISH STANDARDS FOR HEALTH PLAN DISCLOSURES TO CONSUMERS; ESTABLISH A PATIENTS' ASSISTANCE PROGRAM; REQUIRE COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING; PROVIDE STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN, AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING TREATMENT DECISIONS.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 11, 2001

September 12, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for the House Committee Substitute for **S.B. 1002**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS.

Pursuant to your message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled and sent to the Governor.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGE FROM THE SENATE

The following is received from the Senate:

S.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A PASS-THROUGH ENTITY TO ALLOCATE A HOUSING TAX CREDIT TO ANY OF ITS OWNERS AT THE DISCRETION OF THE PASS-THROUGH ENTITY, is read the first time and referred to the Committee on Finance.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 719** (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS.

On motion of Representative Sexton, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Blust, Bonner, Boyd-McIntyre, Buchanan, Carpenter, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Earle, Easterling, Eddins,

September 12, 2001

Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Bowie, Brubaker, Capps, Dockham, Holmes, Luebke, Morris, and Pope - 8.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 164**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES.

On motion of Representative Baker, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (108-0), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 381 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

Representative Insko moves that the House concur in the Senate committee substitute bill.

The motion to concur fails by electronic vote (47-63).

The Senate is so notified by Special Message.

Senate Committee Substitute for **H.B. 1147** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT A HOSPITAL TO TEMPORARILY INCREASE ITS BED CAPACITY AFTER NOTIFYING THE DIVISION OF FACILITY SERVICES.

On motion of Representative Insko, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (109-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 241, AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP.

S.B. 790, AN ACT TO REVISE THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THE AUTHORITY OF A SETTLEMENT AGENT TO DISBURSE SETTLEMENT PROCEEDS IN RELIANCE ON A DEPOSIT IN THE FORM OF A CHECK ISSUED BY AN AGRICULTURAL CREDIT ASSOCIATION OR IN THE FORM OF A CHECK DRAWN ON THE ACCOUNT OF OR ISSUED BY A LICENSED MORTGAGE BANKER.

S.B. 1002, AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS.

H.B. 189, AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY RULES TO ESTABLISH ADDITIONAL EXCEPTIONS TO THE 30-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS IN CERTAIN CIRCUMSTANCES AND TO ALLOW STRUCTURAL MODIFICATIONS TO PIERS TO PREVENT OR MINIMIZE STORM DAMAGE, AND TO EXTEND THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT SO AS TO ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION ADDITIONAL TIME TO CONSULT WITH PERSONS WHO ARE INTERESTED IN OR MAY BE AFFECTED BY THE ADOPTION OF PERMANENT RULES TO REPLACE THOSE TEMPORARY RULES.

H.B. 355, AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO

ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS.

CALENDAR (continued)

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS.

Representative Decker offers Amendment No. 2 which is adopted by electronic vote (69-40).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allred, Arnold, Baddour, Barbee, Barefoot, Bell, Blue, Bonner, Boyd-McIntyre, Buchanan, Carpenter, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Davis, Decker, Dedmon, Earle, Easterling, Eddins, Edwards, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright,

Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 104.

Voting in the negative: Representatives Baker, Barnhart, Blust, and Daughtry - 4.

Excused absences: Representatives Bowie, Brubaker, Capps, Dockham, Holmes, Luebke, Morris, and Pope - 8.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.J.R. 1102, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WINGATE ON THE TOWN'S 100TH ANNIVERSARY.

On motion of the Chair and without objection, Rule 41(a) is suspended and the resolution is placed on the Calendar for immediate consideration.

The resolution passes its second reading, by electronic vote (105-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

Representative Culpepper moves, seconded by Representative Insko, that the House adjourn, subject to the ratification of bills, to reconvene September 13 at 9:00 a.m.

The motion carries.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

H.B. 1147, AN ACT TO PERMIT A HOSPITAL TO TEMPORARILY INCREASE ITS BED CAPACITY AFTER NOTIFYING THE DIVISION OF FACILITY SERVICES; PERTAINING TO HOSPITAL PAYMENTS FOR TREATMENT AND SERVICES RENDERED TO WORKERS' COMPENSATION PATIENTS; AND TO DIRECT THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY RULES FOR THE LICENSING OF NEONATAL CARE BEDS.

The House stands adjourned at 5:00 p.m.

September 12, 2001

ONE HUNDRED THIRTY-THIRD DAY

HOUSE OF REPRESENTATIVES

Thursday, September 13, 2001

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"God of goodness and life,

"The presence of evil cannot be beaten down, but it can be lived down through lives of faith evidenced in the sharing of compassion and the acknowledgment of the worth of each individual. The battle against terror ultimately will not be overcome by military might, but by the daily affirmations of hope that come through lives moving forward in trust and aspiration.

"Give us the grace to be worthy warriors in the battle against evil. Let not our hearts turn cold or our spirits bitter. Rather, increase our capacity to bear the burdens of others, to empathize with the needs of others, to share the anguish of others. Only when we understand the pain and need of our neighbor, as You so readily feel our pain and acknowledge our need, will we truly be servants of Your will and agents of Your liberation and hope. May our actions today, reflect both our care for others and our trust in You. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 12 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Allred, Arnold, Bowie, Brubaker, Capps, Decker, Pope, Preston, and West for today. Representatives Adams, Easterling, Insko, Oldham, Redwine, and Thompson are excused for a portion of the session.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

September 13, 2001

H.B. 164, AN ACT TO AUTHORIZE AUTOMOBILE INSURANCE PREMIUM DISCOUNTS FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES; TO CLARIFY THE INSURANCE LAW BY PROVIDING THAT THE COMMISSIONER'S APPROVAL OR DISAPPROVAL OF A FILING IS NOT AN AGENCY DECISION WITH RESPECT TO PERSONS OTHER THAN THE FILER OR AN INTERVENOR IN THE FILING; AND TO EXTEND THE EFFECTIVE DATE FOR A LAW FACILITATING THE PURCHASE OF PERSONAL UMBRELLA INSURANCE.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 719, AN ACT EXEMPTING THE TOWN OF MAYODAN FROM CERTAIN STATUTORY REQUIREMENTS CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF SOME OR ALL OF CERTAIN DESCRIBED PROPERTY.

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.J.R. 1102, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WINGATE ON THE TOWN'S 100TH ANNIVERSARY. (RESOLUTION 2001-30)

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 232** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; TO INCREASE THE NON-RESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; TO ACCELERATE PAYMENT OF WITHHOLDING TAXES; TO ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AND TO MAKE THE BOXING COMMISSION INDEPENDENT OF GENERAL FUND SUPPORT, is returned for concurrence in Senate Committee Substitute Bill No. 2 and referred to the Committee on Finance.

Upon concurrence, Senate Committee Substitute Bill No. 2 changes the title.

The Speaker rules Senate Committee Substitute Bill No. 2 to be material, thus constituting its first reading.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 106** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION.

Representative Goodwin, moves that the House do not concur in the Senate committee substitute bill.

REPRESENTATIVE HACKNEY, SPEAKER PRO TEMPORE, PRESIDING.

The motion carries by electronic vote (99-2).

SPEAKER BLACK PRESIDING.

S.B. 17 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, is before the Body with Amendment No. 2 pending.

Amendment No. 2 is adopted by electronic vote (102-0).

The bill, as amended, passes its third reading, by electronic vote (101-1), and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION

AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS
WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS.

The bill, as amended, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House amendment.

Those voting in the affirmative are: Representatives Alexander, Allen, Baddour, Barbee, Barefoot, Bell, Blue, Bonner, Boyd-McIntyre, Buchanan, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Howard, Hunter, Hurley, Jarrell, Jeffus, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Owens, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Warner, Warren, Warwick, Weatherly, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 95.

Voting in the negative: Representatives Baker, Barnhart, Blust, Carpenter, Ellis, Johnson, and Walker - 7.

Excused absences: Representatives Adams, Allred, Arnold, Bowie, Brubaker, Capps, Davis, Decker, Pope, Preston, and West - 11.

CONFEREES APPOINTED

The Speaker announces the following conferees on Senate Committee Substitute for **H.B. 106** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION: Representatives Goodwin, Rogers, Michaux, and Arnold.

The Senate is so notified by Special Message.

On motion of the Chair, the House recesses at 9:31 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 1070** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION, REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES, is returned for concurrence in Senate committee substitute bill as amended.

Upon concurrence, the Senate committee substitute bill changes the title.

On motion of the Chair and without objection, Rule 43.2 is suspended and the Senate committee substitute bill is placed on the Calendar for immediate consideration.

On motion of Representative Haire, the House concurs in the Senate committee substitute bill, as amended, which changes the title, by electronic vote (101-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives J. Crawford and Owens, Vice Chairs, for the Committee on Appropriations:

H.B. 635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE BUSINESS OF BODY PIERCING, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

S.B. 400 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY

THE SALES AND USE TAX TREATMENT OF PUBLICATIONS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

Representative Culpepper moves, seconded by Representative Cunningham, that the House adjourn, subject to the ratification of bills, to reconvene Monday, September 17, 2001, at 6:00 p.m.

The motion carries.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

H.B. 1070, AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION, REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES, TO MAKE VARIOUS CHANGES IN THE LAW OF FIDUCIARIES AND DECEDENTS' ESTATES, AND TO MAKE TECHNICAL CORRECTIONS TO HOUSE BILL 1073, SENATE BILL 815, AND SENATE BILL 842, AS ENACTED BY THE GENERAL ASSEMBLY.

The House stands adjourned at 11:04 a.m.

ONE HUNDRED THIRTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Monday, September 17, 2001

The House meets at 6:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God,

"Your presence is given throughout the world and Your glory shines in every land. Grant that in this time of national crisis, we might move ever closer to Your light so that the shadows of fear and darkness of despair

September 17, 2001

might be dispelled. Shine Your grace upon this Assembly, that our work tonight and in the coming week will be further installments in the ledger of liberty. For only if we continue to pursue our freedoms and discharge the duties of democracy will we truly combat terror and build anew our land. Thus, we offer ourselves and our work as a living sacrifice to You and pray that You will bless our work with inspiration and guidance. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 13 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Allred, Arnold, Bowie, Brubaker, Buchanan, Cole, M. Crawford, Fox, Gray, Hill, Hunter, McAllister, Miner, Nesbitt, Russell, Sexton, Thompson, Walend, and Wright for today.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 719, AN ACT EXEMPTING THE TOWN OF MAYODAN FROM CERTAIN STATUTORY REQUIREMENTS CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF SOME OR ALL OF CERTAIN DESCRIBED PROPERTY. (S.L. 2001-405)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representatives Baddour, Bell, Creech, Russell, and Tucker:

H.J.R. 1465, A JOINT RESOLUTION HONORING THE MEMORY OF THE REVEREND DAVID WELLS HANSLEY, A FOUNDER OF MOUNT OLIVE COLLEGE, THE ONLY CHARTERED AND ACCREDITED COLLEGE IN NORTH CAROLINA SPONSORED BY THE NORTH CAROLINA CONVENTION OF ORIGINAL FREE WILL BAPTISTS, ON THE FIFTIETH ANNIVERSARY OF ITS FOUNDING.

On motion of the Chair and without objection, the resolution is placed on the Calendar for immediate consideration.

The resolution passes its second reading, by electronic vote (94-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

By Representatives Miller, Adams, Alexander, Barbee, Capps, Carpenter, Coates, Cox, Creech, Culp, Daughtry, Davis, Decker, Dedmon, Eddins, Edwards, Ellis, Esposito, Fitch, Gibson, Goodwin, Gulley, Harrington, Hiatt, Hilton, Holliman, Holmes, Howard, Hurley, Jeffus, Johnson, Justus, Kiser, Luebke, McCombs, McLawhorn, Michaux, Mitchell, Morgan, Morris, Pope, Setzer, Sherrill, Shubert, Smith, Teague, Tucker, Underhill, Walend, Warwick, Weatherly, Weiss, West, C. Wilson, and G. Wilson:

H.J.R. 1466, A JOINT RESOLUTION EXPRESSING SUPPORT FOR THE PRESIDENT IN HIS EFFORTS TO FIND AND PUNISH THE TERRORISTS RESPONSIBLE FOR THE DESTRUCTION OF THE WORLD TRADE CENTER, THE CRASHING OF ONE PLANE INTO THE PENTAGON AND THE CRASHING OF ANOTHER PLANE NEAR PITTSBURGH, PENNSYLVANIA, AND HONORING ALL AMERICANS WHO HAVE LOST THEIR LIVES DUE TO THIS TRAGEDY, is referred to the Committee on Rules, Calendar, and Operations of the House.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 13, 2001

Mr. Speaker:

Pursuant to your message received today, September 13, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 106** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION, and requests conferees, the President Pro Tempore appoints:

Senator Hartsell, Chair
Senator Clodfelter

September 17, 2001

Senator Gulley
Senator Bingham
Senator Garrou

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

WITHDRAWAL OF BILLS FROM CALENDAR

Pursuant to Rule 36(b)(2), the Chair withdraws **S.B. 970** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Gibson and without objection, **H.B. 688** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION, is withdrawn from the Calendar and placed on the Calendar of September 19.

On motion of Representative Culpepper and without objection, **S.B. 890** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES, is withdrawn from the Calendar and placed on the Calendar of September 20.

On motion of Representative Culpepper, seconded by Representative Alexander, the House adjourns at 6:37 p.m. to reconvene September 18 at 3:00 p.m.

ONE HUNDRED THIRTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, September 18, 2001

September 18, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"O God, if we truly seek peace on earth, then we must begin by seeking peace in our own lives. How can entire nations resolve their differences, if individuals are not able to reconcile among themselves? Thus, as we pray for peace in our world, we also ask for Your grace in our lives. Remove from us the growth of bitterness and bigotry that erects walls of hatred between us and our neighbors. Cleanse us from self-deprecation and a sense of personal failure that puts us at odds with ourselves. Cast away our sense of unworthiness and guilt that prevents us from coming into Your presence. Empower us with Your love, O Lord, that we might become bearers of Your peace. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 17 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Buchanan, M. Crawford, Fox, Miner, Sexton, Tucker, Weiss, and Womble for today.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1431, AN ACT TO PREVENT DOUBLE TAXATION OF MOTOR VEHICLES WHOSE TAX YEAR CHANGES DUE TO A CHANGE IN REGISTRATION. (S.L. 2001-406)

H.B. 226, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO ACQUIRE REAL PROPERTY AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE. (S.L. 2001-407)

H.B. 170, AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY MULCH-BLOWING EQUIPMENT. (S.L. 2001-408)

H.B. 115, AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS AND CONFLICTS OF INTEREST. (S.L. 2001-409)

H.B. 1147, AN ACT TO PERMIT A HOSPITAL TO TEMPORARILY INCREASE ITS BED CAPACITY AFTER NOTIFYING THE DIVISION OF FACILITY SERVICES; PERTAINING TO HOSPITAL PAYMENTS FOR TREATMENT AND SERVICES RENDERED TO WORKERS' COMPENSATION PATIENTS; AND TO DIRECT THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY RULES FOR THE LICENSING OF NEONATAL CARE BEDS. (S.L. 2001-410)

S.B. 646, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL, AND TO MAKE IT UNLAWFUL TO RESTRAIN A DOG BY A CHAIN OR WIRE GROSSLY IN EXCESS OF THE SIZE NECESSARY TO RESTRAIN THE DOG SAFELY. (S.L. 2001-411)

H.B. 435, AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE STAFF AND OTHER ASSISTANCE TO A NONPROFIT CORPORATION ESTABLISHED TO SUPPORT THE GOVERNOR MOREHEAD SCHOOL. (S.L. 2001-412)

H.B. 1070, AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION, REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES, TO MAKE VARIOUS CHANGES IN THE LAW OF FIDUCIARIES AND DECEDENTS' ESTATES, AND TO MAKE TECHNICAL CORRECTIONS TO HOUSE BILL 1073, SENATE BILL 815, AND SENATE BILL 842, AS ENACTED BY THE GENERAL ASSEMBLY. (S.L. 2001-413)

S.B. 165, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES. (S.L. 2001-414)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

September 18, 2001

By Representatives Allen, Luebke, and Wainwright, Chairs, for the Committee on Finance:

S.B. 438 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 17, 2001

Mr. Speaker:

This is to inform your Honorable Body that Senator Kinnaird was not added as a conferee to the House Committee Substitute for **S.B. 199** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS; ESTABLISH STANDARDS FOR HEALTH PLAN DISCLOSURES TO CONSUMERS; ESTABLISH A PATIENTS' ASSISTANCE PROGRAM; REQUIRE COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING; PROVIDE STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN, AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING TREATMENT DECISIONS, as you were advised in a message dated September 6, 2001.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 551** (Committee Substitute), A BILL TO BE ENTITLED AN ACT

September 18, 2001

ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 635 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE THE BUSINESS OF BODY PIERCING.

Representative Goodwin offers Amendment No. 1 which is adopted by electronic vote (108-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Saunders, Setzer, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, West, C. Wilson, G. Wilson, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Buchanan, M. Crawford, Fox, Miner, Sexton, Tucker, Weiss, and Womble - 8.

CONFEREES APPOINTED

The Speaker announces the following conferees on **H.B. 381** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL: Representative Insko, Chair; Representatives Alexander, J. Crawford, and Esposito.

The Senate is so notified by Special Message.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 984** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING LANDSCAPE CONTRACTORS, TO INCLUDE IRRIGATION CONTRACTORS UNDER THE LAWS REGULATING LANDSCAPE CONTRACTORS, AND TO AUTHORIZE THE BOARD TO INCREASE FEES, is withdrawn from the Committee on Finance and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Culpepper, seconded by Representative Brubaker, the House adjourns at 3:28 p.m. to reconvene September 19 at 3:00 p.m.

ONE HUNDRED THIRTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, September 19, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, as we pause for this time of silence and serenity amidst the bustle and noise of the day, grant that we might hear the stirrings of Your Spirit. Give us grace to attend the whispers of our conscience and the promptings of Your presence. Let not the clamor of the world around us confuse or confound our desire to serve You fully. Prevent us from

September 19, 2001

deceiving ourselves as to the meaning of Your commands. May we in all things, public and private, be obedient to Your will. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 18 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brubaker, M. Crawford, Luebke, Sexton, and Womble for today. Representative Buchanan is excused for a portion of the session.

ENROLLED BILL

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.J.R. 467, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF NEILL MCKAY ROSS, FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 2001-31)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

H.J.R. 1466, A JOINT RESOLUTION EXPRESSING SUPPORT FOR THE PRESIDENT IN HIS EFFORTS TO FIND AND PUNISH THE TERRORISTS RESPONSIBLE FOR THE DESTRUCTION OF THE WORLD TRADE CENTER, THE CRASHING OF ONE PLANE INTO THE PENTAGON AND THE CRASHING OF ANOTHER PLANE NEAR PITTSBURGH, PENNSYLVANIA, AND HONORING ALL AMERICANS WHO HAVE LOST THEIR LIVES DUE TO THIS TRAGEDY, with a favorable report.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of September 20.

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN

ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION, with a favorable report, as amended.

Pursuant to Rule 36(b), the bill is placed on the Calendar of September 20.

By Representatives Allen, Luebke, and Wainwright, Chairs, for the Committee on Finance:

Senate Committee Substitute No. 2 for **H.B. 232** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; TO INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; TO ACCELERATE PAYMENT OF WITHHOLDING TAXES; TO ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AND TO MAKE THE BOXING COMMISSION INDEPENDENT OF GENERAL FUND SUPPORT, with recommendation that the House concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A PASS-THROUGH ENTITY TO ALLOCATE A HOUSING TAX CREDIT TO ANY OF ITS OWNERS AT THE DISCRETION OF THE PASS-THROUGH ENTITY, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 18, 2001

Mr. Speaker:

Pursuant to your message received today, September 18, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 381** (Committee Substitute # 2), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM

September 19, 2001

REFORM AT THE STATE AND LOCAL LEVEL, and requests conferees, the President Pro Tempore appoints:

Senator Metcalf, Chair
Senator Martin of Guilford
Senator Foxx
Senator Kinnaird
Senator Purcell
Senator Lucas

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 18, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute No. 2 to **S.B. 470** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAW.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGE FROM THE SENATE

The following is received from the Senate:

H.J.R. 1465, A JOINT RESOLUTION HONORING THE MEMORY OF THE REVEREND DAVID WELLS HANSLEY, A FOUNDER OF MOUNT OLIVE COLLEGE, THE ONLY CHARTERED AND

September 19, 2001

ACCREDITED COLLEGE IN NORTH CAROLINA SPONSORED BY THE NORTH CAROLINA CONVENTION OF ORIGINAL FREE WILL BAPTISTS, ON THE FIFTIETH ANNIVERSARY OF ITS FOUNDING, is returned for concurrence in Senate amendment.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of September 20.

CALENDAR

Action is taken on the following:

H.B. 635 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE THE BUSINESS OF BODY PIERCING.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Capps, Carpenter, Clary, Coates, Cole, Cox, J. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Brubaker, Buchanan, M. Crawford, Luebke, Sexton, and Womble - 6.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 688 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NON-

FARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION.

Representative Gibson offers Amendment No. 1 which is adopted by electronic vote (106-1).

Representative Allred inquires of the Chair if the bill has been to the Committee on Appropriations. The Speaker states that it has not.

Representative Allred inquires of the Chair if the bill needs to go to the Committee on Appropriations. The Speaker rules that it does not.

Representative Allred moves that the bill be re-referred to the Committee on Appropriations. The motion fails by electronic vote (31-78).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Baddour, Barbee, Barefoot, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Buchanan, Coates, Cox, Culp, Culpepper, Cunningham, Dedmon, Dockham, Earle, Easterling, Edwards, Fox, Gibson, Gray, Hackney, Hall, Hill, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Lucas, McCombs, McLawhorn, McMahan, Miller, Miner, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Redwine, Saunders, Sherrill, Smith, Sutton, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, Weatherly, Weiss, West, Wright, and Yongue - 64.

Voting in the negative: Representatives Allred, Arnold, Baker, Barnhart, Blust, Capps, Carpenter, Clary, Cole, J. Crawford, Davis, Decker, Eddins, Ellis, Esposito, Fitch, Gillespie, Goodwin, Grady, Gulley, Harrington, Hensley, Hiatt, Hilton, Howard, Kiser, McAllister, McComas, Michaux, Mitchell, Morgan, Pope, Rayfield, Russell, Setzer, Shubert, Starnes, Teague, Thompson, Walend, Walker, C. Wilson, and G. Wilson - 43.

Excused absences: Representatives Brubaker, M. Crawford, Luebke, Sexton, and Womble - 5.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 400 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO

DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS, passes its second reading, by electronic vote (104-3), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and Senate Committee Substitute for **H.B. 232** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; TO INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; TO ACCELERATE PAYMENT OF WITHHOLDING TAXES; TO ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AND TO MAKE THE BOXING COMMISSION INDEPENDENT OF GENERAL FUND SUPPORT, is placed on the Calendar for immediate consideration.

On motion of Representative Hackney, the House concurs in the material Senate committee substitute bill, which changes the title, on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Redwine, Rogers, Russell, Saunders, Sherrill, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Wright, and Yongue - 96.

Voting in the negative: Representatives Allred, Barnhart, Capps, Carpenter, Clary, Davis, Decker, Eddins, Gulley, Johnson, Morgan, Rayfield, Setzer, Shubert, Thompson, and Walker - 16.

Excused absences: Representatives Brubaker, M. Crawford, Luebke, Sexton, and Womble - 5.

CONFEREES APPOINTED

The Speaker appoints Representative Russell as an additional conferee on **H.B. 381** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, and the Senate is so notified by Special Message.

Representative Culpepper moves, seconded by Representative Fitch, that the House adjourn, subject to the receipt of Messages, the receipt of Conference Reports, the receipt of Committee Reports, and notices and announcements to reconvene September 20 at 12:00 Noon.

The motion carries.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 19, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in House Amendment No. 2 to **S.B. 210** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

September 19, 2001

CONFERENCE REPORT

The Conference Report on House Committee Substitute for **S.B. 1005**, 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, was submitted. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of September 20.

The House stands adjourned at 11:53 p.m.

ONE HUNDRED THIRTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, September 20, 2001

The House meets at 12:00 Noon pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend James Harry, Raleigh North Carolina.

"Almighty God,

"You created the universe and all that is within it using only the breath of Your voice. In Your gracious mercy you saw fit to bring human life into existence. And, as You sat back and looked upon humanity, You called it good. As we continue to assemble and hash out our various differences, keep us focused on the tasks before us, implore our hearts to seek Your divine will, and keep us from disappointing You and what You originally created and called good. Though ideologies and political philosophies may divide us, in these times now more than ever, surely we can find unity and common ground. Grant it unto us, O Lord our God. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 19 has been examined and found correct. Upon his motion, the Journal is approved as written.

A leave of absence is granted Representative M. Crawford for today. Representative Adams is excused for a portion of the session.

September 20, 2001

ENROLLED BILL

The following bill is duly ratified and presented to the Governor:

H.B. 1324, AN ACT TO AMEND DEFINITIONS APPLYING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM IN ORDER TO COMPLY WITH RECENT UNITED STATES DEPARTMENT OF LABOR REGULATIONS REQUIRING THAT CERTAIN VISA HOLDERS BE OFFERED RETIREMENT BENEFITS AND ELIGIBILITY FOR RETIREMENT BENEFITS ON THE SAME BASIS AS UNITED STATES CITIZENS.

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following report from standing committee is presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.B. 649, A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

**2001 GENERAL ASSEMBLY
FIRST SESSION****SPECIAL MESSAGE FROM THE SENATE**

Senate Chamber
September 19, 2001

Mr. Speaker:

Pursuant to the message from the Senate on September 18, 2001, informing the House of Representatives that the Senate failed to concur in the House Committee Substitute No. 2 to **S.B. 470** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE

September 20, 2001

DEALER FRANCHISE LAW, it is ordered that a message be sent your Honorable Body with the information that the Senate requests conferees. The President Pro Tempore appoints:

Senator Hoyle, Chair
Senator Hartsell
Senator Swindell
Senator Lee

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 327** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

S.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION IN THE BOUNDARY BETWEEN IREDELL AND MECKLENBURG COUNTIES, AND TO ALLOW THE TOWN OF SWANSBORO TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE TOWN ZONING ORDINANCE, is read the first time and referred to the Committee on Finance.

CALENDAR

Action is taken on the following:

September 20, 2001

H.J.R. 1465, A JOINT RESOLUTION HONORING THE MEMORY OF THE REVEREND DAVID WELLS HANSLEY, A FOUNDER OF MOUNT OLIVE COLLEGE, THE ONLY CHARTERED AND ACCREDITED COLLEGE IN NORTH CAROLINA SPONSORED BY THE NORTH CAROLINA CONVENTION OF ORIGINAL FREE WILL BAPTISTS, ON THE FIFTIETH ANNIVERSARY OF ITS FOUNDING, is moved up on today's Calendar.

On motion of Representative Baddour, the House concurs in the Senate amendment, by electronic vote (109-0), and the resolution is ordered enrolled.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION, is moved up on today's Calendar.

On motion of Representative J. Crawford, Committee Amendment No. 1 is adopted by electronic vote (108-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Clary, Coates, Cole, Cox, J. Crawford, Creech, Culp, Culpepper, Cunningham, Davis, Decker, Dedmon, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 107.

Voting in the negative: None.

Excused absence: Representative M. Crawford.

H.B. 688 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NON-FARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION, is moved up on today's Calendar.

Representative Baker offers Amendment No. 2 which is adopted, by electronic vote (56-52).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Baddour, Barbee, Barefoot, Bell, Bonner, Bowie, Boyd-McIntyre, Buchanan, Coates, Cox, Culp, Culpepper, Cunningham, Dedmon, Dockham, Earle, Easterling, Edwards, Fox, Gibson, Goodwin, Gray, Hackney, Haire, Hall, Hill, Holliman, Hurley, Insko, Jarrell, Jeffus, Justus, Lucas, Luebke, McCombs, McLawhorn, McMahan, Miller, Miner, Morris, Nesbitt, Nye, Oldham, Owens, Redwine, Rogers, Saunders, Smith, Sutton, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, Weatherly, Weiss, West, Womble, Wright, and Yongue - 64.

Voting in the negative: Representatives Allred, Arnold, Baker, Barnhart, Blust, Brubaker, Capps, Carpenter, Clary, Cole, J. Crawford, Creech, Davis, Decker, Eddins, Ellis, Esposito, Gillespie, Grady, Gully, Hensley, Hiatt, Hilton, Holmes, Howard, Johnson, Kiser, McComas, Mitchell, Morgan, Pope, Rayfield, Russell, Setzer, Sexton, Shubert, Starnes, Teague, Thompson, Walend, Walker, C. Wilson, and G. Wilson - 43.

Excused absences: Representatives Adams and M. Crawford - 2.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 890** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES, is withdrawn from the Calendar and placed on the Calendar of September 27.

CALENDAR (continued)

H.J.R. 1466, A JOINT RESOLUTION EXPRESSING SUPPORT FOR THE PRESIDENT IN HIS EFFORTS TO FIND AND PUNISH THE TERRORISTS RESPONSIBLE FOR THE DESTRUCTION OF THE

WORLD TRADE CENTER, THE CRASHING OF ONE PLANE INTO THE PENTAGON AND THE CRASHING OF ANOTHER PLANE NEAR PITTSBURGH, PENNSYLVANIA, AND HONORING ALL AMERICANS WHO HAVE LOST THEIR LIVES DUE TO THIS TRAGEDY, is moved up on today's Calendar.

The resolution passes its second reading, by electronic vote (112-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered sent to the Senate.

Representative Blue requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (113-0).

On motion of the Chair, the House recesses at 1:37 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CALENDAR (continued)

Senate Committee Substitute for **H.B. 232** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; TO INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; TO ACCELERATE PAYMENT OF WITHHOLDING TAXES; TO ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AND TO MAKE THE BOXING COMMISSION INDEPENDENT OF GENERAL FUND SUPPORT.

On motion of Representative Hackney, the House concurs in Senate Committee Substitute Bill No. 2, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Barefoot, Bell, Bonner, Bowie, Buchanan, Clary, Coates, Cox, J. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dockham, Easterling, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Gray, Gulley, Hackney, Haire, Hall,

Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Hurley, Insko, Jarrell, Jeffus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Miller, Mitchell, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Redwine, Rogers, Russell, Saunders, Sexton, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Wainwright, Walend, Warner, Warren, Warwick, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 83.

Voting in the negative: Representatives Baker, Barnhart, Blust, Brubaker, Capps, Carpenter, Decker, Eddins, Harrington, Pope, Rayfield, Setzer, Shubert, Thompson, Walker, and Weatherly - 16.

Excused absences: Representatives Adams, M. Crawford, and Sherrill - 3.

CONFERENCE REPORT

Representative Easterling moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1005

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 1005, 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, Fifth Edition Engrossed 6/28/01, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute, Fifth Edition Engrossed 6/28/01, 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 S1005-PCCS3926-LE-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 19, 2001.

September 20, 2001

*Conferees for the
Senate*

S/ Aaron W. Plyler, Co-Chair
 S/ T. LaFontine Odom, Sr., Co-Chair
 S/ Howard N. Lee, Co-Chair
 S/ Walter Dalton
 S/ Linda Garrou
 S/ Jeanne Hopkins Lucas
 S/ Ed Warren
 S/ William N. Martin
 S/ Eric M. Reeves
 S/ Luther H. Jordan
 S/ Frank W. Ballance, Jr.
 S/ Tony Rand
 S/ David W. Hoyle
 S/ John H. Kerr, III
 S/ Charles W. Albertson
 S/ Daniel G. Clodfelter
 S/ Charlie Smith Dannelly
 S/ Oscar N. Harris
 S/ Stephen M. Metcalf
 S/ Brad Miller
 S/ William R. Purcell
 S/ David F. Weinstein
 S/ Allen H. Wellons
 S/ Dan Robinson

*Conferees for the
House of Representatives*

S/ Ruth M. Easterling, Chair
 S/ Warren C. Oldham, Chair
 S/ David Redwine, Chair
 S/ Gordon P. Allen
 S/ Philip A. Baddour, Jr.
 S/ Flossie Boyd-McIntyre
 S/ Charles F. Buchanan
 S/ E. Nelson Cole
 S/ William T. Culpepper, III
 S/ Andrew T. Dedmon
 S/ Beverly M. Earle
 S/ Stan Fox
 S/ Joe Hackney
 S/ R. Phillip Haire
 S/ Margaret M. Jeffus
 S/ Edd Nye
 S/ William C. Owens, Jr.
 S/ R. Eugene Rogers
 S/ Ronald L. Smith
 S/ Joe P. Tolson
 S/ Russell E. Tucker
 S/ William L. Wainwright
 S/ Thomas E. Wright
 S/ Douglas Y. Yongue

Representative Pope inquires of the Chair if, pursuant to Rule 44(b), the Child Health Care Insurance tax credit which is not in either the House or Senate budget, should be in the Conference Report. The Speaker rules that the Conference Report is in order.

The Speaker stops debate and attends to the following business.

ENROLLED BILL

The following bill is duly ratified and presented to the Governor:

H.B. 232, AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC

ARCHIVES; UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; ACCELERATE PAYMENT OF WITHHOLDING TAXES; ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; MAKE TECHNICAL AND CLARIFYING CHANGES TO THE FRANCHISE TAX; ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS; AND ACCELERATE PAYMENT OF THE REVENUE GENERATED BY THE STATE EXCISE TAX ON CONVEYANCES TO THE STATE AND EXEMPT PRISONS LOCATED ON LAND OWNED BY THE STATE AND BUILT PURSUANT TO A CONTRACT WITH THE STATE FROM PROPERTY TAX.

CALENDAR (continued)

The Conference Report on **S.B. 1005** (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, is before the Body.

The material Conference report is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, Allen, Baddour, Barefoot, Bell, Blue, Bonner, Boyd-McIntyre, Buchanan, Church, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Dedmon, Earle, Easterling, Edwards, Fitch, Fox, Gibson, Goodwin, Hackney, Haire, Hall, Hensley, Hill, Holliman, Hurley, Insko, Jarrell, Jeffus, Lucas, Luebke, McAllister, McLawhorn, Michaux, Miller, Nesbitt, Nye, Oldham, Owens, Redwine, Rogers, Saunders, Smith, Sutton, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, Weiss, Womble, Wright, and Yongue - 62.

Voting in the negative: Representatives Allred, Arnold, Baker, Barbee, Barnhart, Blust, Bowie, Brubaker, Capps, Carpenter, Clary, Creech, Culp, Daughtry, Davis, Decker, Dockham, Eddins, Ellis, Esposito, Gillespie, Grady, Gray, Gulley, Harrington, Hiatt, Hilton, Holmes, Howard, Johnson, Justus, Kiser, McComas, McCombs, McMahan, Miner, Mitchell, Morgan,

Morris, Pope, Preston, Rayfield, Russell, Setzer, Sexton, Shubert, Starnes, Teague, Thompson, Walend, Walker, Weatherly, West, C. Wilson, and G. Wilson - 55.

Excused absences: Representatives M. Crawford and Sherrill - 2.

On motion of Representative Culpepper, seconded by Representative Miller, the House adjourns at 3:58 p.m. to reconvene September 21 at 8:30 a.m.

ONE-HUNDRED THIRTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Friday, September 21, 2001

The House meets at 8:30 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, Raleigh, North Carolina:

"Gracious God,

"Thank You for last night and for how our President, his words, and our national leaders united our country and provided our nation with a true sense of solidarity. The Psalmist wrote that out of distress, You heard his cry, drew him up out of the miry clay and set his feet on solid ground. Today we sing the joy and hope of the Psalmist as we find ourselves standing on solid ground. This morning we stand and pray together, side by side, without division as Democrats and Republicans, but as fellow Americans with a renewed feeling of national pride. So we ask You now, even as our focus and attention turns us away from the events on Capitol Hill last night to the chambers of this great State on this day, keep us ever mindful of our unity as one people under God, indivisible, with liberty and justice for all. May God have mercy upon us. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 20 has been examined and found correct. Upon his motion, the Journal is approved as written.

September 21, 2001

Leaves of absence are granted Representatives Holmes, McMahan, Morris, and Sherrill for today.

ENROLLED BILL

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.J.R. 1465, A JOINT RESOLUTION HONORING THE MEMORY OF THE REVEREND DAVID WELLS HANSLEY, A FOUNDER OF MOUNT OLIVE COLLEGE, THE ONLY CHARTERED AND ACCREDITED COLLEGE IN NORTH CAROLINA SPONSORED BY THE NORTH CAROLINA CONVENTION OF ORIGINAL FREE WILL BAPTISTS, ON THE FIFTIETH ANNIVERSARY OF ITS FOUNDING. (RESOLUTION 2001-32)

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 20, 2001

Mr. Speaker:

Pursuant to the message from the Senate on September 19, 2001, informing the House of Representatives that the Senate failed to concur in House Amendment No. 2 to **S.B. 210** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NON-CONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, it is ordered that a message be sent your Honorable Body with the information that the Senate requests conferees. The President Pro Tempore appoints:

Senator Clodfelter, Chair
Senator Hagan
Senator Foxx

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

September 21, 2001

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 20, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute No. 2 to **S.B. 17** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION, and requests conferees. The President Pro Tempore appoints:

Senator Gulley, Chair
Senator Rand
Senator Ballance
Senator Moore

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 110** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO VETERANS OF WORLD WAR II, THE KOREAN WAR, AND THE UNITED STATES NAVY SUBMARINE SERVICE, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Finance.

Upon concurrence, the Senate committee substitute bill changes the title.

September 21, 2001

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

Senate Committee Substitute for **H.B. 943**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DISCONTINUED MEMBERSHIP SERVICE ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is returned for concurrence in Senate committee substitute bill.

Upon concurrence, the Senate committee substitute bill changes the title.

H.B. 1154 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS' RIGHTS ACT AND TO OTHERWISE IMPROVE THE RIGHTS OF VICTIMS OF CRIME IN NORTH CAROLINA, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

H.B. 1269 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING AIRPORT FEES AND CHARGE FOR RENTAL CARS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Senate Committee Substitute for **H.B. 1362** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Finance.

Upon concurrence, the Senate committee substitute bill changes the title.

S.B. 798 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

The material Conference Report for House Committee Substitute for **S.B. 1005**, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the 2001 Session Laws, Chapter 424.)

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, Allen, Baddour, Barefoot, Bell, Blue, Bonner, Boyd-McIntyre, Buchanan, Church, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Dedmon, Earle, Easterling, Edwards, Fitch, Fox, Gibson, Goodwin, Hackney, Haire, Hall, Hensley, Hill, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Lucas, Luebke, McAllister, McLawhorn, Michaux, Miller, Nesbitt, Nye, Oldham, Owens, Redwine, Rogers, Saunders, Smith, Sutton, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, Weiss, Womble, Wright, and Yongue - 63.

Voting in the negative: Representatives Allred, Arnold, Baker, Barbee, Barnhart, Blust, Bowie, Brubaker, Capps, Carpenter, Clary, M. Crawford, Creech, Culp, Daughtry, Davis, Decker, Dockham, Eddins, Ellis, Esposito, Gillespie, Grady, Gray, Gulley, Harrington, Hiatt, Hilton, Howard, Johnson, Justus, Kiser, McComas, McCombs, Miner, Mitchell, Morgan, Pope, Preston, Rayfield, Russell, Setzer, Sexton, Shubert, Starnes, Teague, Thompson, Walend, Walker, Weatherly, West, C. Wilson, and G. Wilson - 53.

Excused absences: Representatives Holmes, McMahan, Morris, and Sherrill - 4.

**2001 GENERAL ASSEMBLY
FIRST SESSION****SPECIAL MESSAGE FROM THE SENATE**

Senate Chamber
September 21, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 1005**, A BILL TO BE ENTITLED AN ACT TO MAKE BASE

September 21, 2001

BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CONFEREES APPOINTED

The Speaker announces the following conferees on **S.B. 17** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES: Representatives Alexander, Rogers, Bonner, Goodwin, and Arnold.

The Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House amendment.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Fitch, Fox, Gibson,

September 21, 2001

Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, Michaux, Miller, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Holmes, McMahan, Morris, and Sherrill - 4.

CONFEREES APPOINTED

The Speaker announces the following additional conferee on **S.B. 17** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES: Representative Michaux.

The Senate is so notified by Special Message.

Representative Culpepper moves, seconded by Representative Wainwright, that the House adjourn, subject to the receipt of Messages and the ratification of bills, to reconvene Tuesday, September 25, 2001, at 3:00 p.m.

The motion carries.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

S.B. 1005, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The House stands adjourned at 10:21 a.m.

ONE HUNDRED THIRTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, September 25, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, Raleigh, North Carolina.

"Merciful God,

"You are King over all of the earth and that is within it. Everyday speaks of Your magnificence and today is truly that, a glimpse of Your creative handiwork. God of us all, Your love never ends. You alone know our comings in and our goings out. There is nothing that we do of which You are not aware. There is no place that we can hide from Thee or from Your outstretched hand of love, mercy and grace. As we confess our finiteness before You, we also recognize that You have gifted this Body with responsibility after responsibility. Grant unto these men and women a special dispensation of Your wisdom and discernment that as they work they may do and bring good to Your people and bring honor to Thee. In the name of the One who was, and is, and is to come, we humbly pray. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 20 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Barefoot, Bonner, Brubaker, J. Crawford, M. Crawford, McAllister, Miner, and Thompson for today. Representatives Baddour and Luebke are excused for a portion of the session.

THE RECEIVING OF PETITIONS, MEMORIALS AND PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR TO THE HOUSE

The Chair notes the receipt of a resolution from the House of the State of West Virginia, HOUSE RESOLUTION 1, EXPRESSING THE SENSE

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OF THE HOUSE OF DELEGATES AND DECRYING THE OUTRAGEOUS TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON TUESDAY, SEPTEMBER 11, 2001, EXPRESSING SYMPATHY TO THE FAMILIES AND FRIENDS OF THOSE KILLED OR INJURED, AND URGING THE PRESIDENT OF THE UNITED STATES AND OTHER FEDERAL OFFICIALS TO DEAL SWIFTLY WITH THOSE WHO THREATEN OUR FREEDOM. The resolution is filed in the office of the Principal Clerk.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

H.B. 571, AN ACT TO SIMPLIFY THE COLLECTION OF TELECOMMUNICATIONS TAXES.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1272, AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES. (S.L. 2001-415)

S.B. 247, AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DEFER THE ISSUANCE OF THE CLEAN WATER BONDS, NATURAL GAS BONDS, AND PUBLIC SCHOOL BUILDING BONDS UNTIL AFTER JANUARY 1, 2002. (S.L. 2001-416)

H.B. 351, AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES; TO CLARIFY THE DEFINITION OF "HEALTH CARE PROVIDER" IN THE PROMPT PAYMENT LAW; AND TO MAKE A CORRECTION IN THE DEFINITION OF "HMO". (S.L. 2001-417)

H.B. 189, AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY RULES TO ESTABLISH ADDITIONAL EXCEPTIONS TO THE 30-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS IN CERTAIN CIRCUMSTANCES AND TO ALLOW STRUCTURAL MODIFICATIONS TO PIERS TO PREVENT OR MINIMIZE STORM DAMAGE, AND TO EXTEND THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT SO AS TO ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION ADDITIONAL TIME TO CONSULT WITH PERSONS WHO ARE INTERESTED IN OR MAY BE AFFECTED BY THE ADOPTION OF PERMANENT RULES TO REPLACE THOSE TEMPORARY RULES. (S.L. 2001-418)

S.B. 1002, AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS. (S.L. 2001-419)

S.B. 790, AN ACT TO REVISE THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THE AUTHORITY OF A SETTLEMENT AGENT TO DISBURSE SETTLEMENT PROCEEDS IN RELIANCE ON A DEPOSIT IN THE FORM OF A CHECK ISSUED BY AN AGRICULTURAL CREDIT ASSOCIATION OR IN THE FORM OF A CHECK DRAWN ON THE ACCOUNT OF OR ISSUED BY A LICENSED MORTGAGE BANKER. (S.L. 2001-420)

H.B. 355, AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION

STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS. (S.L. 2001-421)

S.B. 241, AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP. (S.L. 2001-422)

H.B. 164, AN ACT TO AUTHORIZE AUTOMOBILE INSURANCE PREMIUM DISCOUNTS FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES; TO CLARIFY THE INSURANCE LAW BY PROVIDING THAT THE COMMISSIONER'S APPROVAL OR DISAPPROVAL OF A FILING IS NOT AN AGENCY DECISION WITH RESPECT TO PERSONS OTHER THAN THE FILER OR AN INTERVENOR IN THE FILING; AND TO EXTEND THE EFFECTIVE DATE FOR A LAW FACILITATING THE PURCHASE OF PERSONAL UMBRELLA INSURANCE. (S.L. 2001-423)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, and Wainwright, Chairs, for the Committee on Finance:

S.B. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of September 26. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representatives Gibson, McComas, and Warwick, Chairs, for the Committee on Environment and Natural Resources:

S.B. 312 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS RELATING TO THE CERTIFICATION

OF WELL CONTRACTORS AND TO INCREASE THE MAXIMUM CIVIL PENALTY THAT MAY BE ASSESSED FOR VIOLATIONS OF THE WELL CONTRACTORS CERTIFICATION ACT OR THE WELL CONSTRUCTION ACT, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

CONFERENCE REPORT

Representative Jarrell sends forth the Conference Report on **S.B. 92** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES.

The Speaker rules the Conference Report to be material, thus constituting its first reading.

Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of September 26 for its second roll call reading.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper, **H.B. 327** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY, is withdrawn from the Calendar and referred to the Committee on Finance.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A PASS-THROUGH ENTITY TO ALLOCATE A HOUSING TAX CREDIT TO ANY OF ITS OWNERS AT THE DISCRETION OF THE PASS-THROUGH ENTITY, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baker, Barbee, Barnhart, Bell, Blue, Blust, Bowie, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Baddour, Barefoot, Bonner, Brubaker, J. Crawford, M. Crawford, Luebke, McAllister, Miner, and Thompson - 10.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 438 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baker, Barbee, Barnhart, Bell, Blue, Blust, Bowie, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner,

Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Baddour, Barefoot, Bonner, Brubaker, J. Crawford, M. Crawford, Luebke, McAllister, Miner, and Thompson - 10.

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES.

Representative Cole requests that he be excused from voting on this bill under Rule 24.1A and this request is granted.

Representative Goodwin offers Amendment No. 1 which is adopted by electronic vote (105-0).

On motion of Representative Fitch and without objection, the bill is temporarily displaced.

On motion of the Chair, the bill is withdrawn from the Calendar and placed on the Calendar of September 26.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Fitch and without objection, **S.B. 649** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES, is withdrawn from the Calendar of September 26 and placed on today's Calendar.

CALENDAR (continued)

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD

September 25, 2001

CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES, is before the Body.

Representative Weatherly offers Amendment No. 2.

Representative Goodwin inquires of the Chair if a perfecting amendment is necessary. The Speaker rules that the amendment is necessary.

Representative Goodwin offers perfecting Amendment No. 3 which is adopted by electronic vote (109-0).

On motion of Representative Goodwin, the bill with pending Amendment No. 2 is withdrawn from the Calendar and placed on the Calendar of September 26.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.B. 748 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND TO EXEMPT SALES OF CERTAIN ELECTRICITY FROM SALES TAX, is read the first time and referred to the Committee on Finance.

On motion of Representative Culpepper, seconded by Representative Easterling, the House adjourns at 4:05 p.m. to reconvene September 26 at 2:00 p.m.

ONE HUNDRED FORTIETH DAY

HOUSE OF REPRESENTATIVES
Wednesday, September 26, 2001

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, Raleigh, North Carolina:

September 26, 2001

"Almighty God,

"Throughout history You have been busy helping to shape the borders of the world. By dispersing the sons of Noah to the corners of the earth, You gave birth to the world. As Abraham's sons, Ishmael inherited land to prosper, and through the inheritance of Jacob, You divided Israel into its twelve tribes. It seems that placing boundaries around land and region has been a great part of Your handiwork. Unfortunately, in humankind's every continuing battle for dominance over one another, we have looked upon Your gift of land and boundaries as opportunities for personal gain and territorial wars. Our never-ending behavior begs the question, 'When will we ever learn?' And, now, as this Legislative Body begins the difficult process of drawing new redistricting boundaries, the same problems and pitfalls will undoubtedly face us. During this important and seemingly impossible task of seeking fairness, help these men and women find room for compromise and equity and peace. Show them the way called straight, and grant them Your grace and mercy. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 25 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Bonner, M. Crawford, Hunter, McAllister, and Morris for today.

ENROLLED BILLS

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 551, AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION AND TO ALLOW THE DESIGN-BUILD METHOD OF CONSTRUCTION ON A PROJECT OF THE CITY OF ROANOKE RAPIDS.

CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1005, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS,

September 26, 2001

INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.
(S.L. 2001-424)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

By Representative Wright, Chair, for the Committee on Health:

S.B. 703 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY IMMUNITY FOR HONORING A PORTABLE DO NOT RESUSCITATE ORDER, with a favorable report, as amended.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 772, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS TO ESTABLISH REGULATORY STANDARDS FOR THE ADMINISTRATION AND MONITORING OF ENTERAL SEDATION FOR OUTPATIENTS IN THE DENTAL SETTING IN ADDITION TO EXISTING STANDARDS FOR GENERAL ANESTHESIA AND PARENTERAL SEDATION, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

SPECIAL MESSAGES FROM THE SENATE

The following special messages are received from the Senate:

Senate Committee Substitute for **H.B. 955**, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Judiciary III.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 1063** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

MESSAGES FROM THE SENATE

The following are received from the Senate:

H.B. 359 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, is returned for concurrence in Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Senate Committee Substitute Bill No. 2 is placed on the Calendar.

Senate Committee Substitute for **H.B. 1388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

CONFERENCE REPORT

The Conference Report on **S.B. 92** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, is before the Body.

Pursuant to Rule 36.1(a), Representative Thompson, Chair, for the Committee on Appropriations, requests a fiscal note on the Conference Report.

The Conference Report is removed from the Calendar.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1269 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING AIRPORT FEES AND CHARGE FOR RENTAL CARS.

On motion of Representative McComas, the House concurs in the Senate committee substitute bill, by electronic vote (111-0), and the bill is ordered enrolled and presented to the Governor.

S.B. 433 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM, AND TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX.

Representative Gibson offers Amendment No. 1 which is adopted by electronic vote (110-1). This amendment changes the title.

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Bonner, M. Crawford, Hunter, McAllister, and Morris - 5.

S.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A PASS-THROUGH ENTITY TO ALLOCATE A HOUSING TAX CREDIT TO ANY OF ITS OWNERS AT THE DISCRETION OF THE PASS-THROUGH ENTITY, passes its third reading, by the following vote, and is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gully, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Bonner, M. Crawford, Hunter, McAllister, and Morris - 5.

S.B. 438 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham,

Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Bonner, M. Crawford, Hunter, McAllister, and Morris - 5.

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES, is before the Body with Amendment No. 2 pending.

Pursuant to Rule 24.1A(c), the request that Representative Cole be excused from voting on September 25 is continued.

On motion of Representative Culpepper and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of September 27.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), the Chair withdraws **S.B. 772**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS TO ESTABLISH REGULATORY STANDARDS FOR THE ADMINISTRATION AND MONITORING OF ENTERAL SEDATION FOR OUTPATIENTS IN THE DENTAL SETTING IN ADDITION TO EXISTING STANDARDS FOR GENERAL ANESTHESIA AND PARENTERAL SEDATION, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Rules, Calendar, and Operations of the House.

Representative Culpepper moves, seconded by Representative Miller, that the House adjourn, subject to the receipt of Conference Reports and the receipt of Committee Reports, to reconvene September 27 at 9:30 a.m.

The motion carries.

CONFERENCE REPORT

Representative Goodwin sends forth the Conference Report on Senate Committee Substitute for **H.B. 106**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of September 27.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.B. 600 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar of September 27. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

The House stands adjourned at 4:25 p.m.

ONE HUNDRED FORTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Thursday, September 27, 2001

The House meets at 9:30 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Gracious God, out of Your abundant blessing You have given us this day. Grant us not only breath for existence, but Your presence which truly brings life. Guide us along the paths we will take. Let not any evil thought, shameful action, or unkind word darken the light of life. Fill us with generosity, that we might not only see but act for those who are in need, not only hear but speak to persons in pain. Let our work with each other here be seasoned with trust and integrity, that we might not only give the best of ourselves, we might also accept the best of those around us. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 26 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Bonner, Brubaker, M. Crawford, Fox, McAllister, Michaux, Rayfield, Weiss, and West for today. Representatives McLawhorn, Morris, Smith, Thompson, Tucker, Warren, and Warwick are excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 181, AN ACT TO ALLOW A PASS-THROUGH ENTITY TO ALLOCATE A HOUSING TAX CREDIT TO ANY OF ITS OWNERS AT THE DISCRETION OF THE PASS-THROUGH ENTITY.

H.B. 1269, AN ACT REGARDING AIRPORT FEES AND CHARGE FOR RENTAL CARS.

CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 551, AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION AND TO ALLOW THE DESIGN-BUILD METHOD OF CONSTRUCTION ON A PROJECT OF THE CITY OF ROANOKE RAPIDS. (S.L. 2001-425)

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 327 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY AND TO GIVE THE STATE TREASURER MORE INVESTMENT FLEXIBILITY WITH RETIREMENT SYSTEMS' ASSETS, with recommendation that the House concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION IN THE BOUNDARY BETWEEN IREDELL AND MECKLENBURG COUNTIES, AND TO ALLOW THE TOWN OF SWANSBORO TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE TOWN ZONING ORDINANCE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representatives Cole and J. Crawford, Chairs, for the Permanent Subcommittee on Transportation:

H.B. 1245 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MALE RESIDENTS AGE EIGHTEEN THROUGH TWENTY-FIVE COMPLY WITH THE SELECTIVE SERVICE SYSTEM'S REGISTRATION REQUIREMENTS WHEN APPLYING FOR A DRIVERS LICENSE OR IDENTIFICATION CARD, reported to the Standing Committee on Appropriations with no action taken.

By Representatives Owens and Fox, Chairs, for the Permanent Subcommittee on Natural and Economic Resources:

H.B. 1299, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND AND THE NON-

COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO SUPPORT THE ADMINISTRATION OF THE PETROLEUM UNDERGROUND STORAGE TANK PROGRAM, reported to the Standing Committee on Appropriations, with no action taken.

By Representatives Easterling, Oldham, Redwine, and Thompson, Chairs, for the Committee on Appropriations:

H.B. 644 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY, with a favorable report as to Committee Substitute Bill No. 3, unfavorable as to Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Committee Substitute Bill No. 3 is placed on the Calendar. Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

H.B. 1245 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MALE RESIDENTS AGE EIGHTEEN THROUGH TWENTY-FIVE COMPLY WITH THE SELECTIVE SERVICE SYSTEM'S REGISTRATION REQUIREMENTS WHEN APPLYING FOR A DRIVERS LICENSE OR IDENTIFICATION CARD, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

H.B. 1299, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND AND THE NON-COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO SUPPORT THE ADMINISTRATION OF THE PETROLEUM UNDERGROUND STORAGE TANK PROGRAM, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

S.B. 879 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.B. 822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO ADOPT ARRANGEMENTS FOR OPTIONAL HOSPITAL AND MEDICAL BENEFITS PROGRAMS AS ALTERNATIVES TO THOSE CURRENTLY AVAILABLE; TO TRANSFER ADMINISTRATION OF THE LONG-TERM CARE BENEFITS OF THE PLAN TO THE STATE TREASURER; TO PROVIDE THAT THE TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIANS OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE CONFIDENTIAL; TO CLARIFY THE AMOUNT OF REIMBURSEMENT ALLOWED FOR PRIVATE DUTY NURSING SERVICES AND ELIGIBILITY FOR CONTINUATION OF COVERAGE FOR TERMINATED EMPLOYEES AND THEIR FAMILIES UNDER THE PLAN; TO PROVIDE FOR REIMBURSEMENT UNDER THE STATE HEALTH PLAN FOR SERVICES PERFORMED BY A CLINICAL PHARMACIST PRACTITIONER; AND TO PROVIDE FOR COMPETITIVE SELECTION OF CERTAIN SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIRED STATE EMPLOYEES, is read the first time and referred to the Committee on Health.

CONFERENCE REPORT

Representative Goodwin moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 106

To: The President of the Senate
The Speaker of the House of Representatives

September 27, 2001

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 106, A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS, Senate Judiciary I Committee Substitute Adopted 7/24/01, Fifth Edition Engrossed 7/31/01, submit the following report:

The House and Senate amend the Senate Committee Substitute as follows:

1) On page 4, line 33, add the following at the end of the line: "If the local board of education consists of six or more members, no resolution amending the form of government as to subdivisions (1), (2), or (3) of G.S. 115C-37.2 is effective unless it receives the affirmative votes of two-thirds of all the members of the board.";

2) On page 6, lines 25, and 26, delete: "with the Secretary of State and the Legislative Library" and substitute "with the Secretary of State, the board or boards of elections administering elections for that unit, and the Legislative Library"

The House concurs in the Senate Committee substitute as amended

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 26, 2001.

*Conferees for the
Senate*

S/ Fletcher Hartsell, Jr., Chair
S/ Daniel G. Clodfelter
S/ Linda Garrou
S/ Stan Bingham

*Conferees for the
House of Representatives*

S/ Wayne Goodwin
S/ R. Eugene Rogers
S/ H. M. Michaux, Jr.
S/ Gene Arnold

Representative Goodwin moves that the Conference Report be withdrawn from the Calendar and placed on the Calendar of October 2.

Representative Fitch inquires of the Chair if the Conference Report is moved to a day certain, can a different Conference Report be sent forward. The Speaker states that it cannot.

Representative Goodwin withdraws his motion.

The motion to adopt the Conference Report fails, by electronic vote (12-96), and the Senate is so notified by Special Message.

The Speaker states that new conferees will be appointed.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 600 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES, AND TO MAKE OTHER TECHNICAL CORRECTIONS TO LAWS BECOMING EFFECTIVE OCTOBER 1, 2001, is moved up on today's Calendar.

The bill passes its second reading, by electronic vote (92-2).

Representative Esposito requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (93-2).

Representative Capps objects to the third reading. The bill remains on the Calendar.

Representative Baker moves that the rules be suspended in order that the bill might have its third reading today.

Representative Baker withdraws his motion.

Representative Capps withdraws his objection to the third reading.

On motion of the Chair and without objection, the bill is temporarily displaced.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 943**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DISCONTINUED MEMBERSHIP SERVICE ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

On motion of Representative Barefoot, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (102-0), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1154 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS' RIGHTS ACT AND TO OTHERWISE IMPROVE THE RIGHTS OF VICTIMS OF CRIME IN NORTH CAROLINA.

On motion of Representative Holliman, the House concurs in the Senate committee substitute bill, by electronic vote (99-0), and the bill is ordered enrolled and presented to the Governor.

S.B. 433 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House committee substitute by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bowie, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Gibson, Gillespie, Goodwin, Grady, Gray, Guley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Underhill, Wainwright, Walend, Walker, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 105.

Voting in the negative: None.

Excused absences: Representatives Adams, Bonner, Brubaker, M. Crawford, Dedmon, Fox, McAllister, Michaux, Rayfield, Tucker, Warren, Weiss, and West - 13.

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES, is before the Body with Amendment No. 2 pending.

Pursuant to Rule 24.1A(c), the request that Representative Cole be excused from voting on September 25 is continued.

Representative Weatherly withdraws Amendment No. 2, which carries perfecting Amendment No. 3 with it.

Representative Nesbitt offers Amendment No. 4.

REPRESENTATIVE HACKNEY, SPEAKER PRO TEMPORE, PRESIDING.

The Chair stops debate and attends to the following business.

Without objection, **S.B. 600** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES, AND TO MAKE OTHER TECHNICAL CORRECTIONS TO LAWS BECOMING EFFECTIVE OCTOBER 1, 2001, which was temporarily displaced, is before the Body.

Representative Capps offers Amendment No. 1.

Representative Baddour moves, seconded by Representative Luebke, that Amendment No. 1 be tabled. The motion fails by electronic vote (44-53).

Amendment No. 1 is adopted by electronic vote (58-43).

Pursuant to Rule 36.1(a), Representative Redwine, Chair of the Committee on Appropriations, requests a fiscal note on Amendment No. 1.

The bill is removed from the Calendar.

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR

VEHICLES, which was temporarily displaced, with Amendment No. 4 pending, is before the Body.

Amendment No. 4 fails of adoption by electronic vote (38-62).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bowie, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cox, J. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Nye, Oldham, Owens, Pope, Preston, Redwine, Rogers, Saunders, Setzer, Sexton, Sherrill, Shubert, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, C. Wilson, G. Wilson, Womble, and Wright - 99.

Voting in the negative: Representatives Fitch and Russell - 2.

Excused absences: Representatives Adams, Bonner, Brubaker, M. Crawford, Dedmon, Fox, McAllister, Michaux, Morris, Rayfield, Smith, Thompson, Weiss, and West - 14.

Excused vote: Representative Cole.

Representatives Fitch and Russell request and are granted permission to change their votes from "no" to "aye". The adjusted vote total is (101-0).

S.B. 890 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES.

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (100-0).

Representative Miller states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (101-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bowie, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Adams, Bonner, Brubaker, M. Crawford, Dedmon, Fox, McAllister, Michaux, Morris, Rayfield, Smith, Thompson, Weiss, and West - 14.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 231** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF

THEIR REPEALED REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS, is returned for concurrence in Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Senate Committee Substitute Bill No. 2 is placed on the Calendar.

Upon concurrence, Senate Committee Substitute Bill No. 2 changes the title.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
September 27, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 92**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

September 27, 2001

S.B. 1037 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY COMMENCE CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT TO OPERATE THAT FACILITY IF THE PROSPECTIVE APPLICANT SUBMITS A NOTICE OF THE CONSTRUCTION AND THAT ANY CURRENT HOLDER OF AN AIR QUALITY PERMIT MAY COMPLETE NEW CONSTRUCTION AT AN EXISTING PERMITTED FACILITY PRIOR TO OBTAINING THE AIR QUALITY PERMIT TO OPERATE THAT FACILITY IF THE PROSPECTIVE APPLICANT SUBMITS A NOTICE OF THE CONSTRUCTION, is read the first time and referred to the Committee on Environment and Natural Resources.

CONFERENCE REPORT

Representative Insko sends forth the Conference Report on **H.B. 381** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 1.

CONFEREES APPOINTED

The Chair appoints Representatives Hurley, Jarrell, and McMahan, as conferees on **S.B. 210** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NON-CONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, and the Senate is so notified by Special Message.

CONFERENCE REPORT

The fiscal note requested by Representative Thompson on September 26 is attached to the Conference Report on **S.B. 92** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES. The Conference Report is placed on the Calendar of October 1.

On motion of Representative Culpepper, seconded by Representative Gibson, the House adjourns at 1:11 p.m. to reconvene Monday, October 1, 2001, at 7:00 p.m.

September 27, 2001

ONE HUNDRED FORTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Monday, October 1, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Lord of light and life, be Thou our vision:

"Grant us faithfulness as we seek to walk in Your will, that we might not stumble over some unworthy purpose. Grant us a clean heart, that no impure affection would cause us to love less truth and justice. Grant us a forgiving spirit, that some past hurt would not lead to bitterness and a hardening of our soul. Grant us a clear understanding, that we would not confound Your commandments for our own purpose. Guide us, O God, not simply in these chambers, but in all of our life, that we might move ever closer to the life which You have called us to live. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 27 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Cole, Cox, Culp, Dedmon, Gibson, Haire, Holliman, Hunter, McLawhorn, Michaux, Nesbitt, Redwine, Sexton, Sutton, and Wright for today.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

H.B. 943, AN ACT TO AUTHORIZE DISCONTINUED SERVICE RETIREMENT ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

October 1, 2001

H.B. 1154, AN ACT TO AMEND THE CRIME VICTIMS' RIGHTS ACT AND TO OTHERWISE IMPROVE THE RIGHTS OF VICTIMS OF CRIME IN NORTH CAROLINA.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1324, AN ACT TO AMEND DEFINITIONS APPLYING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM IN ORDER TO COMPLY WITH RECENT UNITED STATES DEPARTMENT OF LABOR REGULATIONS REQUIRING THAT CERTAIN VISA HOLDERS BE OFFERED RETIREMENT BENEFITS AND ELIGIBILITY FOR RETIREMENT BENEFITS ON THE SAME BASIS AS UNITED STATES CITIZENS. (S.L. 2001-426)

H.B. 232, AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; ACCELERATE PAYMENT OF WITHHOLDING TAXES; ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; MAKE TECHNICAL AND CLARIFYING CHANGES TO THE FRANCHISE TAX; ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS; AND ACCELERATE PAYMENT OF THE REVENUE GENERATED BY THE STATE EXCISE TAX ON CONVEYANCES TO THE STATE AND EXEMPT PRISONS LOCATED ON LAND OWNED BY THE STATE AND BUILT PURSUANT TO A CONTRACT WITH THE STATE FROM PROPERTY TAX. (S.L. 2001-427)

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

October 1, 2001

Senate Committee Substitute for **H.B. 382**, A BILL TO BE ENTITLED AN ACT ADOPTING THE STRAWBERRY AS THE OFFICIAL FRUIT OF NORTH CAROLINA, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence, the Senate committee substitute bill changes the title.

CONFERENCE REPORT

Representative Jarrell moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 92

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 92, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, House Committee Substitute Favorable 7/23/01, Fifth Edition Engrossed 7/30/01, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute, Fifth Edition Engrossed 7/30/01, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute, Fifth Edition Engrossed 7/30/01, and substitute the attached Proposed Conference Committee Substitute S92-PCCS3909-SVx-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 19, 2001.

*Conferees for the
Senate*

S/ David W. Hoyle, Chair
S/ Allen H. Wellons

*Conferees for the
House of Representatives*

S/ Mary L. Jarrell, Chair
S/ Martha B. Alexander

October 1, 2001

S/ James S. Forrester
S/ Walter Dalton

S/ Charles F. Buchanan
S/ Gordon P. Allen

The material Conference Report is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Baddour, Barefoot, Barnhart, Bell, Bonner, Bowie, Boyd-McIntyre, Buchanan, Carpenter, Church, Coates, J. Crawford, Culpepper, Cunningham, Daughtry, Dockham, Easterling, Ellis, Fox, Goodwin, Hackney, Hall, Hensley, Hill, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Kiser, Lucas, Luebke, McAllister, McCombs, McMahan, Miller, Mitchell, Morgan, Morris, Nye, Oldham, Owens, Preston, Rogers, Russell, Smith, Starnes, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, Womble, and Yongue - 66.

Voting in the negative: Representatives Allred, Baker, Blust, Brubaker, Capps, M. Crawford, Creech, Davis, Eddins, Esposito, Gillespie, Grady, Gulley, Hiatt, Hilton, Justus, McComas, Pope, Rayfield, Setzer, Sherrill, Shubert, Thompson, and G. Wilson - 24.

Excused absences: Representatives Cole, Cox, Culp, Dedmon, Gibson, Gray, Haire, Holliman, Hunter, McLawhorn, Michaux, Nesbitt, Redwine, Sexton, Sutton, and Wright - 16.

CONFERENCE REPORT

Representative Insko moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 381

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 381, A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, Sixth Edition Engrossed 9/4/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Children and Human Resources Committee

October 1, 2001

Substitute Adopted 8/16/01, and the House concurs in the Senate Committee Substitute, as amended:

On page 4, lines 29 through 32, rewrite those lines to read:

- "(9) Strategies and schedules for implementing the service plan, including consultation on Medicaid policy with area and county programs, qualified providers, and others as designated by the Secretary, intersystem collaboration, promotion of best practices, technical assistance, outcome-based monitoring, and evaluation.
- (10) A plan for coordination of the State Plan for Mental Health, Developmental Disabilities, and Substance Abuse Services with the Medicaid State Plan, and NC Health Choice.";

and on page 4, lines 33 and 37, renumber the remaining subdivisions of G.S. 122C-102;

and on page 7, between lines 13 and 14, insert the following:

- "(30) Prior to requesting approval to close a State facility under G.S. 122C-181(b):
- a. Notify the Joint Legislative Commission on Governmental Operations, the Joint Legislative Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services, and members of the General Assembly who represent catchment areas affected by the closure; and
- b. Present a plan for the closure to the members of the Joint Legislative Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Senate Appropriations Committee on Health and Human Services for their review, advice, and recommendations. The plan shall address specifically how patients will be cared for after closure, how support services to community-based agencies and outreach services will be continued, and the impact on remaining State facilities. In implementing the plan, the Secretary shall take into consideration the comments and recommendations of the

committees to which the plan is presented under this subdivision.

- (31) Ensure that the State Plan for Mental Health, Developmental Disabilities, and Substance Abuse Services is coordinated with the Medicaid State Plan and NC Health Choice.";

and on page 23, lines 36 and 37, rewrite those lines to read:

"(b) ~~The Subject to the requirements of subsection (c) of this section,~~ the Secretary may, with the approval of the Governor and Council of State, close any State facility.

(c) Closure of a State facility under subsection (b) of this section becomes effective on the earlier of the 31st legislative day or the day of adjournment of the next regular session of the General Assembly that begins at least 10 days after the date the closure is approved, unless a different effective date applies under this subsection. If a bill that specifically disapproves the State facility closure is introduced in either house of the General Assembly before the thirty-first legislative day of that session, the closure becomes effective on the earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the State facility closure. If the Secretary specifies a later effective date for closure than the date that would otherwise apply under this subsection, the later date applies. Closure of a State facility does not become effective if the closure is specifically disapproved by a bill ratified by the General Assembly before it becomes effective. Notwithstanding any rule of either house of the General Assembly, any member of the General Assembly may introduce a bill during the first 30 legislative days of any regular session to disapprove closure of a facility that has been approved by the Governor and Council of State as provided in subsection (b) of this section. Nothing in this subsection shall be construed to impair the Secretary's power or duty otherwise imposed by law to close a State facility temporarily for the protection of health and safety."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 27, 2001.

*Conferees for the
Senate*

S/ Stephen Metcalf
 S/ William N. Martin
 S/ Virginia Foxx
 S/ Eleanor Kinnaird
 S/ William R. Purcell
 S/ Jeanne H. Lucas

*Conferees for the
House of Representatives*

S/ Verla Insko
 S/ Martha Bedell Alexander
 S/ James W. Crawford, Jr.
 S/ Theresa H. Esposito
 S/ Carolyn B. Russell

The Conference Report is adopted, by electronic vote (79-12), and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House committee substitute by Special Message.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Baddour, Baker, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Coates, J. Crawford, M. Crawford, Creech, Culpepper, Cunningham, Daughtry, Davis, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gillespie, Goodwin, Grady, Gulley, Hackney, Hall, Hensley, Hiatt, Hill, Hilton, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McMahan, Miller, Mitchell, Morgan, Morris, Nye, Oldham, Owens, Pope, Preston, Rayfield, Rogers, Russell, Setzer, Sherrill, Shubert, Smith, Starnes, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, and Yongue - 91.

Voting in the negative: None.

Excused absences: Representatives Cole, Cox, Culp, Dedmon, Gibson, Gray, Haire, Holliman, Hunter, McLawhorn, Michaux, Nesbitt, Redwine, Sexton, Sutton, and Wright - 16.

S.B. 890 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES.

Representative Culpepper offers Amendment No. 2 which is adopted by electronic vote (91-0).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Baddour, Baker, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Coates, J. Crawford, M. Crawford, Creech, Culpepper, Cunningham, Daughtry, Davis, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gillespie, Goodwin, Grady, Gulley, Hall, Hensley, Hiatt, Hill, Hilton, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McMahan, Miller, Mitchell, Morgan, Morris, Nye, Oldham, Owens, Pope, Preston, Rayfield, Rogers, Russell, Setzer, Sherrill, Shubert, Smith, Starnes, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, and Yongue - 88.

Voting in the negative: None.

Excused absences: Representatives Cole, Cox, Culp, Dedmon, Gibson, Gray, Haire, Holliman, Hunter, McLawhorn, Michaux, Nesbitt, Redwine, Sexton, Sutton, and Wright - 16.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 312 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) AMEND CERTAIN LAWS RELATING TO THE CERTIFICATION OF WELL CONTRACTORS AND TO INCREASE THE MAXIMUM CIVIL PENALTY THAT MAY BE ASSESSED FOR VIOLATIONS OF THE WELL CONTRACTORS CERTIFICATION ACT OR THE WELL CONSTRUCTION ACT; (2) CLARIFY THAT THE REQUIREMENTS OF G.S. 106-660 APPLY ONLY TO INSTALLATIONS

THAT HANDLE, STORE, DISTRIBUTE, OR APPLY ANHYDROUS AMMONIA FOR FERTILIZER USE; (3) REQUIRE THAT SOLID WASTE THAT IS TO BE INCINERATED IN CERTAIN INCINERATORS BE VISUALLY INSPECTED IN ORDER TO PREVENT THE INCINERATION OF WASTE THAT MAY NOT BE LAWFULLY INCINERATED; AND (4) AMEND THE EXEMPTION OF CERTAIN ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK FROM REGULATION AS FOOD AND LODGING FACILITIES, passes its second reading, by electronic vote (91-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

On motion of Representative Culpepper, seconded by Representative Alexander, the House adjourns at 7:33 p.m. to reconvene October 2 at 3:00 p.m.

ONE HUNDRED FORTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Omniscient God, we are well aware that our work in this Assembly is under public scrutiny; yet we are less apt to admit that Your watchful eye is also on us. We often consider what our constituents may think, yet we are less likely to contemplate what our Creator thinks. Inspire us, O Lord, to a larger perspective. Move us beyond questions of expediency and comfort to questions of principle and morality. Move us away from a sense of entitlement to an ethic of servanthood. May we live and work in such a way that we would not only represent well our districts, but we would bring honor to You, our Redeemer. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 1 has been

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examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Baddour, Michaux, Miner, and Thompson for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Goodwin, Chair, for the Committee on Judiciary III:

Senate Committee Substitute for **H.B. 955**, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS, with recommendation that the House concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

CONFERENCE REPORT

Representative Hurley sends forth the Conference Report on **S.B. 210** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 3.

The Speaker rules the Conference Report to be material, thus constituting its first reading.

CONFERENCE REPORT

The material Conference Report for House Committee Substitute for **S.B. 92**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Barbee, Barefoot, Barnhart, Bell, Blue, Bonner,

October 2, 2001

Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Edwards, Ellis, Fitch, Fox, Gibson, Goodwin, Gray, Gulley, Hackney, Haire, Hall, Hensley, Hill, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Lucas, Luebke, McAllister, McCombs, McLawhorn, McMahan, Miller, Mitchell, Morgan, Morris, Nesbitt, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Saunders, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, Womble, Wright, and Yongue - 86.

Voting in the negative: Representatives Allred, Baker, Blust, Brubaker, Clary, M. Crawford, Creech, Davis, Decker, Eddins, Esposito, Gillespie, Grady, Harrington, Hiatt, Hilton, Justus, Kiser, McComas, Nye, Setzer, Sexton, Sherrill, Shubert, and G. Wilson - 25.

Excused absences: Representatives Baddour, Michaux, Miner, and Thompson - 4.

Representatives Capps, Pope, and Rayfield request and are granted permission to change their vote from "aye" to "no". The adjusted vote total is (83-28).

CALENDAR

Action is taken on the following:

H.B. 359 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

On motion of Representative Hurley, the House concurs in Senate Committee Substitute Bill No. 2, by electronic vote (114-0), and the bill is ordered enrolled and presented to the Governor.

WITHDRAWAL OF BILLS FROM CALENDAR

Pursuant to Rule 36(b)(2), the Chair withdraws **H.B. 1388** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, from

the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Finance.

On motion of the Chair, pursuant to Rule 38(a), **S.B. 600** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES, AND TO MAKE OTHER TECHNICAL CORRECTIONS TO LAWS BECOMING EFFECTIVE OCTOBER 1, 2001, is withdrawn from the Calendar, ordered engrossed, and re-referred to the Committee on Appropriations.

CALENDAR (continued)

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 703 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY IMMUNITY FOR HONORING A PORTABLE DO NOT RESUSCITATE ORDER.

On motion of Representative Wright, Committee Amendment No. 1 is adopted by electronic vote (113-0).

The bill, as amended, passes its second reading, by electronic vote (113-2), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered sent to the Senate for concurrence in House amendment by Special Message.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 772**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS TO ESTABLISH REGULATORY STANDARDS FOR THE ADMINISTRATION AND MONITORING OF ENTERAL SEDATION FOR OUTPATIENTS IN THE DENTAL SETTING IN ADDITION TO EXISTING STANDARDS FOR GENERAL ANESTHESIA AND PAR-ENTERAL SEDATION, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Health.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1013** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD

October 2, 2001

OF COSMETIC ART EXAMINERS TO INCREASE FEES, TO ISSUE INACTIVE LICENSES, AND TO REQUIRE CONTINUING EDUCATION OF PERSONS PRACTICING UNDER THE COSMETIC ART ACT, is withdrawn from the Committee on Finance and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Culpepper moves, seconded by Representative Miller, that the House adjourn, subject to the receipt of Committee Reports, to reconvene October 3 at 3:00 p.m.

The motion carries.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

S.B. 748 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND TO EXEMPT SALES OF CERTAIN ELECTRICITY FROM SALES TAX, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

The House stands adjourned at 8:30 p.m.

ONE HUNDRED FORTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, October 3, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

October 3, 2001

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Eternal God, Your love is from everlasting to everlasting. When our love for You failed, Your love for us remained steadfast. When we turned away from You, You followed after us. When we created barriers that block Your divine relationship with us, You dismantle and overcome the obstacles to ensure the efficacy of Your mercy.

"Forgive us for failing to be as committed to each other as You are to us. We are quick to withdraw support from those who do not support us. We nurture past hurts and disappointments and use them to create walls that separate us from one another. Rather than seeking the power of unity, we are tempted to use the force of division.

"Call us back to our common commitment to the people of this State. Remind us of our shared vision of a better future. Lead us towards solidarity that we might find our true strength as servants of the people and of You, our God. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 2 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brubaker, Church, Luebke, Michaux, and Wright for today. Representatives Blue, Hurley, and Warwick are excused for a portion of the session.

WITHDRAWAL OF BILLS FROM CALENDAR

Pursuant to Rule 36(b)(2), the Chair withdraws Senate Committee Substitute for **H.B. 231** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET

WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Rules, Calendar, and Operations of the House.

On motion of the Chair and without objection, **S.B. 748** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO MODIFY THE SALES TAX ON ELECTRICITY; AND TO AMEND THE SALES TAX HOLIDAY, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

H.B. 359, AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
October 2, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 381**, A BILL TO BE ENTITLED AN ACT TO PHASE IN

October 3, 2001

IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

Pursuant to your message that your Honorable Body has adopted the report of the conferees, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 1006**, A BILL TO BE ENTITLED AN ACT TO AMEND ENVIRONMENTAL REPORTING REQUIREMENTS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

S.B. 968 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, is read the first time and referred to the Committee on Finance.

CONFERENCE REPORT

Representative Hurley moves the adoption of the following Conference Report.

Committee Substitute for S.B. 210

To: The President of the Senate
The Speaker of the House of Representatives

October 3, 2001

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 210, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NON-CONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, Judiciary I Committee Substitute Adopted 3/7/01, submit the following report:

The House recedes from lines 1 and 2 of House Amendment #2

The Senate concurs in lines 4 through 7 of House Amendment #2

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 1, 2001.

*Conferees for the
Senate*

S/ Daniel G. Clodfelter
S/ Kay R. Hagan
S/ Virginia Foxx

*Conferees for the
House of Representatives*

S/ Bill Hurley
S/ Mary L. Jarrell

The material Conference Report is adopted on its second roll call reading, by the following vote, and the bill remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Bell, Bonner, Bowie, Boyd-McIntyre, Buchanan, Clary, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Dedmon, Dockham, Earle, Easterling, Edwards, Fitch, Fox, Gibson, Gillespie, Goodwin, Gulley, Hackney, Haire, Hall, Hensley, Hill, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Lucas, McAllister, McCombs, McLawhorn, Miller, Nesbitt, Nye, Oldham, Owens, Rayfield, Redwine, Rogers, Saunders, Sherrill, Smith, Sutton, Thompson, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Weiss, Womble and Yongue - 68.

Voting in the negative: Representatives Allred, Baker, Barnhart, Blust, Capps, Carpenter, M. Crawford, Creech, Culp, Daughtry, Davis, Decker, Eddins, Ellis, Esposito, Grady, Gray, Harrington, Hiatt, Hilton, Holmes, Howard, Johnson, Kiser, McComas, McMahan, Mitchell, Morgan, Morris, Pope, Preston, Russell, Setzer, Sexton, Shubert, Starnes, Teague, Walend, Walker, Weatherly, West, and G. Wilson - 42.

Excused absences: Representatives Blue, Brubaker, Church, Luebke, Michaux, Warwick, and Wright - 7.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 327** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY.

On motion of Representative Allen, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (63-49), and the bill is ordered enrolled and presented to the Governor.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.J.R. 359 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY EVANS, FOUNDER OF EVANS METROPOLITAN AME ZION CHURCH ON THE CHURCH'S TWO HUNDREDTH ANNIVERSARY.

On motion of the Chair and without objection, Rule 41(a) is suspended and the resolution is placed on the Calendar for immediate consideration.

The resolution passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

CALENDAR (continued)

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 1063** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS.

On motion of Representative Gibson, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (109-1), and the bill is ordered enrolled and presented to the Governor.

Representative McMahan states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (110-1).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION IN THE BOUNDARY BETWEEN IREDELL AND MECKLENBURG COUNTIES, AND TO ALLOW THE TOWN OF SWANSBORO TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE TOWN ZONING ORDINANCE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan, Capps, Carpenter, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 109.

Voting in the negative: Representative Howard.

Excused absences: Representatives Brubaker, Church, Luebke, Michaux, Warwick, and Wright - 6.

Representative Howard requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (110-0).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 644 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The bill fails to pass its second reading by the the following vote.

Those voting in the affirmative are: Representatives Alexander, Allen, Baddour, Barefoot, Barnhart, Blue, Bonner, Bowie, Buchanan, Clary, Coates, Cole, J. Crawford, Cunningham, Dedmon, Earle, Edwards, Fox, Gibson, Gulley, Hackney, Haire, Harrington, Hill, Hurley, Jarrell, Justus, Lucas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morris, Oldham, Owens, Pope, Rayfield, Rogers, Saunders, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, West, C. Wilson, and Yongue - 52.

Voting in the negative: Representatives Adams, Allred, Arnold, Baker, Barbee, Bell, Blust, Boyd-McIntyre, Capps, Carpenter, Cox, M. Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dockham, Easterling, Eddins, Ellis, Esposito, Gillespie, Goodwin, Grady, Gray, Hensley, Hiatt, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Kiser, McComas, Morgan, Nesbitt, Nye, Preston, Redwine, Russell, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Thompson, Walend, Walker, Weatherly, Weiss, G. Wilson, and Womble - 58.

Excused absences: Representatives Brubaker, Church, Luebke, Michaux, Warwick, and Wright - 6.

BILL WITHDRAWN FROM COMMITTEE

On motion of the Chair and without objection, **S.B. 748** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO MODIFY THE SALES TAX ON ELECTRICITY; AND TO AMEND THE SALES TAX HOLIDAY, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on today's Calendar for immediate consideration.

Representative Gulley offers Amendment No. 1 which is adopted by electronic vote (107-6).

Representative Owens offers Amendment No. 2 which is adopted by electronic vote (104-5).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Bonner, Bowie, Boyd-McIntyre, Buchanan, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Edwards, Fox, Gibson, Gillespie, Goodwin, Gray, Gulley, Hall, Harrington, Hill, Holliman, Holmes, Hunter, Jarrell, Jeffus, Lucas, McLawhorn, McMahan, Miner, Mitchell, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, West, C. Wilson, Womble, and Yongue - 77.

Voting in the negative: Representatives Allred, Blust, Capps, Carpenter, Clary, Creech, Davis, Decker, Easterling, Eddins, Ellis, Esposito, Grady, Hackney, Haire, Hensley, Hiatt, Hilton, Howard, Insko, Johnson, Justus, Kiser, McComas, McCombs, Miller, Morgan, Pope, Shubert, Starnes, Weatherly, Weiss, and G. Wilson - 33.

Excused absences: Representatives Brubaker, Church, Hurley, Luebke, Michaux, and Wright - 6.

Representative Blue states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (78-33).

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 879** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS, is withdrawn from the Calendar and placed on the Calendar of October 4.

VOTE RECONSIDERED

Having voted with the prevailing side, Representative Nye moves that the vote by which **H.B. 644** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND

BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURN-PIKE AUTHORITY, failed to pass its second reading, be reconsidered.

The motion carries, by electronic vote (59-51), and the bill is before the Body.

The bill passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, Allen, Baddour, Barbee, Barefoot, Barnhart, Bell, Bonner, Bowie, Boyd-McIntyre, Buchanan, Clary, Coates, Cole, Cox, J. Crawford, Culp, Cunningham, Dedmon, Earle, Edwards, Fitch, Fox, Gibson, Goodwin, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hill, Hunter, Insko, Jarrell, Jeffus, Justus, Lucas, McAllister, McLawhorn, McMahan, Miller, Miner, Morris, Nye, Oldham, Owens, Rayfield, Rogers, Saunders, Sherrill, Smith, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, West, C. Wilson, and Yongue - 65.

Voting in the negative: Representatives Adams, Allred, Arnold, Baker, Blust, Capps, Carpenter, M. Crawford, Creech, Culpepper, Daughtry, Davis, Decker, Dockham, Easterling, Eddins, Ellis, Esposito, Gillespie, Grady, Hensley, Hiatt, Hilton, Holliman, Holmes, Howard, Johnson, Kiser, McComas, McCombs, Mitchell, Morgan, Nesbitt, Pope, Preston, Redwine, Russell, Setzer, Sexton, Shubert, Starnes, Thompson, Walend, Walker, Weatherly, G. Wilson, and Womble - 47.

Excused absences: Representatives Brubaker, Church, Hurley, Luebke, Michaux, Weiss, and Wright - 7.

Representative Culpepper moves, seconded by Representative Sherrill, that the House adjourn, subject to the receipt of Committee Reports, to reconvene October 4 at 10:00 a.m.

The motion carries.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute for **H.B. 382**, A BILL TO BE ENTITLED AN ACT ADOPTING THE STRAWBERRY AS THE OFFICIAL FRUIT OF NORTH CAROLINA, with recommendation that the House concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar of October 4.

The House stands adjourned at 6:11 p.m.

ONE HUNDRED FORTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Thursday, October 4, 2001

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Ever-present God, we give You thanks that You are never far from us. It is in You that we live and move and have our being. You immerse us in Your love. You invite us into relationships. You promise to be our guide. Yet, in the busy-ness of life and the engagements of the day we often forget to still our souls and open our hearts to the whispers of Your Spirit. As we pause before You this morning, we avail ourselves to Your presence and open ourselves to Your voice. Make Yourself known to us this day. Remind us that in following You we will find the paths of righteousness and the way of salvation."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 3 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Arnold, Church, Haire, Insko, and Womble for today. Representative Allred is excused for a portion of the session.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

October 4, 2001

Senate Chamber
October 3, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 210**, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
October 3, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute to **S.B. 400** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, and requests conferees. The President Pro Tempore appoints:

Senator Hoyle, Chair
Senator Dalton
Senator Thomas
Senator Weinstein
Senator Forrester

October 4, 2001

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representatives Luebke, Culpepper, Baddour, Buchanan, and Wainwright, as conferees on the part of the House and the Senate is so notified by Special Message.

SPECIAL MESSAGES FROM THE SENATE

The following special messages are received from the Senate:

Senate Committee Substitute for **H.B. 946** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE AND TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Judiciary II.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 948** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", is returned for concurrence in Senate committee substitute bill and referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 1195**, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Election Law and Campaign Finance Reform.

Upon concurrence, the Senate committee substitute bill changes the title.

CONFEREES APPOINTED

The Speaker announces the following conferees on **S.B. 470** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS: Representatives Hackney, Sutton, Nesbitt, Alexander, and Sherrill.

The Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

S.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION IN THE BOUNDARY BETWEEN IREDELL AND MECKLENBURG COUNTIES, AND TO ALLOW THE TOWN OF SWANSBORO TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE TOWN ZONING ORDINANCE, is moved up on today's Calendar.

The bill passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Brubaker, Buchanan, Capps, Carpenter, Clary, Coates,

October 4, 2001

Cole, Cox, Culp, Culpepper, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weiss, West, C. Wilson, and G. Wilson - 98.

Voting in the negative: Representative Weatherly.

Excused absences: Representatives Allred, Arnold, Church, Haire, Insko, and Womble - 6.

Representative Gray requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (99-1).

S.B. 748 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO MODIFY THE SALES TAX ON ELECTRICITY; AND TO AMEND THE SALES TAX HOLIDAY, is moved up on today's Calendar.

On motion of Representative Owens and without objection, the bill is temporarily displaced.

H.B. 644 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY, is moved up on today's Calendar.

The bill passes its third reading, by the following vote, and is ordered sent to the Senate by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, Allen, Baddour, Barbee, Barefoot, Barnhart, Bell, Bonner, Bowie, Boyd-McIntyre, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Earle, Edwards, Ellis, Fox, Gibson, Goodwin, Gray, Gulley, Hackney, Hall, Harrington, Hill, Hunter, Hurley, Jarrell, Jeffus, Lucas, McAllister, McCombs, McLawhorn, McMahan,

Miller, Mitchell, Morris, Nye, Oldham, Owens, Preston, Rayfield, Rogers, Saunders, Sherrill, Smith, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, West, C. Wilson, and Yongue - 65.

Voting in the negative: Representatives Adams, Baker, Blust, Brubaker, Capps, Carpenter, Clary, M. Crawford, Creech, Davis, Decker, Dockham, Easterling, Eddins, Esposito, Gillespie, Grady, Hensley, Hiatt, Hilton, Holliman, Holmes, Howard, Johnson, Justus, Kiser, Luebke, McComas, Michaux, Morgan, Nesbitt, Pope, Redwine, Russell, Setzer, Sexton, Shubert, Starnes, Thompson, Walend, Walker, Weatherly, Weiss, and G. Wilson - 44.

Excused absences: Representatives Allred, Arnold, Church, Haire, Insko, and Womble - 6.

Representatives Blue and Buchanan request and are granted permission to be recorded as voting "aye". The adjusted vote total is (67-44).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1245 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MALE RESIDENTS AGE EIGHTEEN THROUGH TWENTY-FIVE COMPLY WITH THE SELECTIVE SERVICE SYSTEM'S REGISTRATION REQUIREMENTS WHEN APPLYING FOR A DRIVERS LICENSE OR IDENTIFICATION CARD, is moved up on today's Calendar.

The bill passes its second reading, by electronic vote (103-6).

Representative Howard objects to the third reading. The bill remains on the Calendar.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 92, AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES.

S.B. 312, AN ACT TO: (1) AMEND CERTAIN LAWS RELATING TO THE CERTIFICATION OF WELL CONTRACTORS AND TO INCREASE THE MAXIMUM CIVIL PENALTY THAT MAY BE ASSESSED FOR VIOLATIONS OF THE WELL CONTRACTORS CERTIFICATION ACT OR THE WELL CONSTRUCTION ACT; (2)

CLARIFY THAT THE REQUIREMENTS OF G.S. 106-660 APPLY ONLY TO INSTALLATIONS THAT HANDLE, STORE, DISTRIBUTE, OR APPLY ANHYDROUS AMMONIA FOR FERTILIZER USE; (3) REQUIRE THAT SOLID WASTE THAT IS TO BE INCINERATED IN CERTAIN INCINERATORS BE VISUALLY INSPECTED IN ORDER TO PREVENT THE INCINERATION OF WASTE THAT MAY NOT BE LAWFULLY INCINERATED; AND (4) AMEND THE EXEMPTION OF CERTAIN ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK FROM REGULATION AS FOOD AND LODGING FACILITIES.

S.B. 438, AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER.

S.B. 703, AN ACT TO CLARIFY IMMUNITY FOR HONORING A PORTABLE DO NOT RESUSCITATE ORDER.

S.B. 890, AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES.

H.B. 327, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY AND TO GIVE THE STATE TREASURER MORE INVESTMENT FLEXIBILITY WITH RETIREMENT SYSTEMS' ASSETS.

H.B. 381, AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

H.B. 1063, AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS AND TO AUTHORIZE THE STATE BUILDING COMMISSION TO ADOPT RULES TO AUTHORIZE OPEN-END DESIGN AGREEMENTS FOR WETLANDS MITIGATION AND SIMILAR PROJECTS.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 433, AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM.

The following resolutions are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.J.R. 359, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY EVANS, FOUNDER OF EVANS METROPOLITAN AME ZION CHURCH ON THE CHURCH'S TWO HUNDREDTH ANNIVERSARY. (RESOLUTION 2001-33)

H.J.R. 833, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN LAWSON ON THE 300TH ANNIVERSARY OF HIS FIFTY-SEVEN DAY FIVE HUNDRED FIFTY-MILE TREK THROUGH THE BACKCOUNTRY OF THE CAROLINAS. (RESOLUTION 2001-34)

CONFERENCE REPORT

The material Conference Report for Committee Substitute for **S.B. 210**, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Representatives Adams, Alexander, Baddour, Barbee, Barefoot, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Buchanan, Clary, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Earle, Easterling, Eddins, Edwards, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hensley, Hiatt, Hill, Holliman, Holmes, Howard, Hunter, Hurley, Jarrell, Jeffus, Justus, Lucas, Luebke, McAllister, McCombs, McLawhorn, Michaux, Miller, Mitchell, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, C. Wilson, G. Wilson, Wright, and Yongue - 85.

Voting in the negative: Representatives Allred, Baker, Barnhart, Blust, Brubaker, Capps, Carpenter, M. Crawford, Creech, Decker, Dockham, Ellis, Esposito, Harrington, Hilton, Johnson, Kiser, McComas, McMahan, Morgan, Morris, Pope, Setzer, Shubert, Starnes, and West - 26.

Excused absences: Representatives Arnold, Church, Haire, Insko, and Womble - 5.

CALENDAR (continued)

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 382**, A BILL TO BE ENTITLED AN ACT ADOPTING THE STRAWBERRY AS THE OFFICIAL FRUIT OF NORTH CAROLINA.

On motion of Representative Hill, the House does not concur in the Senate committee substitute bill, which changes the title, by electronic vote (109-1).

Representative Esposito requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (110-0).

The Speaker appoints Representatives Hill, Russell, Underhill, and Coates as conferees on the part of the House and the Senate is so notified by Special Message.

S.B. 748 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO MODIFY THE SALES TAX ON ELECTRICITY; AND TO AMEND THE SALES TAX HOLIDAY, which was temporarily displaced, is before the Body.

Representative Luebke offers Amendment No. 3.

On motion of Representative Thompson, the bill with pending Amendment No. 3 is temporarily displaced.

CONFERENCE REPORTS

Representative Gibson sends forth the Conference Report on Senate Committee Substitute for **H.B. 685** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 8.

The Speaker rules the Conference Report to be material, thus constituting its first reading.

Representative Baddour sends forth the Conference Report on Committee Substitute for **S.B. 352**, A BILL TO BE ENTITLED AN ACT

TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 8.

CALENDAR (continued)

S.B. 748 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO MODIFY THE SALES TAX ON ELECTRICITY; AND TO AMEND THE SALES TAX HOLIDAY, which was temporarily displaced with Amendment No. 3 pending, is before the Body.

Representative Thompson inquires of the Chair if the amendment is germane to the title. The Speaker rules that it is.

Amendment No. 3 is adopted by electronic vote (109-3).

Representative McComas requests and is granted permission to change his vote from "no" to "aye". Representative Gibson's vote is changed from "no" to "not voting". The adjusted vote total is (110-1).

The Speaker stops debate and attends to the following business.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 833** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE AND TO MAKE IT ILLEGAL TO POSSESS ANY FORM OF FALSE IDENTIFICATION WHILE ATTEMPTING TO OBTAIN ALCOHOLIC BEVERAGES WHEN UNDERAGE, is withdrawn from the Committee on Judiciary III and re-referred to the Committee on Judiciary II.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 1038** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHERE DEEDS REFERENCE A RIGHT-OF-WAY BASED ON AN UNRECORDED LOST PLAT, THE SUPERIOR COURT IN A SPECIAL PROCEEDING MAY DECLARE THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE, is withdrawn

from the Committee on Judiciary I and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Culpepper moves, seconded by Representative Clary, that the House adjourn, subject to the ratification of bills, to reconvene Monday, October 8, 2001, at 7:00 p.m.

The motion carries.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

S.B. 210, AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NON-CONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 35, AN ACT TO MAKE A TECHNICAL CORRECTION IN THE BOUNDARY BETWEEN IREDELL AND MECKLENBURG COUNTIES, AND TO ALLOW THE TOWN OF SWANSBORO TO REQUIRE SIDE-WALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE TOWN ZONING ORDINANCE.

The House stands adjourned at 11:51 a.m.

ONE HUNDRED FORTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Monday, October 8, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

October 8, 2001

"Almighty God, in this time of crisis, we need Your wisdom, guidance and protection. Watch over the brave men and women who now are engaged in or preparing for battle on behalf of our country. Grant them peace of mind and spirit even in this time of conflict. Be with our nation and its leaders. May our quest for justice never degenerate into the thirst for vengeance. Let not the goal of self-defense become the excuse for gratuitous aggression.

"Be with us who labor here that our motivations and actions are worthy of the lives that are now at risk. May our conduct and our legislation honor the ideal of freedom for which we currently do battle. Even now as military personnel do us honor by their courage and duty, so may we do them proud by the way we pursue the democratic process. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 4 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Dedmon, Gray, Hill, Redwine, Saunders, Sexton, Smith, and Wright for today. Representatives Hunter and Nye are excused for a portion of the session.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 433, AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM. (S.L. 2001-428)

S.B. 35, AN ACT TO MAKE A TECHNICAL CORRECTION IN THE BOUNDARY BETWEEN IREDELL AND MECKLENBURG COUNTIES, AND TO ALLOW THE TOWN OF SWANSBORO TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE TOWN ZONING ORDINANCE. (S.L. 2001-429)

H.B. 571, AN ACT TO SIMPLIFY THE COLLECTION OF TELECOMMUNICATIONS TAXES. (S.L. 2001-430)

S.B. 181, AN ACT TO ALLOW A PASS-THROUGH ENTITY TO ALLOCATE A HOUSING TAX CREDIT TO ANY OF ITS OWNERS AT THE DISCRETION OF THE PASS-THROUGH ENTITY. (S.L. 2001-431)

H.B. 1269, AN ACT REGARDING AIRPORT FEES AND CHARGE FOR RENTAL CARS. (S.L. 2001-432)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 883, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

Senate Committee Substitute for **H.B. 1362** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES, with recommendation that the House concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 680 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS, MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR TRADE ASSOCIATIONS AND TO AMEND THE LAW REGARDING CONCEALED HANDGUN PERMIT FEES, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
October 4, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate has dismissed the conferees on **H.B. 106** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
October 4, 2001

Mr. Speaker:

Pursuant to your message received today, October 4, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 382**, A BILL TO BE ENTITLED AN ACT ADOPTING THE STRAWBERRY AS THE OFFICIAL FRUIT OF NORTH CAROLINA, and requests conferees, the President Pro Tempore appoints:

Senator Odom, Chair
Senator Soles
Senator Lee
Senator Garwood

October 8, 2001

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
October 4, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 685**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
October 4, 2001

October 8, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for House Committee Substitute for **S.B. 199**, A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
Principal Clerk
S/ Janet B. Pruitt

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

October 8, 2001

Senate Chamber
October 4, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE, to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
October 4, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that Senator Cunningham has been added as a conferee on **S.B. 470** (House Committee Substitute # 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF

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RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following special messages are received from the Senate:

Senate Committee Substitute for **H.B. 13** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM RECOMMENDING THAT INSURANCE CLAIMANTS OBTAIN MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES WITHOUT BEING INFORMED THAT CLAIMANTS DO NOT HAVE TO USE THOSE RECOMMENDED REPAIR SERVICES OR SOURCES AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE INSURANCE INDUSTRY PRACTICE OF RECOMMENDING REPAIR SERVICES TO CLAIMANTS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 688** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Appropriations.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 969** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND

SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

Senate Committee Substitute for **H.B. 1048** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HEALTH BENEFIT PLANS SHALL NOT MANDATE ADDITIONAL COVERAGE BEYOND WHAT IS REQUIRED AS OF DECEMBER 31, 2001, WITH CERTAIN EXCEPTION; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF HEALTH INSURANCE MANDATES, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 1061**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN PUBLIC WATER SYSTEMS THAT RESELL WATER FROM THE NORTH CAROLINA DRINKING WATER ACT, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 1144** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION AND TO REDUCE THE NUMBER OF STUDENT AND STATE TEACHER OF THE YEAR ADVISORS TO THE STATE BOARD OF EDUCATION, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence, the Senate committee substitute bill changes the title.

S.B. 46 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, is read the first time and referred to the Committee on Finance.

S.B. 140 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS TO REPORT AD HOC COMMUNITY COLLECTIONS SOLICITED OR ACCEPTED FOR NAMED INDIVIDUALS OR PURPOSES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 660, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY A TAX OF NOT MORE THAN FIVE DOLLARS PER YEAR ON ANY VEHICLE RESIDENT IN THE COUNTY AND TO REQUIRE THE FUNDS GENERATED TO BE USED FOR ECONOMIC DEVELOPMENT, is read the first time and referred to the Committee on Finance.

S.B. 907 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

Representative Baddour sends forth the Conference Report on House Committee Substitute for **S.B. 199**, A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER

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HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSURED OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 9.

CONFERENCE REPORT

Representative Gibson moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 685

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 685, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT

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IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX, Senate Finance Committee Substitute Adopted 8/7/01, Fourth Edition Engrossed 8/13/01, submit the following report:

The Senate and House agree to the following amendment to the Senate Committee Substitute, Fourth Edition Engrossed 8/13/01, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute, Fourth Edition Engrossed 8/13/01, and substitute the attached Proposed Conference Committee Substitute H685-PCCS6352-SVx-3

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 4, 2001.

*Conferees for the
Senate*

S/ David W. Hoyle, Chair
S/ Walter H. Dalton
s/ Virginia Foxx
S/ Allen H. Wellons

*Conferees for the
House of Representatives*

S/ Pryor A. Gibson, III, Chair
S/ Mary L. Jarrell
S/ Daniel F. McComas
S/ Martha B. Alexander
S/ Charles F. Buchanan

The material Conference Report, which changes the title, is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Blue, Bonner, Bowie, Buchanan, Carpenter, Church, Coates, Cole, Cox, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Earle, Easterling, Edwards, Fox, Gibson, Goodwin, Gulley, Hackney, Haire, Hall, Hensley, Holliman, Holmes, Hurley, Insko, Jarrell, Jeffus, Johnson, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Owens, Preston, Russell, Sherrill, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weatherly, Weiss, West, C. Wilson, Womble, and Yongue - 74.

Voting in the negative: Representatives Allred, Baker, Blust, Brubaker, Capps, Clary, Creech, Davis, Decker, Eddins, Ellis, Esposito, Gillespie,

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Grady, Hiatt, Hilton, Howard, Justus, Kiser, Nye, Pope, Rayfield, Setzer, Shubert, Thompson, Warwick, and G. Wilson - 27.

Excused absences: Representatives Dedmon, Gray, Hill, Redwine, Saunders, Sexton, Smith, and Wright - 8.

CONFERENCE REPORT

Representative Baddour moves the adoption of the following Conference Report.

Committee Substitute for S.B. 352

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 352, A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE, Finance Committee Substitute Adopted 4/19/01, submit the following report:

The Senate and the House agree to the following amendment to House Amendment #1 and the Senate concurs in House Amendment #1 as amended:

on page 1, lines 9 through 13 of House Amendment #1,
by rewriting those lines to read:

"subsection shall have the same priority and be collected as unpaid ad valorem taxes.

(b) The expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. This subsection shall not apply if the person in default can show that the nuisance was created solely by the actions of another."

The House recedes from House Amendment #2 and House Amendment #3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 4, 2001.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ John H. Kerr, III, Chair
S/ Charles W. Albertson
S/ John A. Garwood
S/ David W. Hoyle

S/ Philip A. Baddour, Jr., Chair
S/ Larry T. Justus
S/ Paul Miller

The Conference Report is adopted, by electronic vote (88-15), and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 1299 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO SUPPORT THE ADMINISTRATION OF THE PETROLEUM UNDERGROUND STORAGE TANK PROGRAM, passes its second reading, by electronic vote (102-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate by Special Message.

S.B. 879 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS, passes its second reading, by electronic vote (96-6), and there being no objection is read a third time.

Representative Insko requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (97-6).

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The bill, passes its third reading and is ordered enrolled and presented to the Governor.

S.B. 748 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO MODIFY THE SALES TAX ON ELECTRICITY; AND TO AMEND THE SALES TAX HOLIDAY.

Representative Baker offers Amendment No. 4.

The Speaker rules Amendment No. 4 to be material, and if adopted, the bill will be on its first reading.

REPRESENTATIVE HACKNEY, SPEAKER PRO TEMPORE, PRESIDING.

Amendment No. 4 fails of adoption, by the following vote, for lack of a majority.

Those voting in the affirmative are: Representatives Adams, Allred, Arnold, Baker, Barbee, Barnhart, Blue, Blust, Brubaker, Capps, Carpenter, Church, Clary, M. Crawford, Creech, Culp, Daughtry, Davis, Decker, Eddins, Ellis, Esposito, Gillespie, Grady, Gulley, Hensley, Hiatt, Hilton, Holmes, Howard, Johnson, Justus, Kiser, McComas, McCombs, Mitchell, Morgan, Morris, Nesbitt, Pope, Preston, Rayfield, Russell, Setzer, Shubert, Teague, Walend, Weatherly, West, C. Wilson, and G. Wilson - 51.

Voting in the negative: Representatives Alexander, Allen, Baddour, Barefoot, Bell, Bonner, Bowie, Buchanan, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Earle, Easterling, Edwards, Fox, Gibson, Goodwin, Hackney, Haire, Hall, Holliman, Hurley, Insko, Jarrell, Jeffus, Lucas, Luebke, McAllister, McLawhorn, McMahan, Michaux, Miller, Miner, Nye, Owens, Rogers, Sherrill, Sutton, Thompson, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Warwick, Weiss, and Womble - 51.

Excused absences: Representatives Dedmon, Gray, Hill, Hunter, Redwine, Saunders, Sexton, Smith, and Wright - 9.

Representative Baker offers Amendment No. 5.

Representative Baker withdraws his amendment.

Representative Nesbitt offers Amendment No. 6, which is ruled to be material.

SPEAKER BLACK PRESIDING.

Amendment No. 6 fails of adoption by the following vote.

Those voting in the affirmative are: Representatives Adams, Allred, Blue, Blust, Carpenter, M. Crawford, Culp, Decker, Earle, Eddins, Fox, Grady, Gulley, Hackney, Haire, Hensley, Hiatt, Holliman, Howard, Insko, Justus, Luebke, McAllister, Michaux, Miller, Nesbitt, Sherrill, Teague, Walker, Weatherly, Weiss, West, and Womble - 33.

Voting in the negative: Representatives Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Bonner, Bowie, Brubaker, Buchanan, Capps, Church, Clary, Coates, Cole, Cox, J. Crawford, Creech, Culpepper, Cunningham, Daughtry, Davis, Easterling, Edwards, Ellis, Esposito, Gibson, Gillespie, Goodwin, Hall, Hilton, Holmes, Hurley, Jarrell, Jeffus, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Miner, Mitchell, Morgan, Morris, Nye, Owens, Pope, Preston, Rayfield, Rogers, Russell, Setzer, Shubert, Sutton, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Warren, Warwick, C. Wilson, G. Wilson, and Yongue - 69.

Excused absences: Representatives Dedmon, Gray, Hill, Hunter, Redwine, Saunders, Sexton, Smith, and Wright - 9.

Representative Luebke offers Amendment No. 7 which fails of adoption by electronic vote (42-60)

Representative Capps offers Amendment No. 8 which fails of adoption by electronic vote (44-53).

Representative Blust offers Amendment No. 9 which is adopted by electronic vote (62-37).

Representative Baker offers Amendment No. 10 which is adopted by electronic vote (53-49).

Representative Hackney moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Finance.

Pursuant to Rule 36.1, Representative Easterling, Chair for the Committee on Appropriations, requests a fiscal note on the bill.

The bill is removed from the Calendar.

On motion of Representative Culpepper, seconded by Representative Coates, the House adjourns at 9:33 p.m. to reconvene October 9 at 1:00 p.m.

ONE HUNDRED FORTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, October 9, 2001

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, in giving us dominion over things on earth, You also ordained us to be co-workers in Your creative process. If this is the case for all human beings, how much more for those who have been given the responsibility of leadership! Indeed, our work is not ultimately our own, but a trust given to us by You, an opportunity to craft some good in the world. Infuse our work with a sense of sacred responsibility, lest we take too lightly the task we have been assigned. Expand our perspective that we might not only see ourselves as representatives of our districts, but as servants in the divine mission to establish equity and justice into the world. Lord, let our work be accomplished in a way that is befitting of our status as children of God. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 8 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, McAllister, and Teague for today. Representative Wright is excused for a portion of the session.

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REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

Senate Committee Substitute for **H.B. 110** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO VETERANS OF WORLD WAR II, THE KOREAN WAR, AND THE UNITED STATES NAVY SUBMARINE SERVICE, with recommendation that the House do not concur; request conferees.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 968 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report.

Pursuant to Rule 38(a), the bill is re-referred to the Committee on Appropriations.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following is introduced, read the first time and referred to committee:

By Representative Pope:

H.B. 1467, A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS, is referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

The material Conference Report for Senate Committee Substitute for **H.B. 685**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO

October 9, 2001

CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Bonner, Bowie, Buchanan, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Edwards, Fox, Gibson, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Hensley, Hill, Holliman, Holmes, Howard, Hunter, Hurley, Jarrell, Johnson, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, Womble, and Yongue - 85.

Voting in the negative: Representatives Allred, Baker, Blust, Brubaker, Capps, M. Crawford, Creech, Davis, Decker, Eddins, Ellis, Esposito, Gillespie, Hiatt, Hilton, Justus, Kiser, Nye, Setzer, Shubert, Thompson, and G. Wilson - 22.

Excused absences: Representatives Blue, McAllister, and Teague - 3.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled.

Representative Warwick requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (84-23).

CONFERENCE REPORT

Representative Baddour moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 199

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 199, A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS, House Committee Substitute Favorable 8/16/01, Fourth Edition Engrossed 8/29/01, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute, 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 S199-PCCS 3939-LN-3.

October 9, 2001

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 3rd, 2001.

*Conferees for the
Senate*

S/ Allen H. Wellons
S/ William R. Purcell
S/ Anthony E. Rand
S/ Jeanne H. Lucas

*Conferees for the
House of Representatives*

S/ Philip A. Baddour, Jr.
S/ Edd Nye
S/ Joe Hackney
S/ Bill Hurley
S/ Larry Justus
S/ Wilma Sherrill
S/ Zeno L. Edwards, Jr.

The Conference Report, which changes the title, is adopted by electronic vote (113-0)), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 955**, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS.

On motion of Representative Goodwin, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor.

H.B. 1245 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MALE RESIDENTS AGE EIGHTEEN THROUGH TWENTY-FIVE COMPLY WITH THE SELECTIVE SERVICE SYSTEM'S REGISTRATION REQUIREMENTS WHEN APPLYING FOR A DRIVERS LICENSE OR IDENTIFICATION CARD.

Representative Capps offers Amendment No. 1 which is adopted by electronic vote (113-0).

The bill, as amended, passes its third reading, by electronic vote (111-1), and is ordered engrossed and sent to the Senate by Special Message.

On motion of Representative Culpepper, seconded by Representative Easterling, the House adjourns at 1:36 p.m. to reconvene October 10 at 1:00 p.m.

ONE HUNDRED FORTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, October 10, 2001

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Eternal God, we gather under the banner of democracy to be a light of freedom in the world. Yet, our work cannot be accomplished well without Your presence. Guide us, lest we stumble or be misguided by selfish desires. May our labors today, both in our agreement and disagreement, be a beacon of the communal quest for the common good.

"O God, as we prepare to consider the plans for redistricting, as lines are drawn and boundaries set, we pray for this Assembly. Help us to use wisely our capacity for speech and action. May we draw clearly and not cross the lines of animosity, hostility and contentiousness. Give us grace to set and honor the boundaries of civility, decorum, and respect. May we represent well not only our interests, but also ourselves. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 9 has been examined and found correct. Upon his motion, the Journal is approved as written.

A leave of absence is granted Representative Miner for today. Representatives Adams and Luebke are excused for a portion of the session.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Baddour, Chair, for the Committee on Judiciary II:

S.B. 833 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE AND TO MAKE IT ILLEGAL TO POSSESS ANY FORM OF FALSE IDENTIFICATION WHILE ATTEMPTING TO OBTAIN ALCOHOLIC BEVERAGES WHEN UNDERAGE, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representatives Justus and Sutton, Chairs, for the Committee on Legislative Redistricting:

H.B. 1025, A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 969 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS.

Pursuant to Rule 24.1A(c), the request that Representative Cole be excused from voting on May 31 is continued.

On motion of Representative Hackney, the House does not concur in the material Senate committee substitute bill on its second roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 110.

Voting in the negative: Representatives Grady and Coates - 2.

Excused absences: Representatives Adams, Luebke, and Miner - 3.

Excused vote: Representative Cole.

Representative Wainwright requests and is granted permission to be recorded as voting "aye". Representative Coates requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (112-1).

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, Senate Committee Substitute for **H.B. 1006**, A BILL TO BE ENTITLED AN ACT TO AMEND ENVIRONMENTAL REPORTING REQUIREMENTS, is withdrawn from the Calendar and placed on the Calendar of October 16.

CALENDAR (continued)

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 883 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (105-8).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Blue, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Edwards, Fox, Gibson, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Hensley, Hill, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 96.

Voting in the negative: Representatives Baker, Blust, Capps, Creech, Davis, Decker, Eddins, Ellis, Esposito, Gillespie, Harrington, Hiatt, Hilton, Justus, Pope, Rayfield, Setzer, Shubert, and Warwick - 19.

Excused absences: Representatives Luebke and Miner - 2.

The fiscal note requested by Representative Easterling on October 8 is attached to **S.B. 748** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO MODIFY THE SALES TAX ON ELECTRICITY; AND TO AMEND THE SALES TAX HOLIDAY, on October 9 and the bill is placed on the Calendar of October 10.

Representative Owens offers Amendment No. 11 which is adopted by electronic vote (99-17).

Representatives Blue and Fitch request and are granted permission to change their vote from "no" to "aye". The adjusted vote total is (101-15).

On motion of Representative Redwine, the bill is withdrawn from the Calendar, by electronic vote (63-50), ordered engrossed, and re-referred to the Committee on Finance.

Representative Blust requests and is granted permission to be recorded as voting "no". The adjusted vote total is (63-51).

On motion of the Chair, the House recesses at 2:52 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), the Chair withdraws Senate Committee Substitute for **H.B. 13** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM RECOMMENDING THAT INSURANCE CLAIMANTS OBTAIN MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES WITHOUT BEING INFORMED THAT CLAIMANTS DO NOT HAVE TO USE THOSE RECOMMENDED REPAIR SERVICES OR SOURCES AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE INSURANCE INDUSTRY PRACTICE OF RECOMMENDING REPAIR SERVICES TO CLAIMANTS, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Insurance.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 1025** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS, is placed on today's Calendar for consideration.

Representative Pope states that G.S. 120-131 says that all documents are confidential until released by the Member, and inquires of the Chair if he is asking the membership to waive their right to consent.

Representative Barnhart offers Amendment No. 1.

On motion of the Chair, the House recesses at 4:13 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

On motion of the Chair, the House recesses at 4:56 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

On motion of the Chair, the House recesses at 6:09 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CALENDAR (continued)

H.B. 1025 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS, is before the Body with Amendment No. 1 pending.

Amendment No. 1 fails of adoption by electronic vote (59-60).

Representative Sutton offers Amendment No. 2 which is adopted by electronic vote (62-54).

Representative Holmes offers Amendment No. 3 which is adopted by electronic vote (62-55).

The Speaker stops debate and attends to the following business.

CONFERENCE REPORT

Representative Haire sends forth the Conference Report on Senate Committee Substitute for **H.B. 108** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN, CHEROKEE, CURRITUCK, GRAHAM, HAYWOOD, JACKSON, MADISON, PASQUOTANK, PERQUIMANS, SWAIN, VANCE, AND WARREN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING

PROPERTY. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 11.

On motion of Representative Culpepper, seconded by Representative Haire, the House adjourns at 8:45 p.m. to reconvene October 11 at 10:00 a.m.

ONE HUNDRED FORTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Thursday, October 11, 2001

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"As we begin this day, O Lord, we take time to seek Your face. For You are the ground of our being. Only when we are rooted in the depths of Your love will our spirits be nourished and our souls be strengthened. Silence the clamor of our hearts which bids us to hurry to the tasks at hand. In this time of quiet repose, grant us peace as we drink from the living water which springs forth from Your presence. Through the cleansing of Your forgiveness and the refreshment of Your mercy, restore in us the desire to live in peace with You and our neighbor, to share compassion with those in need, and to work for the establishment of Your kingdom. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 10 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Miner and Wright for today. Representatives Adams and Cox are excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

October 11, 2001

S.B. 879, AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

H.B. 955, AN ACT TO PREVENT THE MISREPRESENTATION OF THE AUTHORITY OF A NOTARY PUBLIC.

CONFERENCE REPORT

Representative Haire moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 108

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 108, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, Senate Finance Committee Substitute Adopted 6/20/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 6/20/01, 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 H108-PCCS9352-RB-4.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 4, 2001.

*Conferees for the
Senate*

S/ David Hoyle, Chair
S/ John Kerr
S/ Fletcher L. Hartsell, Jr.

*Conferees for the
House of Representatives*

S/ Philip Haire, Chair
S/ Joe Hackney
S/ Monroe Buchanan

October 11, 2001

The Conference Report, which changes the title, is adopted by electronic vote (67-44), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Representative McCombs requests and is granted permission to be recorded as voting "no". The adjusted vote total is (67-45).

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 1362** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES.

On motion of Representative Fox, the House concurs in the Senate committee substitute bill, which changes the title, on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 114.

Voting in the negative: None.

Excused absences: Representatives Adams, Miner, and Wright - 3.

H.B. 883 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Carpenter, Church, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Edwards, Fitch, Fox, Gibson, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Hensley, Hill, Holliman, Holmes, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, Womble, and Yongue - 93.

Voting in the negative: Representatives Allred, Baker, Blust, Capps, Clary, M. Crawford, Creech, Davis, Decker, Eddins, Ellis, Esposito, Gillespie, Harrington, Hiatt, Hilton, Justus, Rayfield, Setzer, Shubert, and G. Wilson - 21.

Excused absences: Representatives Adams, Miner, and Wright - 3.

Representative Culpepper moves, seconded by Representative Ellis, that the House adjourn, subject to announcements and the ratification of bills, to reconvene Monday, October 15, 2001, at 7:00 p.m.

The motion carries.

CONFEREES APPOINTED

The Speaker announces the following conferees on **H.B. 969** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND

EMISSIONS INSPECTIONS: Representative Hackney, Chair; Representatives Gibson, Culpepper, C. Wilson, and Weiss.

The Senate is so notified by Special Message.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

S.B. 352, AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 685, AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX.

The House stands adjourned at 12:35 p.m.

ONE HUNDRED FIFTIETH DAY

HOUSE OF REPRESENTATIVES
Monday, October 15, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker Pro Tempore.

The following prayer is offered by the Reverend Jim Harry, Raleigh, North Carolina:

"Almighty and Everlasting God,

"Throughout history, people have sought and found solace in You and in Your comforting Presence. In these times, we, too, seek and need Your eternal Presence and seek Thy peace. The Psalmist wrote, 'Weeping may last for a moment, but joy will come in the morning.'

"We weep for the victims of violence everywhere and pray that joy will come in the morning.

"We weep for the political climate both here and throughout the world and pray for joy to come in the morning.

"We weep with those who seek justice and pray that joy will come in the morning.

"We weep for the victims of political schemes and the usurpation of political power and pray that joy will come in the morning.

"For the moment, we indeed weep, for the world is restless around us. Help us to seek Your face and teach us to hope for that morning...and for the joy that awaits us. Amen."

The Speaker Pro Tempore leads the Body in the Pledge of Allegiance.

Representative Luebke, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 11 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Arnold, Cole, Culpepper, Dedmon, Hunter, Hurley, Johnson, Russell, and Sutton for today.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1154, AN ACT TO AMEND THE CRIME VICTIMS' RIGHTS ACT AND TO OTHERWISE IMPROVE THE RIGHTS OF VICTIMS OF CRIME IN NORTH CAROLINA. (S.L. 2001-433)

H.B. 685, AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN

BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX. (S.L. 2001-434)

H.B. 943, AN ACT TO AUTHORIZE DISCONTINUED SERVICE RETIREMENT ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM. (S.L. 2001-435)

H.B. 359, AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS. (S.L. 2001-436)

RE-REFERRAL

On motion of the Chair and without objection, **H.B. 323**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Finance.

On motion of Representative Luebke, seconded by Representative Owens, the House adjourns at 7:05 p.m. to reconvene October 17 at 3:00 p.m.

ONE HUNDRED FIFTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Faithful God, Your inspired psalmist reminds us of our bedrock foundation in the uncertainties of life: that You are our 'refuge and strength, a very present help in times of trouble.' Therefore we need not fear though the earth should change, the mountains shake, or the waters roar. Grant all who are perplexed this day, the assurance of Your presence. As our sense of security changes into fear, give us faith enough to trust in Your sovereignty, that we might not despair. As our world is shaken by the sounds of war, let not our confidence in Your future be unhinged. Though

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threats of violence roar around us, let not us be dismayed, but continue in the daily tasks You have called us to do. May our work here today be a testimony of our trust in You. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 15 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue and Clary for today.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

S.B. 199, AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSURED OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 381, AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL. (S.L. 2001-437)

S.B. 210, AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NON-CONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS. (S.L. 2001-438)

S.B. 92, AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES. (S.L. 2001-439)

S.B. 312, AN ACT TO: (1) AMEND CERTAIN LAWS RELATING TO THE CERTIFICATION OF WELL CONTRACTORS AND TO INCREASE THE MAXIMUM CIVIL PENALTY THAT MAY BE ASSESSED FOR VIOLATIONS OF THE WELL CONTRACTORS CERTIFICATION ACT OR THE WELL CONSTRUCTION ACT; (2) CLARIFY THAT THE REQUIREMENTS OF G.S. 106-660 APPLY ONLY TO INSTALLATIONS THAT HANDLE, STORE, DISTRIBUTE, OR APPLY ANHYDROUS AMMONIA FOR FERTILIZER USE; (3) REQUIRE THAT SOLID WASTE THAT IS TO BE INCINERATED IN CERTAIN INCINERATORS BE VISUALLY INSPECTED IN ORDER TO PREVENT THE INCINERATION OF WASTE THAT MAY NOT BE LAWFULLY INCINERATED; AND (4) AMEND THE EXEMPTION OF CERTAIN ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK FROM REGULATION AS FOOD AND LODGING FACILITIES. (S.L. 2001-440)

S.B. 438, AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER. (S.L. 2001-441)

H.B. 1063, AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS AND TO AUTHORIZE THE STATE BUILDING COMMISSION TO ADOPT RULES TO AUTHORIZE OPEN-END DESIGN AGREEMENTS FOR WETLANDS MITIGATION AND SIMILAR PROJECTS. (S.L. 2001-442)

S.B. 890, AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES. (S.L. 2001-443)

H.B. 327, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY AND TO GIVE THE STATE TREASURER MORE INVESTMENT FLEXIBILITY WITH RETIREMENT SYSTEMS' ASSETS. (S.L. 2001-444)

S.B. 703, AN ACT TO CLARIFY IMMUNITY FOR HONORING A PORTABLE DO NOT RESUSCITATE ORDER. (S.L. 2001-445)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Hurley and Dockham, Chairs, for the Committee on Insurance:

Senate Committee Substitute for **H.B. 13** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM RECOMMENDING THAT INSURANCE CLAIMANTS OBTAIN MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES WITHOUT BEING INFORMED THAT CLAIMANTS DO NOT HAVE TO USE THOSE RECOMMENDED REPAIR SERVICES OR SOURCES AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE INSURANCE INDUSTRY PRACTICE OF RECOMMENDING REPAIR SERVICES TO CLAIMANTS, with recommendation that the House concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1362** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES.

On motion of Representative Fox, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll

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call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Mitchell, Morgan, Morris, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Saunders, Setzer, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 102.

Voting in the negative: Representatives Creech, Decker, and Pope - 3.

Excused absences: Representatives Blue and Clary - 2.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 1048** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HEALTH BENEFIT PLANS SHALL NOT MANDATE ADDITIONAL COVERAGE BEYOND WHAT IS REQUIRED AS OF DECEMBER 31, 2001, WITH CERTAIN EXCEPTION; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF HEALTH INSURANCE MANDATES.

Pursuant to Rule 24.1A(c), the request that Representative Cox be excused from voting on April 25 is continued.

On motion of Representative Redwine, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (102-5), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 680 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION

MARKETERS, MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR TRADE ASSOCIATIONS, TO AMEND THE LAW REGARDING CONCEALED HANDGUN PERMIT FEES, AND TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES.

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Haire, Harrington, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Jarrell, Johnson, Justus, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Mitchell, Morgan, Morris, Nesbitt, Nye, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Setzer, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, West, C. Wilson, G. Wilson, Womble, and Yongue - 99.

Voting in the negative: Representatives Adams, Alexander, Hackney, Hall, Insko, Michaux, Miller, Oldham, Saunders, and Weiss - 10.

Excused absences: Representatives Blue and Clary - 2.

H.B. 1025 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS.

On motion of the Chair and without objection, the bill is temporarily displaced.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 110** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO VETERANS OF WORLD WAR II, THE KOREAN WAR, AND THE UNITED STATES NAVY SUBMARINE SERVICE.

On motion of Representative Cole, the House does not concur in the Senate committee substitute bill on its second roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Blue and Clary - 2.

Representative Shubert requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (112-0).

Senate Committee Substitute for **H.B. 1006**, A BILL TO BE ENTITLED AN ACT TO AMEND ENVIRONMENTAL REPORTING REQUIREMENTS.

On motion of Representative Warwick, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (114-0), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 833 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL

PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND.

Representative Baddour offers Amendment No. 2 which is adopted by electronic vote (112-0).

The bill, as amended, passes its second reading, by electronic vote (109-3).

Representative Shubert objects to the third reading. The bill remains on the Calendar.

CONFEREES APPOINTED

The Speaker announces the following conferees on Senate Committee Substitute for **H.B. 110** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO VETERANS OF WORLD WAR II, THE KOREAN WAR, AND THE UNITED STATES NAVY SUBMARINE SERVICE: Representatives Cole, Haire, J. Crawford, and Teague.

The Senate is so notified by Special Message.

The Speaker announces the following conferees on **S.B. 470** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS: Representatives Owens and Baddour.

The Senate is so notified by Special Message.

Representative Culpepper moves, seconded by Representative Insko, that the House adjourn, subject to the receipt of Messages, to reconvene October 18 at 2:00 p.m.

The motion carries.

SPECIAL MESSAGES FROM THE SENATE

The following special messages are received from the Senate:

Senate Committee Substitute for **H.B. 253** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, AND TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of October 18.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 1192**, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE POLL CLOSING TIMES, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of October 18.

Upon concurrence, the Senate committee substitute bill changes the title.

The Senate committee substitute changes the bill from public to local.

The House stands adjourned at 5:41 p.m.

ONE HUNDRED FIFTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Thursday, October 18, 2001

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, Raleigh, North Carolina.

"Eternal God,

"Our hearts are restless until they find their rest in You. Our work is incomplete and ineffective until it finds that its worth comes from You. Our minds are wasted unless we seek the wisdom that comes from You. Indeed, O Lord over heaven and earth, every good and perfect gift can only come from Thee and thus, unless we are willing to seek Thy face and hear Thy words and search for Thy truth, we are simply spinning our wheels...peddling, sweating, tiring...but getting nowhere. So, teach us not to be proud or arrogant. Show us the path of humility and honor. Impart your wisdom and truth to each one of us lest our work all be in vain.

"Grace and mercy, honor and thanksgiving be unto you, God of heaven and earth. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 17 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Blue, Hunter, and Insko for today.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

H.B. 1006, AN ACT TO CONSOLIDATE VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

H.B. 1048, AN ACT TO PROVIDE THAT HEALTH BENEFIT PLANS SHALL NOT MANDATE ADDITIONAL COVERAGE BEYOND

WHAT IS REQUIRED AS OF JUNE 30, 2003, WITH CERTAIN EXCEPTION; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF HEALTH INSURANCE MANDATES.

H.B. 1299, AN ACT TO APPROPRIATE FUNDS FROM THE NON-COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO SUPPORT THE ADMINISTRATION OF THE PETROLEUM UNDERGROUND STORAGE TANK PROGRAM.

H.B. 1362, AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES AND TO AUTHORIZE THE NORTH CAROLINA RESPIRATORY CARE BOARD TO INCREASE FEES.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Easterling, Oldham, Redwine, and Thompson, Chairs, for the Committee on Appropriations:

S.B. 968 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
October 17, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that Senator Ballantine has been added as a conferee on **H.B. 382**, A BILL TO BE ENTITLED AN ACT ADOPTING THE STRAWBERRY AS THE OFFICIAL FRUIT OF NORTH CAROLINA.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
October 17, 2001

Mr. Speaker:

Pursuant to your message received today, October 17, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 110**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO VETERANS OF WORLD WAR II, THE KOREAN WAR, AND THE UNITED STATES NAVY SUBMARINE SERVICE, and requests conferees, the President Pro Tempore appoints:

Senator Hoyle, Chair
Senator Albertson
Senator Ballantine
Senator Kerr
Senator Shaw of Cumberland

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

October 18, 2001

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
October 17, 2001

Mr. Speaker:

Pursuant to your message received today, October 17, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 969**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, and requests conferees, the President Pro Tempore appoints:

Senator Swindell, Chair
Senator Hoyle
Senator Odom
Senator Rand
Senator Garrou
Senator Plyler

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

H.B. 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE

October 18, 2001

COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS, is returned for concurrence in one Senate amendment.

Pursuant to Rule 36(b), the bill is placed on the Calendar of October 22.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of the Chair and without objection, **S.B. 907** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION, is withdrawn from the Committee on Rules, Calendar and Operations of the House and re-referred to the Committee on Health and, if favorable, to the Committee on Appropriations.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1192**, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE POLL CLOSING TIMES.

On motion of Representative Wainwright, the House concurs in the Senate committee substitute bill, which changes the title and changes the bill from public to local, by electronic vote (115-0), and the bill is ordered enrolled.

Senate Committee Substitute for **H.B. 13** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM RECOMMENDING THAT INSURANCE CLAIMANTS OBTAIN MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES WITHOUT BEING INFORMED THAT CLAIMANTS DO NOT HAVE TO USE THOSE RECOMMENDED REPAIR SERVICES OR SOURCES AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE INSURANCE INDUSTRY PRACTICE OF RECOMMENDING REPAIR SERVICES TO CLAIMANTS.

Pursuant to Rule 24.1A(c), the requests that Representatives Allen, Cole, Cox, and Dockham be excused from voting on April 23 are continued.

On motion of Representative Sherrill, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (109-0), and the bill is ordered enrolled.

Senate Committee Substitute for **H.B. 253** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, AND TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY.

On motion of Representative Culpepper, the House does not concur in the Senate committee substitute bill, by electronic vote (113-0).

The Speaker appoints Representatives Warwick, Brubaker, Wright, and Nye as conferees on the part of the House and the Senate is so notified by Special Message.

S.B. 680 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS, MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR TRADE ASSOCIATIONS, TO AMEND THE LAW REGARDING CONCEALED HANDGUN PERMIT FEES, AND TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House Committee Substitute No. 2 by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Haire, Hall, Harrington, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Johnson, Justus, Kiser, Lucas, McComas, McCombs, McLawhorn, McMahan, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, West, C. Wilson, G. Wilson, and Yongue - 100.

Voting in the negative: Representatives J. Crawford, Easterling, Fitch, Hackney, Hensley, Jarrell, Jeffus, Luebke, McAllister, Michaux, Miller, Oldham, Saunders, Weiss, Womble, and Wright - 16.

Excused absences: Representatives Adams, Blue, Hunter, and Insko - 4.

Representatives Alexander and Boyd-McIntyre request and are granted permission to change their votes from "aye" to "no". Representative J. Crawford requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (99-17).

S.B. 833 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND.

On motion of Representative Baddour and without objection, the bill is temporarily displaced.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

H.B. 13, AN ACT TO PROHIBIT INSURANCE COMPANIES FROM RECOMMENDING THAT INSURANCE CLAIMANTS OBTAIN MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES WITHOUT INFORMING THEM OF THEIR OPTIONS; TO AMEND THE SURPLUS LINES LAW TO CONFORM IT TO THE GRAMM-LEACH-BLILEY ACT; AND TO CORRECT AN ERROR IN AN AMENDMENT TO THE WORKERS' COMPENSATION ACT.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1192, AN ACT TO ALLOW CRAVEN COUNTY MORE FLEXIBILITY IN MODIFYING THE MANNER OF ELECTION OF ITS BOARD OF COMMISSIONERS.

INTRODUCTION OF BILLS AND RESOLUTIONS

On motion of Representative Baddour and without objection, Rules 31(a) and 41(a) are suspended and the following is introduced and read the first time:

By Representatives Baddour, Alexander, Allen, Allred, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrington, Hill, Hilton, Holliman, Holmes, Howard, Hurley, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McAllister, McCombs, McLawhorn, McMahan, Miller, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sherrill, Shubert, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, Wright, and Yongue:

H.B. 1468, A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE MANUFACTURE, POSSESSION, STORAGE, TRANSPORTATION, DELIVERY, OR ACQUISITION OF CERTAIN WEAPONS OF MASS DESTRUCTION, AND TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF CERTAIN WEAPONS OF MASS DESTRUCTION AND THE FALSE REPORTING OR THE PLACING OF A FALSE WEAPON OF MASS DESTRUCTION, is referred to the Committee on Judiciary II.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

S.B. 748 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO MODIFY THE SALES TAX ON ELECTRICITY; AND TO AMEND THE SALES TAX HOLIDAY, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

CALENDAR (continued)

S.B. 833 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF

FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND.

Representative Shubert offers Amendment No. 3 which is adopted by electronic vote (114-0).

The bill, as amended, passes its third reading, by electronic vote (112-3), and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Gibson, McComas, and Warwick, Chairs, for the Committee on Environment and Natural Resources:

H.B. 1300, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CIRCUMSTANCES IN WHICH LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN THE OFFICE OF THE REGISTER OF DEEDS ARE REQUIRED IN CONNECTION WITH THE CLEANUP OF A RELEASE FROM A PETROLEUM UNDERGROUND STORAGE TANK IN ORDER TO PROTECT THE ENVIRONMENT AND PUBLIC HEALTH, TO ENSURE ENFORCEABILITY OF RESTRICTIONS, AND TO PROVIDE NOTICE TO SUBSEQUENT OWNERS OF THE PROPERTY, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Rules, Calendar, and Operations of the House.

The committee substitute bill is re-referred to the Committee on Rules, Calendar, and Operations of the House. The original bill is placed on the Unfavorable Calendar.

S.B. 920, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE ENVIRONMENTAL STATUTES OF THE STATE OF NORTH CAROLINA, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of October 22. The original bill is placed on the Unfavorable Calendar.

On motion of Representative Culpepper, seconded by Representative McLawhorn, the House adjourns at 3:04 p.m. to reconvene Monday, October 22, 2001, at 7:00 p.m.

ONE HUNDRED FIFTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Monday, October 22, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker Pro Tempore.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Lord God, it is to You that all true children of Abraham come for words of blessing and the gift of peace. It is easy to identify and condemn the verbage of violence and the habits of hatred we see in the world today. In acts of terror, repression, and anger we are quick to point out the path that leads to war and to the destruction of order and harmony. Yet, we are unable to see how our own actions lead to interpersonal wars and conflict within covenant communities. Forgive us when we fail to see each other as brothers and sisters, when gossip is used as a weapon, when cold shoulders become armaments. Settle Your Spirit upon us that we might claim our unity in seeking the best future for this State. Amen."

The Speaker Pro Tempore leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 18 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Allred, Barefoot, Cole, Daughtry, Gray, McAllister, Nesbitt, Redwine, Russell, Sexton, Wainwright, and Wright for today.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 199, AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS. (S.L. 2001-446)

H.B. 1192, AN ACT TO ALLOW CRAVEN COUNTY MORE FLEXIBILITY IN MODIFYING THE MANNER OF ELECTION OF ITS BOARD OF COMMISSIONERS. (S.L. 2001-447)

S.B. 352, AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE. (S.L. 2001-448)

S.B. 879, AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS. (S.L. 2001-449)

H.B. 955, AN ACT TO PREVENT THE MISREPRESENTATION OF THE AUTHORITY OF A NOTARY PUBLIC. (S.L. 2001-450)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Edwards, Vice Chair, for the Committee on Health:

S.B. 721, A BILL TO BE ENTITLED AN ACT TO REPEAL THE WAITING PERIOD FOR COVERAGE UNDER THE NORTH CAROLINA HEALTH INSURANCE PROGRAM FOR CHILDREN (NORTH CAROLINA HEALTH CHOICE), with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

CALENDAR

Action is taken on the following:

H.B. 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS.

On motion of Representative Haire, the House concurs in the Senate amendment, by electronic vote (84-3), and the bill is ordered enrolled and presented to the Governor.

S.B. 920 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE STATUTES AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES.

Representative Gibson offers Amendment No. 1 which is adopted by electronic vote (91-0).

The bill, as amended, passes its second reading, by electronic vote (89-1), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute by Special Message.

On motion of Representative Culpepper, seconded by Representative Edwards, the House adjourns at 7:17 p.m. to reconvene October 23 at 2:00 p.m.

ONE HUNDRED FIFTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, October 23, 2001

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, we all stand in need of Your grace. At times our self-assurance causes us to walk apart from You and along paths of our own making, rather than the way You have already created for us. At other times, timidity and self-denigration cause us not to walk at all, but hide from the responsibilities You have entrusted to us. Where pride pollutes our service, subdue it. Where abdication leads to inaction, strengthen us. Bend our hearts into conformity with Your will. Let our strengths and abilities become stepping stones along the way of truth and justice. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 22 has been examined and found correct. Upon his motion, the Journal is approved as written.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

S.B. 46 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 348 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

H.B. 728, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

S.B. 139 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, reported without prejudice.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN

SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES, reported without prejudice, as amended.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 968 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, is moved up on today's Calendar.

The bill passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Harrington, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 111.

Voting in the negative: Representatives Davis, Decker, and Pope - 3.

Excused absences: None.

H.B. 1025 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS.

Representative Sutton offers Amendment No. 4.

Representative Pope inquires of the Chair if the amendment is in order, pursuant to Rule 43. The Speaker states that Amendments No. 2 and 3 have been incorporated into the new amendment and it is in order.

Representative Justus inquires of the Chair if he is to be denied the opportunity of offering a perfecting amendment. The Speaker rules that there will not be any perfecting amendments accepted today.

Representative Justus inquires of the Chair if he is accepting any amendments at all. The Speaker states that he does not intend to accept any binding amendments at all.

Representative C. Wilson inquires of the Chair if no perfecting amendments are allowed today, what would be the plan for perfecting amendments for tomorrow. The Speaker states that we will know tomorrow.

Representative Shubert inquires of the Chair if Amendment No. 4 is adopted and no perfecting amendments are allowed today, then to be consistent, would not perfecting amendments be irrelevant forever. The Speaker states that that is correct for today.

Representative C. Wilson inquires of the Chair if the Chamber doesn't know what type of amendments can be accepted, how do the Members know what to have drafted for tomorrow. The Speaker states that any amendment sent up will have a decision made on it.

Representative Carpenter inquires of the Chair when will she know if the perfecting amendment that she sent forward would be acceptable. The Speaker states that it will be tomorrow.

Amendment No. 4 is adopted by electronic vote (62-57).

The bill, as amended, passes its second reading, by electronic vote (62-57).

Representative Pope objects to the third reading. The bill remains on the Calendar.

On motion of Representative Culpepper, seconded by Representative Wainwright, the House adjourns at 4:26 p.m. to reconvene October 24 at 10:00 a.m.

ONE HUNDRED FIFTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, October 24, 2001

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker Pro Tempore.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Eternal God, You are the One whose intention initiated the first Word, which brought into being all that is. As Your Spirit hovered over the waters of chaos, You spoke and the goodness of creation was brought forth. May that same Spirit now brood over this Assembly that our work might be productive and good. May our intentions be honorable and just. May our speech be creative and caring. May our word join Your Word in the creative activity of building a world of goodness, full of truth, and abiding in justice."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 23 has been examined and found correct. Upon his motion, the Journal is approved as written.

Representatives Adams, Luebke, and Miller are excused for a portion of the session.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Baddour, Chair, for the Committee on Judiciary II:

H.B. 1468, A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE MANUFACTURE, POSSESSION,

October 24, 2001

STORAGE, TRANSPORTATION, DELIVERY, OR ACQUISITION OF CERTAIN WEAPONS OF MASS DESTRUCTION, AND TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF CERTAIN WEAPONS OF MASS DESTRUCTION AND THE FALSE REPORTING OR THE PLACING OF A FALSE WEAPON OF MASS DESTRUCTION, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

S.B. 826 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK FOR CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF FEDERAL REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK RESULTS AND TO ESTABLISH THE STUDY COMMISSION ON CRIMINAL HISTORY RECORD CHECKS, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

CALENDAR

Action is taken on the following:

S.B. 968 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis,

Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Mitchell, Morgan, Morris, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 101.

Voting in the negative: Representatives Capps, Creech, Davis, Decker, and Pope - 5.

Excused absences: Representatives Adams, Luebke, and Miller - 3.

On motion of the Chair, the House recesses at 10:15 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker Pro Tempore.

BILL PLACED ON CALENDAR

Representative Culpepper, gives notice, pursuant to Rule 36(b), and **H.B. 1468** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER, is placed on the Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (113-0).

Representative Nesbitt objects to the third reading and the bill remains on the Calendar.

On motion of the Chair, the House recesses at 2:40 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker Pro Tempore.

On motion of the Chair, the House recesses at 3:20 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Alexander, Chair, for the Committee on Election Law and Campaign Finance Reform:

Senate Committee Substitute for **H.B. 1195**, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, with recommendation that the House do not concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

CALENDAR (continued)

H.B. 1025 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS.

On motion of Representative Culpepper, seconded by Representative Fitch, the House adjourns at 4:38 p.m. to reconvene October 25 at 9:00 a.m.

ONE HUNDRED FIFTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Thursday, October 25, 2001

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"O God, when You created the light and the darkness, You assigned each a place, and in balance and harmony they provide us a time for work and a time for rest. When You created the seas and the dry land, You limited the expansion of each, so that one would not overrun the other and that life may be developed in each. When the children of Israel entered the promised land, You created space for each of the tribes, that in harmony and trust they might live together and forge a future that promised peace and well-being with all.

"Be with us who gather here to draw lines and assign places through the redistricting process. Grant us Your divine wisdom, that we might know how to achieve a balance and harmony that promises effective representation of all people who call North Carolina their home. Deter us from creating boundaries that would overreach the bounds of fairness. Guide us towards a plan that promises equity and justice to all who would take seriously their privilege to participate in our system of democracy. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 24 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (69-44).

Representative Bowie requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (70-43).

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

H.B. 1270, AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL

October 25, 2001

COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Wright, Chair, for the Committee on Health:

S.B. 907 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Appropriations.

The House committee substitute bill is re-referred to the Committee on Appropriations. The Senate committee substitute bill is placed on the Unfavorable Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following is introduced, read the first time and referred to committee:

By Representative Pope:

H.B. 1469, A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS WITH A DEVIATION OF LESS THAN 1%, is referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 1195**, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE

October 25, 2001

SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR.

On motion of Representative Alexander, the House does not concur in the Senate committee substitute bill, by electronic vote (111-2).

Representative Esposito requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (112-1).

S.B. 748 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY.

Representative Owens offers Amendment No. 1 which is adopted by electronic vote (113-1).

On motion of the Chair and without objection, the bill is temporarily displaced.

H.B. 1468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER.

Representative Nesbitt offers Amendment No. 1 which is adopted by electronic vote (112-0).

Representative Hensley offers Amendment No. 2 which is adopted by electronic vote (115-0).

Representative Baddour offers Amendment No. 3 which is adopted by electronic vote (116-0).

Representative Ellis offers Amendment No. 4 which fails of adoption by electronic vote (19-97).

The bill, as amended, passes its third reading, by electronic vote (116-0), and is ordered engrossed and sent to the Senate by Special Message.

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 178** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES, is withdrawn from the Calendar and placed on the Calendar of October 30.

Pursuant to Rule 36(b)(2), the Chair withdraws **S.B. 348** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR (continued)

S.B. 748 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING

LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY, which was temporarily displaced, is before the Body.

Representative Baker offers Amendment No. 2 which is ruled to be material. The amendment fails of adoption by the following vote.

Those voting in the affirmative are: Representatives Allred, Arnold, Baker, Barbee, Barnhart, Blust, Brubaker, Capps, Carpenter, Clary, M. Crawford, Creech, Culp, Daughtry, Davis, Decker, Eddins, Esposito, Gillespie, Grady, Gray, Gulley, Harrington, Hiatt, Hill, Hilton, Holmes, Howard, Johnson, Justus, Kiser, McComas, Mitchell, Morris, Pope, Preston, Rayfield, Rogers, Russell, Setzer, Sexton, Shubert, Starnes, Teague, Tucker, Walend, West, and C. Wilson - 48.

Voting in the negative: Representatives Adams, Alexander, Allen, Baddour, Barefoot, Bell, Bonner, Boyd-McIntyre, Buchanan, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Dedmon, Dockham, Earle, Easterling, Edwards, Ellis, Fox, Gibson, Goodwin, Hackney, Haire, Hall, Hensley, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Lucas, Luebke, McAllister, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Morgan, Nesbitt, Nye, Oldham, Owens, Redwine, Saunders, Sherrill, Smith, Sutton, Thompson, Tolson, Underhill, Wainwright, Walker, Warner, Warren, Warwick, Weatherly, Weiss, G. Wilson, Womble, and Yongue - 66.

Excused absences: None.

Representative Baker offers Amendment No. 3, which is ruled to be material. The amendment fails of adoption by the following vote.

Those voting in the affirmative are: Representatives Alexander, Allred, Arnold, Baker, Barbee, Barnhart, Blust, Bowie, Brubaker, Carpenter, Clary, M. Crawford, Creech, Daughtry, Decker, Eddins, Esposito, Grady, Gulley, Harrington, Hiatt, Hilton, Howard, Justus, Kiser, McCombs, Mitchell, Morris, Nesbitt, Pope, Preston, Rayfield, Russell, Setzer, Sexton, Starnes, Teague, Walend, Weatherly, West, and G. Wilson - 41.

Voting in the negative: Representatives Allen, Baddour, Barefoot, Bell, Blue, Bonner, Boyd-McIntyre, Buchanan, Capps, Church, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Davis, Dedmon, Dockham, Earle, Easterling, Edwards, Ellis, Fox, Gibson, Gillespie, Goodwin, Gray, Hackney, Haire, Hall, Hensley, Hill, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Lucas, Luebke, McAllister,

McLawhorn, McMahan, Michaux, Miller, Miner, Morgan, Nye, Oldham, Owens, Redwine, Rogers, Saunders, Sherrill, Shubert, Smith, Sutton, Thompson, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Warwick, Weiss, Womble, Wright, and Yongue - 73.

Excused absences: None.

The Chair stops debate and attends to the following business.

CONFEREES APPOINTED

The Speaker appoints the following conferees on Senate Committee Substitute for **H.B. 1195**, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR: Representative Blue, Chair; Representatives Goodwin, Kiser, Michaux, and Nesbitt.

The Senate is so notified by Special Message.

CALENDAR (continued)

S.B. 748 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY, is before the Body.

Representative Redwine offers Amendment No. 4 which is ruled to be material. The amendment is adopted is by the following vote. The bill remains on the Calendar for its second roll call reading.

Those voting in the affirmative are: Representatives Adams, Alexander, Allred, Arnold, Barbee, Barefoot, Barnhart, Blue, Blust, Boyd-McIntyre, Carpenter, Coates, Cox, M. Crawford, Culp, Earle, Easterling, Edwards, Fox, Goodwin, Grady, Gulley, Hackney, Haire, Hensley, Holliman, Howard, Hunter, Insko, Johnson, Justus, Lucas, Luebke, Michaux, Miller,

Mitchell, Morgan, Nesbitt, Nye, Oldham, Pope, Redwine, Russell, Sexton, Smith, Sutton, Teague, Thompson, Underhill, Wainwright, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, Wright, and Yongue - 59.

Voting in the negative: Representatives Allen, Baddour, Baker, Bell, Bonner, Bowie, Brubaker, Buchanan, Capps, Church, Clary, J. Crawford, Creech, Culpepper, Cunningham, Davis, Decker, Dedmon, Dockham, Eddins, Ellis, Esposito, Gibson, Gillespie, Gray, Hall, Harrington, Hiatt, Hilton, Holmes, Hurley, Jarrell, Jeffus, Kiser, McComas, McCombs, McLawhorn, McMahan, Miner, Morris, Owens, Preston, Rayfield, Rogers, Saunders, Setzer, Sherrill, Shubert, Starnes, Tolson, Tucker, Walend, Walker, Warner, and C. Wilson - 55.

Excused absences: None.

On motion of Representative Culpepper, seconded by Representative Wainwright, the House adjourns at 11:20 a.m. to reconvene Monday, October 29, 2001, at 7:00 p.m.

ONE HUNDRED FIFTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Monday, October 29, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker Pro Tempore.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Merciful God, as the darkness of night enshrouds this place, let not the darkness descend into our souls. May the light of Your presence continue to shine within us, that illuminated by Your love, we may radiate grace and compassion to others. Let not the darkness of bitterness and rivalry descend into our Assembly, but let charity and forgiveness illumine our gathering. May Your will be the beacon that guides us and Your word be the lamp that keeps us from stumbling. Come, thou Light of the World, and illuminate our work and our lives. Amen."

The Speaker Pro Tempore leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 25 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Boyd-McIntyre, Cole, Hill, Hunter, Warner, and Wright for today.

CONFERENCE REPORT

Representative Alexander sends forth the Conference Report on House Committee Substitute No. 2 for **S.B. 17**, A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 30.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), the Chair withdraws **H.B. 728** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Judiciary I.

CALENDAR

Action is taken on the following:

S.B. 748 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY

DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY, is moved up on today's Calendar.

Representative Baker offers Amendment No. 5.

SPEAKER BLACK PRESIDING.

Amendment No. 5 is adopted by electronic vote (106-4).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barnhart, Bowie, Brubaker, Buchanan, Church, Coates, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Edwards, Esposito, Fox, Gibson, Gillespie, Goodwin, Gray, Haire, Hall, Harrington, Hiatt, Holliman, Holmes, Hurley, Jarrell, Jeffus, McLawhorn, McMahan, Michaux, Miner, Mitchell, Morris, Nye, Oldham, Owens, Preston, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Warwick, West, C. Wilson, G. Wilson, and Womble - 68.

Voting in the negative: Representatives Allred, Barefoot, Bell, Blust, Bonner, Capps, Carpenter, Clary, Creech, Davis, Decker, Earle, Easterling, Eddins, Ellis, Grady, Gulley, Hackney, Hensley, Hilton, Howard, Insko, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, Miller, Morgan, Nesbitt, Pope, Rayfield, Setzer, Shubert, Starnes, Sutton, Teague, Weatherly, Weiss, and Yongue - 43.

Excused absences: Representatives Boyd-McIntyre, Cole, Hill, Hunter, Warner, and Wright - 6.

On motion of Representative Culpepper, seconded by Representative Weiss, the House adjourns, by electronic vote (64-31), at 7:41 p.m. to reconvene October 30 at 3:00 p.m.

ONE HUNDRED FIFTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Lord of Life, we find our fullest potential not when You are a *part* of our lives, but when You *are* our lives. May our selfishness and self-interests die within us, that we might live more fully unto You. May our governance be first governed by the mercy You bestow upon us. May our legislation be first legislated by Your will. May our words be first oriented in Your Word, which is the basis of all creation. O God, make us Your servants, that our work will be pleasing in Your sight. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 29 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (82-17).

Representative Thompson requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (83-17).

Leaves of absence are granted Representatives Easterling and Hiatt for today. Representative Goodwin is excused for a portion of the session.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 13, AN ACT TO PROHIBIT INSURANCE COMPANIES FROM RECOMMENDING THAT INSURANCE CLAIMANTS OBTAIN MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES WITHOUT INFORMING THEM OF THEIR OPTIONS; TO AMEND THE SURPLUS LINES LAW TO CONFORM IT TO THE GRAMM-LEACH-BLILEY ACT; AND TO CORRECT AN ERROR IN AN AMENDMENT TO THE WORKERS' COMPENSATION ACT. (S.L. 2001-451)

H.B. 1006, AN ACT TO CONSOLIDATE VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS. (S.L. 2001-452)

H.B. 1048, AN ACT TO PROVIDE THAT HEALTH BENEFIT PLANS SHALL NOT MANDATE ADDITIONAL COVERAGE BEYOND WHAT IS REQUIRED AS OF JUNE 30, 2003, WITH CERTAIN EXCEPTION; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF HEALTH INSURANCE MANDATES. (S.L. 2001-453)

H.B. 1299, AN ACT TO APPROPRIATE FUNDS FROM THE NON-COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO SUPPORT THE ADMINISTRATION OF THE PETROLEUM UNDERGROUND STORAGE TANK PROGRAM. (S.L. 2001-454)

H.B. 1362, AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES AND TO AUTHORIZE THE NORTH CAROLINA RESPIRATORY CARE BOARD TO INCREASE FEES. (S.L. 2001-455)

H.B. 1270, AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS. (S.L. 2001-456)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 865, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE OPERATION OF OFF-ROAD VEHICLES ON CERTAIN PROPERTY IN BRUNSWICK COUNTY, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

S.B. 721 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY,

THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS, AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar of October 31. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following is introduced, read the first time and referred to committee:

By Representatives Wright, Cunningham, Fitch, and Wainwright (Primary Sponsors); Alexander, Barefoot, Bell, Boyd-McIntyre, Goodwin, Lucas, Luebke, Oldham, and Womble:

H.J.R. 1470, A JOINT RESOLUTION HONORING AFRICAN AMERICANS WHO HAVE SERVED IN THE GENERAL ASSEMBLY SINCE 1868, is referred to the Committee on Rules, Calendar, and Operations of the House.

SUSPENSION OF RULES

On motion of Representative Redwine, the rules are suspended, by electronic vote (110-0), and the following is introduced and read the first time:

By Representatives Easterling, Goodwin, Oldham, Redwine, and Thompson:

H.B. 1471, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO BORROW FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO IMPLEMENT BIOTERRORISM DEFENSE MEASURES AND TO ADDRESS OTHER BIOTERRORISM ISSUES, is referred to the Committee on Appropriations.

On motion of Representative Culpepper, the rules are suspended, by electronic vote (114-0), and the following is introduced and read the first time:

By Representatives Culpepper and Goodwin:

H.B. 1472, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A BIOLOGICAL AGENTS REGISTRY, AND IMPOSING CIVIL PENALTIES FOR VIOLATION OF REGISTRY REQUIREMENTS, is referred to the Committee on Judiciary II.

CALENDAR

Action is taken on the following:

S.B. 46 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX.

On motion of the Chair and without objection, the bill is temporarily displaced.

S.B. 748 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY.

Representative Luebke offers Amendment No. 6.

Representative Owens inquires of the Chair if the amendment is in order.

On motion of the Chair, the bill is temporarily displaced.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 139 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, passes its second reading, by electronic vote (115-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 178** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES, is withdrawn from the Calendar and placed on the Calendar of November 1.

On motion of Representative Culpepper, seconded by Representative Coates, the House adjourns at 3:44 p.m. to reconvene October 31 at 3:00 p.m.

ONE HUNDRED FIFTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, October 31, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, keep us moving forward in our work. Let not the goals with which we began this year's service be forgotten. Let not past hurts and offenses be remembered. Bring us again to the common commitment to empower the citizens of this State to lead more productive lives. Where pride and stubbornness keep us from Your will, forgive us. Where imagination fails to grasp new insights, inspire us. Soften our hearts, open

our minds, clear our vision, that we might find points of compromise and proceed in our appointed tasks. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 30 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (90-6).

A leave of absence is granted Representative Blue for today. Representative Luebke is excused for a portion of the session.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Easterling, Oldham, Redwine, and Thompson, Chairs, for the Committee on Appropriations:

H.B. 1471, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO BORROW FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO IMPLEMENT BIOTERRORISM DEFENSE MEASURES AND TO ADDRESS OTHER BIOTERRORISM ISSUES, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

CONFERENCE REPORT

Representative Michaux moves the adoption of the following Conference Report.

House Committee Substitute No. 2 for S.B. 17

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 17, A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF

CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, House Committee Substitute #2 Favorable 7/26/01, Sixth Edition Engrossed 9/13/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, House Committee Substitute #2 Favorable 7/26/01, Sixth Edition engrossed 9/13/01, and the Senate concurs in the House Committee Substitute as amended:

on page 1, lines 2-9 by rewriting those lines to read:

"AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES.";

and on page 5, lines 23 and 24 by rewriting those lines to read:

"(1) Federal offices shall be listed before State and local offices. Member of the United States House of Representatives shall be listed immediately after United States Senator.";

and on page 6, lines 1-10 by rewriting the lines to read:

- "(1) Nominees of political parties that reflect at least five percent (5%) of statewide voter registration, according to the most recent statistical report published by the State Board of Elections, in alphabetical order by party and in alphabetical order within the party.
- (2) Nominees of other political parties, in alphabetical order by party and in alphabetical order within the party.
- (3) Unaffiliated candidates, in alphabetical order.";

and on page 9, line 28 by deleting the phrase "outside" and substituting the phrase "adjacent to";

and on page 10, line 41 by rewriting the line to read:

"(3) Except as provided by G.S. 163-166.9, no official ballots leave the voting enclosure during the time voting is".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 24, 2001.

*Conferees for the
Senate*

S/ Wib Gulley
S/ Anthony E. Rand
S/ Frank W. Ballance, Jr.

*Conferees for the
House of Representatives*

S/ Martha B. Alexander
S/ R. Eugene Rogers
S/ Donald A. Bonner
S/ Wayne Goodwin
S/ H. M. Michaux, Jr.

The Conference Report, which changes the title, is adopted, by electronic vote (62-54), and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

S.B. 721 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE, is moved up on today's Calendar.

The bill passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Church, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon,

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Dockham, Earle, Easterling, Edwards, Esposito, Fox, Gibson, Goodwin, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Holliman, Holmes, Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Lucas, Luebke, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Redwine, Rogers, Russell, Saunders, Sherrill, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, Wright, and Yongue - 90.

Voting in the negative: Representatives Baker, Blust, Capps, Clary, M. Crawford, Creech, Davis, Decker, Eddins, Ellis, Gillespie, Grady, Hilton, Howard, Johnson, Kiser, McComas, Pope, Rayfield, Setzer, Sexton, Shubert, and C. Wilson - 23.

Excused absence: Representative Blue.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

S.B. 826 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SUSPEND THE REQUIREMENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK FOR CERTAIN APPLICANTS FOR CERTAIN POSITIONS IN CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF FEDERAL REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK RESULTS UNTIL JANUARY 1, 2003, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CRIMINAL HISTORY RECORD CHECKS, is moved up on today's Calendar.

The bill passes its second reading, by electronic vote (110-3), and there being no objection is read a third time.

Representative Wainwright requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (111-3).

The bill passes its third reading and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice and places **H.B. 1471** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO ACCESS FUNDS FROM THE

SAVINGS RESERVE ACCOUNT TO ADDRESS TERRORISM ISSUES, on the Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (118-0), and remains on the Calendar.

On motion of the Chair, the House recesses at 3:53 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

On motion of Representative Culpepper, seconded by Representative Easterling, the House adjourns at 6:04 p.m. to reconvene November 1 at 10:30 a.m.

ONE HUNDRED SIXTIETH DAY

HOUSE OF REPRESENTATIVES
Thursday, November 1, 2001

The House meets at 10:30 a.m. pursuant to adjournment and is called to order by the Speaker Pro Tempore.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Eternal God, on this All Saints' Day, we pause to give thanks for each link in the great chain of grace that You began at the origin of creation and continue forging even unto this day. For those who have faithfully transmitted the faith from one generation to another throughout the centuries, for those who sacrificed their very lives to the cause of Your outreaching love, and for those who opened our hearts and minds to Your presence and purpose, we are grateful.

"Be with us, that we might be counted as one of the 'great cloud of witnesses' who have boldly claimed their faith and shared Your mercy. Grant us Your grace, that we might be faithful to Your will not only in the privacy of our homes and places of worship, but also in our public actions

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and words. Indeed, may our work here in this chamber be a testimony of our faith in You and a witness of our love for our neighbor. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 31 has been examined and found correct. Upon his motion, the Journal is approved as written.

CALENDAR

Action is taken on the following:

S.B. 721 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE, is moved up on today's Calendar.

The bill passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Boyd-McIntyre, Brubaker, Buchanan, Carpenter, Church, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Easterling, Edwards, Ellis, Esposito, Fox, Gibson, Goodwin, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hiatt, Hill, Holliman, Holmes, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Preston, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, G. Wilson, Womble, Wright, and Yongue - 90.

Voting in the negative: Representatives Allred, Baker, Capps, Clary, M. Crawford, Creech, Davis, Decker, Eddins, Gillespie, Grady, Hilton, Howard, McComas, Pope, Rayfield, Setzer, Shubert, Starnes, Walend, and C. Wilson - 21.

Excused absences: None.

H.B. 1471 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO ACCESS FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO ADDRESS TERRORISM ISSUES.

On motion of Representative Redwine, the bill is temporarily displaced.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 178** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES, is withdrawn from the Calendar and placed on the Calendar of November 8.

CALENDAR (continued)

H.B. 1471 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO ACCESS FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO ADDRESS TERRORISM ISSUES, which was temporarily displaced, is before the Body.

Representative Pope offers Amendment No. 1 which is adopted by electronic vote (111-1).

The bill, as amended, passes its third reading, by electronic vote (112-0), and is ordered engrossed and sent to the Senate by Special Message.

On motion of the Chair, the House recesses at 11:15 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker Pro Tempore.

On motion of the Chair, the House recesses at 12:09 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker Pro Tempore.

On motion of the Chair, the House recesses at 1:37 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CALENDAR (continued)

H.B. 1025 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS.

Representative Sutton offers Amendment No. 5.

Representative Pope inquires of the Chair if the amendment is in order. The Speaker rules that it is.

Representative Pope inquires of the Chair how the amendment is in order. The Speaker states that he has ruled.

Representative Daughtry inquires of the Chair if amendments that are offered by Republicans will be accepted. The Speaker states that this is the only amendment that will be accepted.

Representative Shubert inquires of the Chair if a previous ruling was in error regarding an amendment on her county. The Speaker states that only one amendment will be accepted and it is now before the Body.

Representative Ellis inquires of the Chair what rule is used to not accept the amendments. The Speaker states that it is Rule 6 and then Rule 7.

Representative Ellis inquires of the Chair, where in Rules 6, 7, and 62 are Members prohibited from carrying out their usual representative duties. The Speaker states it is Rule 6.

Representative Blust inquires of the Chair how not accepting amendments will go over in court. The Speaker states that this is not court and refers the Member to Rule 6.

Amendment No. 5 is adopted by electronic vote (115-3).

Representatives Bowie and Walker request and are granted permission to be recorded as voting "aye". The adjusted vote total is (117-3).

The bill, as amended, passes its third reading, by electronic vote (63-57), and is ordered engrossed and sent to the Senate by Special Message.

On motion of Representative Culpepper, seconded by Representative Nesbitt, the House adjourns, by electronic vote (56-37), at 5:19 p.m. to reconvene Monday, November 5, 2001, at 7:00 p.m.

Representatives Allred and Eddins request and are granted permission to be recorded as voting "aye". Representative Rayfield requests and is granted permission to be recorded as voting "no". The adjusted vote total is (58-38).

ONE HUNDRED SIXTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Monday, November 5, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Good and gracious God, we thank You for the gift of another day, for the work we have been given to do, as well as the skills and strength with which to do it. We thank You for Your truth, that both conveys Your will for us and lights the path which we are to follow. We are grateful for Your Spirit that moves in and among us, energizing us for the tasks of servanthood, even when our energies and insights seem to be spent or at their lowest ebb. For Your generosity which continues to supply our needs and Your inspiration which moves us ever onward, we bless Your name. Guide us now, that we might be good stewards of both this day and our competencies. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 1 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (62-28).

Leaves of absence are granted Representatives Barefoot, Brubaker, Buchanan, Coates, Cole, Dedmon, Dockham, Haire, Harrington, McLawhorn, Sexton, Sherrill, Starnes, Thompson, Underhill, and C. Wilson for today. Representative Goodwin is excused for a portion of the session.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representative Shubert:

H.B. 1473, A BILL TO BE ENTITLED AN ACT TO ADOPT A HOUSE REDISTRICTING PLAN FOR THE UNION COUNTY AREA, is referred to the Committee on Legislative Redistricting.

By Representative Shubert:

H.B. 1474, A BILL TO BE ENTITLED AN ACT TO ADOPT A HOUSE REDISTRICTING PLAN FOR THE UNION COUNTY AREA, is referred to the Committee on Legislative Redistricting.

SUSPENSION OF RULES

On motion of Representative McMahan, the rules are suspended, by electronic vote (93-1), and the following is introduced and read the first time:

By Representatives McMahan, Thompson, and Dockham (Primary Sponsors):

H.B. 1476, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS, is referred to the Committee on Congressional Redistricting.

On motion of Representative Wright, the rules are suspended, by electronic vote (93-4), in order that **H.B. 1477** might be introduced and read the first time.

Representative Goodwin requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (94-4).

By Representatives Wright, Alexander, and Hill:

H.B. 1477, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS, is referred to the Committee on Congressional Redistricting.

On motion of Representative Culpepper, seconded by Representative Owens, the House adjourns at 7:14 p.m. to reconvene November 6 at 3:00 p.m.

ONE HUNDRED SIXTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Tuesday, November 6, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Merciful God, it is easy to look in the lives of others and observe their shortcomings. It is easy to remember the times and ways that others have hurt us or failed to live up to our expectations. It is much more difficult to search our own lives and admit our faults and failures. Yet, as we open ourselves to Your presence and see Your holiness and purity, we are reminded that we all have missed the mark and fallen short of Your glory. Save us from stringent judgmentalism. Open us to Your mercy that we might share the same with our brothers and sisters around us. Let forgiveness abound and grace overflow, that reconciliation can take root and relationships be restored. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 5 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (95-15).

Leaves of absence are granted Representatives Adams, Brubaker, Clary, Dedmon, Haire, Harrington, and McAllister for today.

November 6, 2001

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Baddour, Chair, for the Committee on Judiciary II:

H.B. 1472, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A BIOLOGICAL AGENTS REGISTRY, AND IMPOSING CIVIL PENALTIES FOR VIOLATION OF REGISTRY REQUIREMENTS, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

S.B. 881 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT IN THE COUNTY IN WHICH THE INJURY OCCURRED, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.B. 798 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following is introduced, read the first time and referred to committee:

By Representative Daughtry:

H.B. 1475, A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS, is referred to the Committee on Legislative Redistricting.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

H.B. 865 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWN OF HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, AND TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Alexander, Allred, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Bowie, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Dockham, Earle, Easterling, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hensley, Hiatt, Hill, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 103.

Voting in the negative: Representatives Baker, Creech, Decker, Eddins, Gillespie, Hilton, and Setzer - 7.

Excused absences: Representatives Adams, Brubaker, Clary, Dedmon, Haire, Harrington, and McAllister - 7.

Representative Allen requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (104-7).

S.B. 748 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY, is before the Body with Amendment No. 6 pending.

Representative Luebke withdraws the amendment.

Representative Saunders offers Amendment No. 7 which is adopted by electronic vote (107-4).

Representative Hensley offers Amendment No. 8.

The Speaker rules the amendment to be material.

Amendment No. 8 fails of adoption by the following vote.

Those voting in the affirmative are: Representatives Allred, Arnold, Baker, Barnhart, Blue, Blust, Boyd-McIntyre, Capps, Carpenter, Cole, M. Crawford, Creech, Daughtry, Davis, Decker, Eddins, Ellis, Esposito, Fitch, Gillespie, Goodwin, Grady, Gulley, Hensley, Hilton, Howard, Insko, Johnson, Kiser, Luebke, McComas, McCombs, Miller, Mitchell, Nesbitt, Pope, Rayfield, Russell, Setzer, Sexton, Shubert, Starnes, Walend, Walker, Warner, Weatherly, Weiss, and West - 48.

Voting in the negative: Representatives Alexander, Baddour, Barbee, Barefoot, Bell, Bonner, Bowie, Buchanan, Church, Coates, Cox, J. Crawford, Culp, Culpepper, Cunningham, Dockham, Earle, Easterling, Edwards, Fox, Gibson, Gray, Hall, Hiatt, Hill, Holliman, Hunter, Hurley, Jarrell, Jeffus, Justus, Lucas, McLawhorn, McMahan, Michaux, Morgan, Morris, Nye, Oldham, Owens, Preston, Redwine, Rogers, Saunders, Sherrill, Smith, Sutton, Teague, Thompson, Tolson, Tucker, Wainwright, Warren, Warwick, G. Wilson, Womble, Wright, and Yongue - 58.

Excused absences: Representatives Adams, Brubaker, Clary, Dedmon, Haire, Harrington, and McAllister - 7.

Representative Allen requests and is granted permission to be recorded as voting "no". Representative C. Wilson requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (49-59).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House committee substitute by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Bonner, Bowie, Boyd-McIntyre, Buchanan, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dockham, Earle, Edwards, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Gray, Gulley, Hall, Hiatt, Hill, Holliman, Holmes, Hunter, Hurley, Jarrell, Jeffus, Lucas, McLawhorn, McMahan, Michaux, Mitchell, Morgan, Morris, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Sutton, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 81.

Voting in the negative: Representatives Allred, Blust, Capps, Carpenter, Creech, Davis, Decker, Easterling, Eddins, Ellis, Grady, Hackney, Hensley, Hilton, Howard, Insko, Johnson, Justus, Kiser, Luebke, McComas, McCombs, Miller, Nesbitt, Pope, Setzer, Shubert, Starnes, Teague, and Weiss - 30.

Excused absences: Representatives Adams, Brubaker, Clary, Dedmon, Haire, Harrington, and McAllister - 7.

BILL PLACED ON CALENDAR

Representative Culpepper, gives notice, pursuant to Rule 36(b), and **S.B. 798** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS, is placed on the Calendar for immediate consideration.

Representative Daughtry inquires of the Chair if the bill can be placed on the Calendar if a Member objects to the action taken. The Speaker rules that the bill is properly before the Body according to the provision of Rule 36(b).

The Speaker stops debate and attends to the following business.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

H.B. 1471, AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO ACCESS FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO ADDRESS TERRORISM ISSUES.

CALENDAR (continued)

S.B. 798 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS, is before the Body.

Representative Pope inquires of the Chair if he might be allowed to offer an amendment. The Speaker rules that the Member is not recognized to send forward an amendment.

Representative Pope appeals from the ruling of the Chair.

Representative Justus inquires of the Chair if his ruling is that no amendments will be accepted to the bill. The Speaker states that is correct.

The motion to appeal from the ruling of the Chair fails of a two-thirds majority by electronic vote (46-64).

Representative Capps inquires of the Chair the meaning of the words in Rule 15, "that a motion to adjourn is always in order". The Speaker states that he has ruled.

The bill passes its second reading, by electronic vote (60-52).

Representative Pope objects to the third reading. The bill remains on the Calendar.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 250**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 81ST HOUSE DISTRICT, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Finance.

On motion of Representative Culpepper, seconded by Representative Owens, the House adjourns at 5:02 p.m. to reconvene November 7 at 9:00 a.m.

ONE HUNDRED SIXTY-THIRD DAY

HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, by the warmth of Your love, melt the hardness of our hearts. By the mighty breath of life, knock down the barriers of class, ethnicity, and partisanship that divides us. By Your grace, erase the suspicions that keep us from fully trusting one another. By Your forgiving mercy, make our hatreds cease. By Your unifying Spirit, hear our decisions, that we might not only seek to bring justice and peace to our State, we might experience them here in our Assembly. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 6 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (78-19).

Leaves of absence are granted Representatives Bowie, Dedmon, Haire, and Thompson for today. Representative Brubaker is excused for a portion of the session.

November 7, 2001

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 108**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALLEGHANY, ANSON, BEAUFORT, CABARRUS, CAMDEN, CHEROKEE, CHOWAN, CURRITUCK, FORSYTH, GRAHAM, GRANVILLE, HARNETT, HAYWOOD, JACKSON, LEE, MADISON, MONTGOMERY, PASQUOTANK, PERQUIMANS, PITT, STANLY, SWAIN, VANCE, WARREN, AND YADKIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Pursuant to your message that your Honorable Body has adopted the report of the conferees, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 17**, A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION;

November 7, 2001

TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES.

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 774**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGES FROM THE SENATE

The following special messages are received from the Senate:

H.B. 898 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE STATE EMPLOYEE FEDERAL REMEDY RESTORATION ACT, is returned for concurrence in Senate committee substitute bill.

November 7, 2001

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of November 8.

Senate Committee Substitute for **H.B. 917**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

Senate Committee Substitute No. 2 for **H.B. 1427** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE DEFINITIONS USED FOR AGRICULTURAL, HORTICULTURAL, AND FORESTRY LAND; TO PERMIT A CHANGE OF OWNERSHIP WITH CONTINUED QUALIFICATION FOR DEFERRED TAX STATUS; TO PROVIDE AN OPTION FOR PREPAYMENT OF ANY DEFERRED TAXES; TO CREATE A STUDY; AND TO MAKE CONFORMING CHANGES, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of November 8.

Upon concurrence, the Senate committee substitute bill changes the title.

BILL ORDERED ENROLLED

The Senate having adopted the Conference Report on **H.B. 108** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALLEGHANY, ANSON, BEAUFORT, CABARRUS, CAMDEN, CHEROKEE, CHOWAN, CURRITUCK, FORSYTH, GRAHAM, GRANVILLE, HARNETT, HAYWOOD, JACKSON, LEE, MADISON, MONTGOMERY, PASQUOTANK, PERQUIMANS, PITT, STANLY, SWAIN, VANCE, WARREN, AND YADKIN COUNTIES TO REQUIRE

THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, the Speaker orders the bill enrolled and presented to the Governor by Special Message.

CALENDAR

Action is taken on the following:

H.B. 865 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWN OF HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, AND TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Bonner, Buchanan, Capps, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Dockham, Earle, Easterling, Edwards, Esposito, Fox, Gibson, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hiatt, Hill, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, and Yongue - 96.

Voting in the negative: Representatives Baker, Blust, Carpenter, Creech, Decker, Eddins, Gillespie, and Hilton - 8.

Excused absences: Representatives Bowie, Dedmon, Haire, Harrington, and Thompson - 5.

Representative Harrington requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (97-8).

S.B. 798 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS, passes its third reading, by electronic vote (56-55), and is ordered enrolled.

Representative Oldham requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (57-55).

On motion of Representative Culpepper, seconded by Representative Oldham, the House adjourns at 10:12 a.m. to reconvene November 8 at 9:00 a.m.

ONE HUNDRED SIXTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Thursday, November 8, 2001

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Gracious God, You have rightly asked, 'What do we profit if we gain the whole world but forfeit our lives?' As we sit in positions of authority, protect us from the heady sense of power that corrupts our best intentions. As we claim positions of leadership, remind us by Your example that a true leader is one who serves and seeks to help those in need. As we are entrusted to do what is good for the State, let not our vision settle on that which is only good for us. O God, keep our hearts pure, our intentions virtuous, and our faith strong. Help us to be people of integrity, that the respect which we are shown is earned by our character and not simply our position. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 7 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Allred, Baddour, Barefoot, Blue, Brubaker, Capps, Cole, Davis, Dedmon, Earle, Edwards, Gray, Haire, Harrington, Hill, Insko, McComas, Morris, Nye,

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Rayfield, Russell, Saunders, Sherrill, Smith, Sutton, Teague, Thompson, Tucker, Walend, Warwick, and West for today. Representative Hunter is excused for a portion of the session.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 6, 2001

Mr. Speaker:

Pursuant to your message received on October 25, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1195**, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, and requests conferees, the President Pro Tempore appoints:

Senator Clodfelter, Chair
Senator Wellons
Senator Cunningham
Senator Ballance

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGES FROM THE SENATE

The following special messages are received from the Senate:

H.B. 1468 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE

November 8, 2001

USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

S.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

Representative Hackney sends forth the Conference Report on House Committee Substitute for **S.B. 774**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of November 15.

CALENDAR

Action is taken on the following:

Senate Committee Substitute No. 2 for **H.B. 1427** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE DEFINITIONS USED FOR AGRICULTURAL, HORTICULTURAL, AND FORESTRY LAND; TO PERMIT A CHANGE OF OWNERSHIP WITH CONTINUED QUALIFICATION FOR DEFERRED TAX STATUS; TO PROVIDE AN OPTION FOR PREPAYMENT OF ANY DEFERRED TAXES; TO CREATE A STUDY; AND TO MAKE CONFORMING CHANGES.

On motion of Representative Baker, the House does not concur in Senate Committee Substitute Bill No. 2, which changes the title, by electronic vote (78-0).

The Speaker appoints Representative Hill, Chair; Representatives Baker, Coates, Kiser, and Bell as conferees on the part of the House and the Senate is so notified by Special Message.

H.B. 898 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE STATE EMPLOYEE FEDERAL REMEDY RESTORATION ACT.

On motion of Representative Hensley, the House concurs in the Senate committee substitute bill, by electronic vote (77-0), and the bill is ordered enrolled and presented to the Governor.

Representative Howard requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (78-0).

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 178** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES, is withdrawn from the Calendar and placed on the Calendar of November 15.

On motion of Representative Culpepper and without objection, **S.B. 881** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT, is withdrawn from the Calendar and placed on the Calendar of November 13.

Representative Culpepper moves, seconded by Representative Warner, that the House adjourn, subject to the receipt of Committee Reports, to reconvene Monday, November 12, 2001, at 7:00 p.m.

The motion carries.

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute for **H.B. 948** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", with recommendation that the House do not concur; request conferees.

Pursuant to Rule 36(b), the bill is placed on the Calendar of November 13.

S.B. 348 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of November 13.

The House stands adjourned at 10:29 a.m.

ONE HUNDRED SIXTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Monday, November 12, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker Pro Tempore.

The following prayer is offered by the Reverend Sally Bates, Raleigh, North Carolina.

"Gracious God, the time of our adjournment is drawing near and the list of unfinished work continues to grow. As does the list of 'ought to do's', 'should do's', and 'must do's'. If ever there were code words of guilt, these are they.

November 12, 2001

"How grateful we are, O God, that Your son did not say you OUGHT TO BE the salt of the earth and the light of the world. He said you ARE salt and light. What a great gift of hope He bestowed upon us with those simple words, because on our own sometimes, we can feel very insignificant in the great scheme of things.

"On the surface they aren't very impressive. He didn't tell us we would be earthquakes, just salt and light. What beautiful subtlety there is in that divine charge in which ordinary substances become the catalysts for new life. 'You are the salt of the earth and the light of the world.'

"O God, even as jetliners fall tragically from the sky, remind us once again who we are and keep us faithful this day. We pray in Your holy name. Amen."

The Speaker Pro Tempore leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 8 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Allred, Blue, Bowie, Brubaker, Church, Cole, Daughtry, Dedmon, Eddins, Esposito, Goodwin, Haire, Hunter, Hurley, McLawhorn, Morgan, Preston, Russell, Sexton, Starnes, Sutton, Teague, and Yongue for today.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1471, AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO ACCESS FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO ADDRESS TERRORISM ISSUES. (S.L. 2001-457)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following is introduced, read the first time and referred to committee:

By Representative Shubert:

H.B. 1478, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS, is referred to the Committee on Legislative Redistricting.

On motion of Representative Culpepper, seconded by Representative McMahan, the House adjourns at 7:04 p.m. to reconvene November 13 at 3:00 p.m.

ONE HUNDRED SIXTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, November 13, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Charles L. Herrin, Longview United Methodist Church, Raleigh, North Carolina.

"May we pause for a brief moment in memory of those whose lives have been lost in recent tragedies in our nation and world.

"Merciful God, may we who have been fortunate enough to have our lives spared from death and tragedy in this world be so moved to compassion that we shall find all life precious and cherish all persons. So guide us in purpose, in deliberation, in duty, and in action that we will bring honor and glory to Your good creation. Remake us in all that we are becoming so that we shall bear the marks of people dedicated to government of wholeness and holiness. This we pray in confidence that, as our God, You heal all wounds and refresh our days. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 12 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, Bowie, Brubaker, Esposito, Haire, Johnson, Nye, Preston, Tucker, and Underhill for today. Representative Justus is excused for a portion of the session.

November 13, 2001

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 17, AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES.

S.B. 139, AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

S.B. 826, AN ACT TO SUSPEND THE REQUIREMENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK FOR CERTAIN APPLICANTS FOR CERTAIN POSITIONS IN CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF FEDERAL REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK RESULTS UNTIL JANUARY 1, 2003, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CRIMINAL HISTORY RECORD CHECKS.

S.B. 833, AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND.

H.B. 108, AN ACT TO AUTHORIZE ALLEGHANY, ANSON, BEAUFORT, CABARRUS, CAMDEN, CHEROKEE, CHOWAN, CURRITUCK, FORSYTH, GRAHAM, GRANVILLE, HARNETT, HAYWOOD, JACKSON, LEE, MADISON, MONTGOMERY, PASQUOTANK, PERQUIMANS, PITT, STANLY, SWAIN, VANCE, WARREN, AND YADKIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

H.B. 898, AN ACT TO ENACT THE STATE EMPLOYEE FEDERAL REMEDY RESTORATION ACT.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), the Chair withdraws Senate Committee Substitute for **H.B. 917**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION, from the Calendar pursuant to Rule 36(b) and re-refers it to the Committee on Finance.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 948** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA".

On motion of Representative Culpepper, the House does not concur in the Senate committee substitute bill, by electronic vote (106-0), and conferees are requested.

The Speaker appoints Representative Culpepper, Chair; Representatives Smith and Gray as conferees on the part of the House and the Senate is so notified by Special Message.

S.B. 348 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX.

Representative Hurley offers Amendment No. 2 which is adopted by electronic vote (104-0).

Representatives Russell and Howard request and are granted permission to be recorded as voting "aye". The adjusted vote total is (106-0).

Representative Warner offers Amendment No. 3 which is adopted by electronic vote (105-2).

Representative Lucas offers Amendment No. 4 which is adopted by electronic vote (63-44).

Representative McAllister offers Amendment No. 4.

On motion of the Chair and without objection, the bill is temporarily displaced.

H.B. 1472 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A BIOLOGICAL AGENTS REGISTRY, AND IMPOSING CIVIL PENALTIES FOR VIOLATION OF REGISTRY REQUIREMENTS, passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate by Special Message.

S.B. 348 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, which was temporarily displaced, is before the Body with Amendment No. 4 pending.

Representative McAllister requests that Amendment No. 4 be divided. The Speaker rules that the amendment is divisible.

Amendment No. 4A is before the Body.

Amendment No. 4A fails of adoption by electronic vote (51-55).

Amendment No. 4B is adopted by electronic vote (66-37).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Bell, Bonner, Boyd-McIntyre, Buchanan, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Edwards, Fitch, Fox, Gibson, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hensley, Hiatt, Hill, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell,

Morgan, Morris, Nesbitt, Oldham, Owens, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, G. Wilson, Womble, Wright, and Yongue - 88.

Voting in the negative: Representatives Allred, Baker, Barnhart, Blust, Capps, Creech, Davis, Decker, Eddins, Ellis, Gillespie, Harrington, Hilton, Holmes, Kiser, Pope, Rayfield, and Shubert - 18.

Excused absences: Representatives Blue, Bowie, Brubaker, Esposito, Haire, Johnson, Justus, Nye, Preston, Tucker, and Underhill - 11.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

H.B. 250, A BILL TO BE ENTITLED AN ACT RELATING TO THE 81ST HOUSE DISTRICT, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

H.B. 748, A BILL TO BE ENTITLED AN ACT TO EXEMPT NEWSPAPERS SOLD THROUGH A VENDING MACHINE FROM SALES AND USE TAX, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar for immediate consideration. The original bill is placed on the Unfavorable Calendar.

The bill passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate by Special Message.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 798, AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS.

H.B. 1025, AN ACT TO ESTABLISH HOUSE DISTRICTS.

ADDENDA TO COMMITTEE ASSIGNMENTS

November 13, 2001

The Speaker makes the following committee assignments:

CONGRESSIONAL REDISTRICTING: Add Representative Miner; Remove Representative Bowie.

Representative Culpepper moves, seconded by Representative Wainwright, that the House adjourn, subject to the receipt of Committee Reports, to reconvene November 14 at 9:00 a.m.

The motion carries.

The House stands adjourned at 5:55 p.m.

ONE HUNDRED SIXTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, November 14, 2001

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Barefoot.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 13 has been examined and found correct. Upon his motion, the Journal is approved as written.

November 14, 2001

Leaves of absence are granted Representatives Bowie, Brubaker, Haire, and Luebke for today. Representatives Adams, Allred, Esposito, Morgan, Preston, and Underhill are excused for a portion of the session.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 13, 2001

Mr. Speaker:

Pursuant to your message received on October 18, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 253, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, AND TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY**, and requests conferees, the President Pro Tempore appoints:

Senator Albertson, Chair
Senator Hartsell
Senator Kerr

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 13, 2001

Mr. Speaker:

November 14, 2001

Pursuant to your message received on November 9, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute No. 2 to **H.B. 1427**, A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE DEFINITIONS USED FOR AGRICULTURAL, HORTICULTURAL, AND FORESTRY LAND; TO PERMIT A CHANGE OF OWNERSHIP WITH CONTINUED QUALIFICATION FOR DEFERRED TAX STATUS; TO PROVIDE AN OPTION FOR PREPAYMENT OF ANY DEFERRED TAXES; TO CREATE A STUDY; AND TO MAKE CONFORMING CHANGES, and requests conferees, the President Pro Tempore appoints:

Senator Hartsell, Chair
Senator Kerr
Senator Clodfelter

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

H.B. 883 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is returned for concurrence in one Senate amendment.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

On motion of the Chair, the House recesses at 9:10 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker Pro Tempore.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

November 14, 2001

S.B. 798, AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS. (S.L. 2001-458)

H.B. 1025, AN ACT TO ESTABLISH HOUSE DISTRICTS. (S.L. 2001-459)

On motion of the Chair, the House recesses at 12:02 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker Pro Tempore.

On motion of the Chair, the House recesses at 1:04 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker Pro Tempore.

On motion of the Chair, the House recesses at 1:35 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CALENDAR

Action is taken on the following:

H.B. 1468 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR,

November 14, 2001

BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER.

On motion of Representative Baddour, the House does not concur in the Senate committee substitute bill, by electronic vote (107-0).

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Wright and McMahan, Chairs, for the Committee on Congressional Redistricting:

H.B. 1477, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representatives Bonner and Warner, Chairs, for the Committee on Education:

S.B. 990 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 1046** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ACCURACY AND

UNDERSTANDABILITY OF PRECINCT DATA, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of November 15.

Upon concurrence, the Senate committee substitute bill changes the title.

CONFEREES APPOINTED

The Speaker announces the following conferees on **H.B. 1468** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER: Representatives Baddour, Culpepper, and Sherrill.

The Senate is so notified by Special Message.

CALENDAR (continued)

S.B. 881 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT, passes its second reading, by electronic vote (111-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

S.B. 348 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX.

Representative McAllister offers Amendment No. 5 which fails of adoption by electronic vote (42-67).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House amendment.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Bell, Blue, Bonner, Boyd-McIntyre, Buchanan, Church, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Edwards, Fitch, Fox, Gibson, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hensley, Hiatt, Hill, Holliman, Holmes, Hunter, Hurley, Insko, Jarrell, Jeffus, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morris, Nesbitt, Nye, Oldham, Owens, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 88.

Voting in the negative: Representatives Allred, Baker, Barnhart, Blust, Capps, Carpenter, Clary, Creech, Davis, Decker, Eddins, Ellis, Esposito, Gillespie, Harrington, Hilton, Howard, Johnson, Kiser, Pope, Rayfield, and Shubert - 22.

Excused absences: Representatives Bowie, Brubaker, Haire, Luebke, and Preston - 5.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 1477** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS, is placed on the Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (71-41).

Representative Daughtry objects to the third reading. The bill remains on the Calendar.

On motion of Representative Culpepper, seconded by Representative Esposito, the House adjourns at 3:22 p.m. to reconvene November 15 at 11:00 a.m.

ONE HUNDRED SIXTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Thursday, November 15, 2001

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"God of all grace, we are grateful for the gift of this new day. We did not have to awaken, but in Your mercy You again have breathed into us the breath of life. May we serve You this day in humble gratitude for the gift of our existence. Let Your Spirit guide us into paths of service where we might be agents of liberation, instruments of healing, and catalysts for change. Lead us to work and live in such a way that we might have a positive impact in the world in which we live. Take us and use us, O God, let us be servants of Your will. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 14 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, Bowie, Brubaker, Haire, Hiatt, and Preston for today.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

November 15, 2001

S.B. 17, AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES. (S.L. 2001-460)

S.B. 833, AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND. (S.L. 2001-461)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

Senate Committee Substitute for **H.B. 917**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION, with recommendation that the House do not concur; request conferees.

Pursuant to Rule 36(b), the bill is placed on the Calendar of November 16.

Senate Committee Substitute for **H.B. 1388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS, with recommendation that the House do not concur; request conferees.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

CALENDAR

Action is taken on the following:

November 15, 2001

H.B. 1477 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS.

Representative Fitch offers Amendment No. 1 which fails of adoption, by electronic vote (45-67).

Representative Sherrill requests and is granted permission to be recorded as voting "no". The adjusted vote total is (45-68).

The bill passes its third reading, by electronic vote (69-44), and is ordered sent to the Senate by Special Message.

CONFERENCE REPORT

Representative Hackney moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 774

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 774, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES, House Committee Substitute Favorable 5/29/01, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute, House Committee Substitute Favorable 5/29/01, 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 S774-CCSSO-1(v. 8).

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 6, 2001.

*Conferees for the
Senate*

S/ Anthony Eden Rand, Chair
S/ David Hoyle
S/ Fletcher L. Hartsell, Jr.

*Conferees for the
House of Representatives*

S/ Joe Hackney, Chair
S/ R. J. Hensley, Jr.
S/ Gene Gray Arnold

The Conference Report is adopted by electronic vote (108-0), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

CALENDAR (continued)

Senate Committee Substitute for **H.B. 1046** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ACCURACY AND UNDERSTANDABILITY OF PRECINCT DATA.

On motion of Representative Alexander, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (68-44), and the bill is ordered enrolled and presented to the Governor by Special Message.

H.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING A NONCONTIGUOUS ANNEXATION TO THE TOWN OF MIDLAND IN CABARRUS COUNTY AND VALIDATING ACTIONS OF THE TOWN OF LINDEN IN CUMBERLAND COUNTY, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, J. Crawford, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Harrington, Hensley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Rayfield, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 110.

Voting in the negative: None.

Excused absences: Representatives Blue, Bowie, Brubaker, Haire, Hiatt, and Preston - 6.

S.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES.

On motion of Representative Hill, Committee Amendment No. 1 is adopted, by electronic vote (110-0).

The bill, as amended, passes its second reading, by electronic vote (111-0) and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered sent to the Senate for concurrence in House amendment by Special Message.

Representative Culpepper moves, seconded by Representative Easterling, that the House adjourn, subject to the receipt of Committee Reports, to reconvene November 16 at 10:00 a.m.

The motion carries.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute No. 2 for **H.B. 231** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED

REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS, with recommendation that the House do not concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar of November 16.

Senate Committee Substitute for **H.B. 1061**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN PUBLIC WATER SYSTEMS THAT RESELL WATER FROM THE NORTH CAROLINA DRINKING WATER ACT, with recommendation that the House do not concur; request conferees.

Pursuant to Rule 36(b), the bill is placed on the Calendar of November 16.

S.B. 970 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL, reported without prejudice.

Pursuant to Rule 36(b), the bill is placed on the Calendar of November 16.

By Representatives Easterling, Oldham, Redwine, and Thompson, Chairs, for the Committee on Appropriations:

Senate Committee Substitute for **H.B. 688** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION, with recommendation that the House do not concur; request conferees.

Pursuant to Rule 36(b), the bill is placed on the Calendar of November 16.

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ALLOW THE NET PROCEEDS FROM THE SALE OF REAL PROPERTY AT DOBBS

YOUTH ACADEMY TO BE USED FOR CAPITAL IMPROVEMENTS AT THE ACADEMY, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

S.B. 907 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar of November 16. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

The House stands adjourned at 7:05 p.m.

ONE HUNDRED SIXTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Friday, November 16, 2001

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, we come seeking the necessary strength, courage, and wisdom to be faithful in all that we do this day. We seek to follow Your way, let us not betray You. Help us to empty ourselves of all false intentions, that we might be loyal to Your will. When darkness and difficulty sweep over us, guide us by the light of eternity to persevere in faith and continue in hope. Where injustice and oppression are evident, give us insight on how to bring equity and liberation. In all that we do, may we be true reflections of You, our Creator. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 15 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Baddour, Barbee, Blue, Bowie, Brubaker, Buchanan, Davis, Decker, Esposito, Goodwin, Gray, Haire, Hiatt, Holmes, Howard, Justus, Kiser, McAllister, McComas, Miner, Morris, Preston, Russell, Starnes, Teague, Thompson, and West for today. Representatives Hackney, Hilton, and Luebke are excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 920, AN ACT TO REPEAL OBSOLETE STATUTES AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES.

S.B. 968, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

H.B. 1046, AN ACT TO PROVIDE FOR POSTPONING THE FILING PERIOD FOR CANDIDATES IN 2002 PRIMARY ELECTIONS AND FOR POSTPONING THE 2002 PRIMARY ELECTIONS IF NECESSARY; TO PERMANENTLY CHANGE FILING PERIODS BEGINNING AFTER 2002; TO IMPROVE THE ACCURACY AND UNDERSTANDABILITY OF PRECINCT DATA; AND TO MAKE DEFINITIONAL AND TECHNICAL CHANGES TO THE ELECTION LAWS.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 917**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN

HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION.

On motion of the Chair, the bill is temporarily displaced.

Senate Committee Substitute No. 2 for **H.B. 231** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS.

On motion of Representative Culpepper, the House does not concur in Senate Committee Substitute Bill No. 2, by electronic vote (81-1), and conferees are requested.

The Speaker appoints Representatives Redwine, Easterling, Thompson, and Oldham as conferees on the part of the House and the Senate is so notified by Special Message.

Representative Hensley requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (82-0).

Senate Committee Substitute for **H.B. 688** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF

FERTILIZERS AND SEED TO NONFARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION.

On motion of Representative Redwine, the House does not concur in the Senate committee substitute bill, by electronic vote (81-2), and conferees are requested.

The Speaker appoints Representatives Gibson, Warwick, Weatherly, Redwine, and Hill as conferees on the part of the House and the Senate is so notified by Special Message.

Representative Luebke requests and is granted permission to be recorded as voting "aye". Representative Shubert requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (83-1).

Senate Committee Substitute for **H.B. 1061**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN PUBLIC WATER SYSTEMS THAT RESELL WATER FROM THE NORTH CAROLINA DRINKING WATER ACT.

On motion of Representative Gibson, the House does not concur in the Senate committee substitute bill, by electronic vote (84-0), and conferees are requested.

The Speaker appoints Representatives Gibson, Warwick, and McComas as conferees on the part of the House and the Senate is so notified by Special Message.

Representative Luebke requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (85-0).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 1388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS.

Pursuant to Rule 24.1A(c), the request that Representative Pope be excused from voting on August 30 is continued.

On motion of Representative Hurley, the House does not concur in the Senate committee substitute bill, by electronic vote (85-1), and conferees are requested.

The Speaker appoints Representative Hurley, Chair; Representatives McComas, Hill, Luebke, Smith, Dedmon, Preston, Cox, and Gibson as conferees on the part of the House and the Senate is so notified by Special Message.

Senate Committee Substitute for **H.B. 917**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION, which was temporarily displaced, is before the Body.

On motion of Representative Luebke, the House does not concur in the Senate committee substitute bill, by the following vote, and conferees are requested.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baker, Barefoot, Barnhart, Bell, Blust, Bonner, Boyd-McIntyre, Capps, Carpenter, Church, Coates, Cole, Cox, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Fox, Gibson, Gillespie, Grady, Gulley, Hackney, Hall, Hensley, Hill, Hilton, Holliman, Hunter, Hurley, Jarrell, Jeffus, Johnson, Lucas, Luebke, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Rayfield, Redwine, Rogers, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 86.

Voting in the negative: None.

Excused absences: Representatives Adams, Baddour, Barbee, Blue, Bowie, Brubaker, Buchanan, Davis, Decker, Esposito, Goodwin, Gray, Haire, Hiatt, Holmes, Howard, Justus, Kiser, McAllister, McComas, Miner, Morris, Preston, Russell, Starnes, Teague, Thompson, and West - 28.

The Speaker appoints Representatives Luebke, Miller, Michaux, Jarrell, Alexander, and McComas as conferees on the part of the House and the Senate is so notified by Special Message.

H.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING A NONCONTIGUOUS ANNEXATION TO THE TOWN OF MIDLAND IN CABARRUS COUNTY AND VALIDATING ACTIONS OF THE TOWN OF LINDEN IN CUMBERLAND COUNTY, passes its third reading, by the following vote, and is ordered sent to the Senate by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baker, Barefoot, Barnhart, Bell, Blust, Bonner, Boyd-McIntyre, Capps, Church, Coates, Cole, Cox, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Fox, Gibson, Gillespie, Grady, Gulley, Hackney, Hall, Hensley, Hill, Hilton, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Lucas, Luebke, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Rayfield, Redwine, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 85.

Voting in the negative: None.

Excused absences: Representatives Adams, Baddour, Barbee, Blue, Bowie, Brubaker, Buchanan, Davis, Decker, Esposito, Goodwin, Gray, Haire, Hiatt, Holmes, Howard, Justus, Kiser, McAllister, McComas, Miner, Morris, Preston, Russell, Starnes, Teague, Thompson, and West - 28.

S.B. 841 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF CERTAIN PROCEEDS FOR CAPITAL EXPENDITURES AT THE DOBBS YOUTH DEVELOPMENT CENTER; APPROPRIATING FUNDS FOR PHOTONICS AND OPTO-ELECTRONICS RESEARCH, FOR SICKLE CELL SYNDROME MEDICAL CARE, FOR OPTIONAL CIRCUMCISION PROCEDURES FOR MEDICAID ELIGIBLE NEWBORNS, FOR NECESSARY CHILD CARE FOR NEEDY FAMILIES, FOR THE ADVANCE HEALTH CARE DIRECTIVE REGISTRY, AND FOR SPECIALTY FOODS MARKETING; TRANSFERRING FUNDS FOR FLOODPLAIN MAPPING; INDICATING THE GENERAL ASSEMBLY'S INTENT TO APPROPRIATE FUNDS TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM; ADDING THE SECRETARY OF REVENUE AS AN EX OFFICIO MEMBER OF THE ECONOMIC DEVELOPMENT BOARD; STUDYING ADVERTISING IN PUBLICATIONS OF THE DIVISION OF MOTOR VEHICLES; AND RELATING TO CRIMINAL JUSTICE PARTNERSHIP GRANT FUNDS, AUTHORIZATION FOR INDIAN GAMING

COMPACT, GENERAL ASSEMBLY PUBLICATIONS, COMMUNITY COLLEGES GENERIC FEES, LIMITED DURATION LICENSES, DISPOSITION OF CERTAIN TAX PROCEEDS, DELINQUENT TAX PAYMENTS, HUMAN SERVICES REPORTING, DRUG COSTS UNDER MEDICAID, ACCESS TO PHARMACEUTICAL COMPANY PRESCRIPTION DRUG PROGRAMS, STATE HEALTH PLAN CO-PAYMENTS, STATE EMPLOYEE MILITARY AND EMERGENCY SERVICE LEAVE, COMMUNITY COLLEGES OPTIONAL RETIREMENT, CULTURAL RESOURCES DIGITAL ARCHIVES, AND ELECTRONIC PROCUREMENT.

Representative Redwine offers Amendment No. 1 which is adopted by electronic vote (87-0).

Representative Daughtry offers Amendment No. 2 which fails of adoption by electronic vote (33-53).

Representative Shubert offers Amendment No. 3 which is adopted by electronic vote (77-2).

Representative Hall requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (78-1).

The bill, as amended, passes its second reading, by electronic vote (69-16), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute by Special Message.

CONFEREE APPOINTED

The Speaker appoints Representative J. Crawford as an additional conferee on Senate Committee Substitute for **H.B. 688** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION, and the Senate is so notified by Special Message.

CALENDAR (continued)

S.B. 970 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EAR-

MARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL, is moved up on today's Calendar.

The bill passes its second reading, by electronic vote (76-5), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

S.B. 907 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION, passes its second reading, by electronic vote (80-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

On motion of Representative Culpepper, seconded by Representative Weiss, the House adjourns at 11:51 a.m. to reconvene Tuesday, November 20, 2001, at 12:00 Noon.

ONE HUNDRED SEVENTIETH DAY

HOUSE OF REPRESENTATIVES
Tuesday, November 20, 2001

The House meets at 12:00 Noon pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Charles L. Herrin, Raleigh, North Carolina:

"Gracious God, as we approach the day known as Thanksgiving, may we know in our hearts the willingness to give thanks for all the gifts You give in this world. May we find the power to offer appreciation that we have been blessed to be people of peace in the face of many dangers; that we find the strength to act in courageous ways to proclaim joy in the midst

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of sorrow; that we find the knowledge and wisdom to be decisive among the confusion of the day. Guide those who have found Your blessings that thanksgiving may become reality for all persons and we will still give You thanks. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Hackney, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 15 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Bowie, Coates, Cole, M. Crawford, Esposito, Haire, Hunter, Justus, Sutton, Walend, Weiss, West, and Yongue for today.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 774, AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES.

S.B. 881, AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT.

S.B. 970, AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 139, AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM. (S.L. 2001-462)

S.B. 968, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA. (S.L. 2001-463)

H.B. 108, AN ACT TO AUTHORIZE ALLEGHANY, ANSON, BEAUFORT, CABARRUS, CAMDEN, CHEROKEE, CHOWAN, CURRITUCK, FORSYTH, GRAHAM, GRANVILLE, HARNETT, HAYWOOD, JACKSON, LEE, MADISON, MONTGOMERY, PASQUOTANK, PERQUIMANS, PITT, STANLY, SWAIN, VANCE, WARREN, AND YADKIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY. (S.L. 2001-464)

S.B. 826, AN ACT TO SUSPEND THE REQUIREMENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK FOR CERTAIN APPLICANTS FOR CERTAIN POSITIONS IN CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF FEDERAL REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK RESULTS UNTIL JANUARY 1, 2003, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CRIMINAL HISTORY RECORD CHECKS. (S.L. 2001-465)

H.B. 1046, AN ACT TO PROVIDE FOR POSTPONING THE FILING PERIOD FOR CANDIDATES IN 2002 PRIMARY ELECTIONS AND FOR POSTPONING THE 2002 PRIMARY ELECTIONS IF NECESSARY; TO PERMANENTLY CHANGE FILING PERIODS BEGINNING AFTER 2002; TO IMPROVE THE ACCURACY AND UNDERSTANDABILITY OF PRECINCT DATA; AND TO MAKE DEFINITIONAL AND TECHNICAL CHANGES TO THE ELECTION LAWS. (S.L. 2001-466)

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 19, 2001

Mr. Speaker:

November 20, 2001

Pursuant to your message received on Friday, November 16, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute No. 2 to **H.B. 231**, A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS, and requests conferees, the President Pro Tempore appoints:

Senator Plyler, Chair
Senator Odom
Senator Lee
Senator Rand
Senator Ballance

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 19, 2001

Mr. Speaker:

Pursuant to your message received on Friday, November 16, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 688**, A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION, and requests conferees, the President Pro Tempore appoints:

Senator Dalton, Chair
Senator Plyler
Senator Odom
Senator Lee
Senator Hoyle
Senator Shaw of Guilford
Senator Kerr

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 19, 2001

Mr. Speaker:

Pursuant to your message received on Friday, November 16, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 917**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION, and requests conferees, the President Pro Tempore appoints:

November 20, 2001

Senator Gulley, Chair
Senator Lucas

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 16, 2001

Mr. Speaker:

Pursuant to your message received on November 13, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 948**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", and requests conferees, the President Pro Tempore appoints:

Senator Soles, Chair
Senator Robinson
Senator Horton
Senator Thomas
Senator Reeves

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 19, 2001

November 20, 2001

Mr. Speaker:

Pursuant to your message received on Friday, November 16, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1061**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN PUBLIC WATER SYSTEMS THAT RESELL WATER FROM THE NORTH CAROLINA DRINKING WATER ACT, and requests conferees, the President Pro Tempore appoints:

Senator Clodfelter, Chair
Senator Albertson
Senator Garwood

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 19, 2001

Mr. Speaker:

Pursuant to your message received on Friday, November 16, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1388**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS, and requests conferees, the President Pro Tempore appoints:

Senator Kerr, Chair
Senator Plyler
Senator Thomas
Senator Jordan
Senator Soles
Senator Ballantine

November 20, 2001

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 16, 2001

Mr. Speaker:

Pursuant to your message received on November 14, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1468**, A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER, and requests conferees, the President Pro Tempore appoints:

Senator Rand, Chair
Senator Ballance
Senator Carrington

November 20, 2001

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 19, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute to **S.B. 348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

Representative Hackney moves, seconded by Representative Insko, that the House adjourn, subject to the ratification of bills, the receipt of Messages, the appointment of conferees, and the receipt of Committee Reports, to reconvene November 22, at 10:00 a.m.

The motion carries.

CONFERENCE REPORT

Representative Baddour sends forth the Conference Report on Senate Committee Substitute for **H.B. 1468**, A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION,

November 20, 2001

TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of November 26.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 748, AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY.

H.B. 1472, AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A BIOLOGICAL AGENTS REGISTRY, AND IMPOSING CIVIL PENALTIES FOR VIOLATION OF REGISTRY REQUIREMENTS.

CONFEREES APPOINTED

The Speaker appoints the following as additional conferees on Senate Committee Substitute for **H.B. 1388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS: Representatives Wright and Hackney.

The Senate is so notified by Special Message.

The House stands adjourned at 3:29 p.m.

ONE HUNDRED SEVENTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Thursday, November 22, 2001

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Principal Clerk.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Faithful God, on this day we pause in humble gratitude for the constancy of Your care. Year after year, Your providence supplies our need. Once again we celebrate the bounty of a good harvest and plentiful produce from the land. We bless You for all who have labored this year in factories, on farms, and in service industries who have made our lives full. We thank You as well for the consistency of Your love. When we have turned away from You, You have remained steadfast. When we have failed to live up to Your ideal, You have forgiven us and given us a new start. You have strengthened, inspired, and blessed our work.

"O God, may the seeds of our gratitude become the foundation of a renewed commitment to till the fertile ground of our communities and bring forth a harvest of peace and justice. Amen."

Representative Hensley reports the Journal of November 20 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Bowie, Coates, Cole, M. Crawford, Esposito, Haire, Hunter, Justus, Sutton, Walend, Weiss, West, and Yongue for today.

On motion of Representative Pope, seconded by Representative Hensley, the House adjourns at 10:02 a.m. to reconvene Monday, November 26, 2001, at 7:00 p.m.

ONE HUNDRED SEVENTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Monday, November 26, 2001

November 22, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Loving God, You are the source of all good gifts. We give thanks for this country and for those who have gone before us and labored to bring us the freedoms we enjoy. For their vision and valor we are grateful. May we who walk in paths of leadership seek to continue the course of freedom and the trajectory of justice in all that we do. May our voices and votes honor the integrity and dignity of all human beings, to the end that we might be faithful in the responsibility You have given us. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 22 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Arnold, Barbee, Bowie, Brubaker, Cole, Cox, M. Crawford, Culp, Dedmon, Gray, Haire, Hiatt, Hill, Hunter, Hurley, Luebke, McLawhorn, Nye, Redwine, Saunders, Sexton, Sherrill, Teague, Thompson, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Womble, and Wright for today.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 20, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 1468, A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR,**

November 26, 2001

BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGES FROM THE SENATE

The following special messages are received from the Senate:

Senate Committee Substitute for **H.B. 1389**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL FORCES ASSOCIATION SPECIAL REGISTRATION PLATE, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of November 27.

Upon concurrence, the Senate committee substitute bill changes the title.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

S.B. 1054 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REFORM THE METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES AND TO ESTABLISH A FAIR ELECTIONS FUND THAT PROVIDES CANDIDATES FOR THESE OFFICES WITH AN ALTERNATIVE MEANS OF

November 26, 2001

FINANCING THEIR CAMPAIGNS, is read the first time and referred to the Committee on Election Law and Campaign Finance Reform and, if favorable, to the Committee on Finance.

CONFERENCE REPORT

Representative Baddour moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1468

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 1468, A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER, Senate Judiciary I Committee Substitute Adopted 11/6/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Judiciary I Committee Substitute Adopted 11/6/01, 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 H1468-PCCS9373-SA-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 20, 2001.

*Conferees for the
Senate*

S/ Anthony Eden Rand
S/ Frank Ballance, Jr.
S/ John H. Carrington

*Conferees for the
House of Representatives*

S/ Philip A. Baddour, Jr.
S/ Bill Culpepper
S/ Wilma M. Sherrill

The Conference Report, which changes the title, is adopted, by electronic vote (74-0), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor by Special Message.

CALENDAR

Action is taken on the following:

H.B. 883 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

On motion of Representative Culpepper, the House concurs in the Senate amendment, by electronic vote (60-14), and the bill is ordered enrolled.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper, **S.B. 990** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND

November 26, 2001

TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL, is withdrawn from the Calendar and placed on the Calendar of November 27.

Representative Culpepper moves, seconded by Representative Miller, that the House adjourn, subject to the ratification of bills, to reconvene November 27 at 3:00 p.m.

The motion carries.

ENROLLED BILL

The following bill is duly ratified and presented to the Governor:

S.B. 178, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 898, AN ACT TO ENACT THE STATE EMPLOYEE FEDERAL REMEDY RESTORATION ACT. (S.L. 2001-467)

The House stands adjourned at 7:24 p.m.

ONE HUNDRED SEVENTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Tuesday, November 27, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend James H. Harry, Raleigh, North Carolina.

"Eternal and Loving God,

"We pause to give You thanks for the soon-coming relief You will provide this Body from the struggle and strain of this record-setting session. We ask that You would take our efforts and where they were right and good, sanctify them by Thy goodness. For those decisions this Legislative Body has made that may not have been right and good, we ask that by Thy eternal grace, You would make them right in Your good time.

"The folk song writer wrote, 'Tis the gift to be simple, tis the gift to be free... .' Remind us to seek the legitimacy and the necessity of seeing our final efforts and decisions through to the end. Help us to keep them simple and free from any lingering partisan bickering, and set our hearts right between us so that at the end of this day and the completion of this lengthy and tiring legislative session, each one of us may rest in the knowledge that we did our very best to bring honor to God and to all of God's people. As desperately as we need, you so freely bestow...have mercy upon us, O God. In Thy Holy name we humble ourselves and pray. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 26 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Barbee, Barnhart, Bowie, M. Crawford, Davis, Haire, Miner, Sherrill, Thompson, Wainwright, and Womble for today. Representatives Insko, Luebke, Tucker, and Weiss are excused for a portion of the session.

ENROLLED BILLS

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 883, AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

The following bill is duly ratified and presented to the Governor:

H.B. 1468, AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES

FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1389**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL FORCES ASSOCIATION SPECIAL REGISTRATION PLATE.

On motion of Representative Hurley, the House concurs in the material Senate committee substitute bill, which changes the title, on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Bell, Blue, Blust, Bonner, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Harrington, Hiatt, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Shubert, Smith, Starnes, Teague, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Wright, and Yongue - 100.

Voting in the negative: Representatives Creech, Fitch, Hensley, Kiser, and Sutton -5.

Excused absences: Representatives Barbee, Barnhart, Bowie, M. Crawford, Davis, Haire, Miner, Sherrill, Thompson, Wainwright, and Womble - 11.

S.B. 990 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL.

Representative Goodwin offers Amendment No. 1 which is adopted by electronic vote (107-0).

Representative Warner offers Amendment No. 2 which is adopted by electronic vote (105-0).

Representative Ellis offers Amendment No. 3.

Representative Goodwin offers perfecting Amendment No. 4 which is adopted by electronic vote (103-0).

Amendment No. 3 is adopted by electronic vote (61-39).

The bill, as amended, passes its second reading, by electronic vote (103-0), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute by Special Message.

Representative Culpepper moves, seconded by Representative Jeffus, that the House adjourn, subject to the receipt of Committee Reports and the receipt of Conference Reports, to reconvene November 28 at 3:00 p.m.

The motion carries.

CONFERENCE REPORT

Representative Cole sends forth the Conference Report on Senate Committee Substitute for **H.B. 110** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR

November 27, 2001

VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO VETERANS OF WORLD WAR II, THE KOREAN WAR, AND THE UNITED STATES NAVY SUBMARINE SERVICE. The Speaker rules the Conference Report to be material, thus constituting its first reading. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of November 28.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.B. 914 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO PUBLIC SCHOOL CONSTRUCTION PROJECTS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of November 28. The Senate committee substitute bill is placed on the Unfavorable Calendar.

The House stands adjourned at 7:30 p.m.

ONE HUNDRED SEVENTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, November 28, 2001

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Eternal God, as You led Your people in ages past, so You direct our journey into the future. Continue to bless us with Your guiding Spirit, that as we walk along the pathway of life, we will be conscious of Your

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continuous presence. As we walk along the mountain peaks of joy, make us mindful that You are the source of all blessing that we might give praise to You. As we walk through the dark valleys of grief and illness, comfort and strengthen us that we might remain resolute in our hope and trust in You. Today, we especially lift up Representative Bowie in her recovery from surgery and Representatives Mark Crawford and Sherrill in their loss of loved ones. May Your healing and compassionate presence be a source of strength and encouragement for them, and for all others whose lives are strained with difficulty. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 27 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Barnhart, Bowie, Clary, M. Crawford, Davis, Haire, Holmes, Luebke, Thompson, Wainwright, and Womble for today.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

S.B. 907, AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 250, AN ACT MAKING A NONCONTIGUOUS ANNEXATION TO THE TOWN OF MIDLAND IN CABARRUS COUNTY AND VALIDATING ACTIONS OF THE TOWN OF LINDEN IN CUMBERLAND COUNTY.

H.B. 1477, AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 883, AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (S.L. 2001-468)

CONFERENCE REPORT

Representative Warwick sends forth the Conference Report on Senate Committee Substitute for **H.B. 253** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, AND TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of November 29.

CONFERENCE REPORT

Representative Culpepper sends forth the Conference Report on Senate Committee Substitute for **H.B. 948** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA". Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of November 29.

CONFERENCE REPORT

Representative Hill sends forth the Conference Report on Senate Committee Substitute for **H.B. 1427** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE DEFINITIONS USED FOR AGRICULTURAL, HORTICULTURAL, AND FORESTRY LAND; TO PERMIT A CHANGE OF OWNERSHIP WITH CONTINUED QUALIFICATION FOR DEFERRED TAX STATUS; TO PROVIDE AN OPTION FOR PREPAYMENT OF ANY DEFERRED TAXES; TO CREATE A STUDY; AND TO MAKE CONFORMING CHANGES. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of November 29.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 27, 2001

Mr. Speaker:

Pursuant to the message from the Senate on November 19, 2001, informing the House of Representatives that the Senate failed to concur in the House Committee Substitute to **S.B. 348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, it is ordered that a message be sent your Honorable Body with the information that the Senate requests conferees. The President Pro Tempore appoints:

Senator Rand, Chair
Senator Carrington
Senator Metcalf
Senator Shaw of Cumberland
Senator Plyler

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 28, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 110**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF

November 28, 2001

DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND SAVE THE SEA TURTLES, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 28, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 253**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 28, 2001

November 28, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 948**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 28, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 1427**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

November 28, 2001

CONFEREES APPOINTED

The Speaker announces the following conferees on **S.B. 348** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX: Representatives Hurley, Lucas, Warner, McAllister, and Morris.

The Senate is so notified by Special Message.

CONFERENCE REPORT

Representative Cole moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 110

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 110, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND BLUE RIDGE PARKWAY FOUNDATION, Senate Finance Committee Substitute Adopted 9/17/01, Fourth Edition Engrossed 9/19/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute Adopted 9/17/01, Fourth Edition Engrossed 9/19/01, and the House concurs in the Senate Committee Substitute, Fourth Edition Engrossed as amended:

November 28, 2001

On page 1, line 12, by rewriting the line to read:
"SAVE THE SEA TURTLES.";

And on page 2, line 29, by adding the following immediately after that line to read:

"(36c) Save the Sea Turtles. - Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate may bear the phrase "Save the Sea Turtles" and a representation related to sea turtles.
...";

And on page 3, lines 40 and 41, by inserting the following between those lines to read:

"The V Foundation for Cancer Research Division \$25.00";

And on page 4, lines 5 and 6, by inserting the following between those lines to read:

" Save the Sea Turtles \$20.00";

And on page 4, line 11, by deleting that line;

And on page 5, lines 38 and 39, by inserting the following between those lines to read:

"Save the Sea Turtles \$10 \$10 0";

And on page 6, line 42 through page 7, line 31, by deleting those lines;

And on page 8, line 7, by removing the quotation marks and adding the following new subsection immediately thereafter:

"(b20) Save the Sea Turtles. - The Division must receive 300 or more applications for a Save the Sea Turtles plate before the plate may be developed. The Division must transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of Save the Sea Turtles plates to The Karen Beasley Sea Turtle Rescue and Rehabilitation Center.";

And on page 8, line 10, by deleting "(b20)" and substituting "(b21)";

And on page 8, line 16, by deleting "(b21)" and substituting "(b22)";

And on page 8, line 21 through page 9, line 5, by rewriting those lines to read:

"SECTION 7. G.S. 20-37.20 reads as rewritten:

'§ 20-37.20. Notification of traffic convictions.

(a) Out-of-state Resident. - Within 10 days after receiving a report of the conviction of any nonresident holder of a commercial driver license for any violation of State law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial vehicle, the Division shall notify the driver licensing authority in the licensing state of the conviction.

(b) Foreign Diplomat. - The Division must notify the United States Department of State within 15 days after it receives one of or more of the following reports for a holder of a driver's license issued by the United States Department of State:

- (1) A report of a conviction for a violation of State law or local ordinance relating to motor vehicle traffic control, other than parking violations.
- (2) A report of a civil revocation order.";

And on page 9, line 6, by deleting "January 1, 2002." and substituting "at the earliest practical date, but no later than January 1, 2003."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 27, 2001.

*Conferees for the
Senate*

S/ David W. Hoyle, Chair
S/ Patrick J. Ballantine
S/ John H. Kerr, III

*Conferees for the
House of Representatives*

S/ E. Nelson Cole
S/ James W. Crawford, Jr.
S/ W. B. Teague, Jr.

The material Conference Report, which changes the title, is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Bell, Blue, Blust, Bonner, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Harrington, Hiatt, Hill, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, McAllister,

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McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, and Yongue - 103.

Voting in the negative: Representatives Creech, Daughtry, Hensley, and Kiser - 4.

Excused absences: Representatives Barnhart, Bowie, Clary, M. Crawford, Davis, Haire, Holmes, Luebke, Thompson, Wainwright, and Womble - 11.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1389**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL FORCES ASSOCIATION SPECIAL REGISTRATION PLATE.

The House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baker, Barbee, Barefoot, Bell, Blue, Blust, Bonner, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gulley, Hackney, Hall, Harrington, Hiatt, Hill, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Teague, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, and Yongue - 98.

Voting in the negative: Representatives Creech, Hensley, Kiser and Sutton - 4.

Excused absences: Representatives Barnhart, Bowie, Clary, M. Crawford, Davis, Haire, Holmes, Luebke, Thompson, Wainwright, and Womble - 11.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 46** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR (continued)

S.B. 914 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS; AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE.

Representative McComas offers Amendment No. 1 which fails of adoption by electronic vote (40-66).

Representative Miller offers Amendment No. 2 which is adopted by electronic vote (57-50).

REPRESENTATIVE HACKNEY, SPEAKER PRO TEMPORE, PRESIDING.

Representative Hensley inquires of the Chair if Amendment No. 2 was material. The Chair rules that it was not material.

SPEAKER BLACK PRESIDING.

The bill, as amended, passes its second reading, by electronic vote (75-32), and remains on the Calendar.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.B. 1038 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHERE DEEDS REFERENCE A RIGHT-OF-WAY BASED ON AN UNRECORDED LOST PLAT, THE SUPERIOR COURT IN A SPECIAL PROCEEDING MAY DECLARE THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of November 29. The Senate committee substitute bill is placed on the Unfavorable Calendar.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 28, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute No. 2 to **S.B. 721**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE WAITING PERIOD FOR COVERAGE UNDER THE NORTH

November 28, 2001

CAROLINA HEALTH INSURANCE PROGRAM FOR CHILDREN (NORTH CAROLINA HEALTH CHOICE), and requests conferees. The President Pro Tempore appoints:

Senator Purcell, Chair
Senator Rand
Senator Forrester

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representatives Wright, Edwards, and Sherrill as conferees on the part of the House and the Senate is so notified by Special Message.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 28, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill No. 2 to **S.B. 990** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGES FROM THE SENATE

The following special messages are received from the Senate:

November 28, 2001

Senate Committee Substitute for **H.B. 865** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWN OF HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, AND TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of November 29.

Upon concurrence, the Senate committee substitute bill changes the title.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

Senate Committee Substitute for **H.B. 1268**, A BILL TO BE ENTITLED AN ACT TO REENACT THE LAW GOVERNING PERMITS FOR URBAN WATERFRONT DEVELOPMENT IN HISTORICALLY URBAN AREAS, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

CONFERENCE REPORT

Representative Blue sends forth the Conference Report on Senate Committee Substitute for **H.B. 1195**, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of November 29.

CONFERENCE REPORT

Representative Baddour sends forth the Conference Report on **S.B. 912** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of November 29.

On motion of Representative Culpepper, seconded by Representative Insko, the House adjourns at 5:48 p.m. to reconvene November 29 at 11:00 a.m.

ONE HUNDRED SEVENTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Thursday, November 29, 2001

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Almighty God, as the end of this session draws nigh, keep us ever vigilant in our desire to serve You and represent our constituencies. Let not our last days be spent in lethargy or laxity, but with vigilance and conviction, continue our work until the final gavel drops and adjournment occurs. As we accomplish our work, let us do so in a manner that recognizes and respects the fact that our labors are ever before Your watchful gaze. Grant us the endurance and stamina to run fully and well the race that has been set before us to the glory and honor of Your name. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 28 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Barnhart, Blue, Bowie, Brubaker, Clary, M. Crawford, Culp, Edwards, Haire, Holmes, Wainwright, and Womble for today. Representatives Fox, McComas, Smith, and Tucker are excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

H.B. 1389, AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE FOR RETIRED MAGISTRATES AND FOR RECIPIENTS OF THE COMBAT INFANTRY BADGE.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1472, AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A BIOLOGICAL AGENTS REGISTRY, AND IMPOSING CIVIL PENALTIES FOR VIOLATION OF REGISTRY REQUIREMENTS. (S.L. 2001-469)

H.B. 1468, AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER. (S.L. 2001-470)

H.B. 1477, AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS. (S.L. 2001-471)

H.B. 250, AN ACT MAKING A NONCONTIGUOUS ANNEXATION TO THE TOWN OF MIDLAND IN CABARRUS COUNTY AND VALIDATING ACTIONS OF THE TOWN OF LINDEN IN CUMBERLAND COUNTY. (S.L. 2001-472)

CONFERENCE REPORT

Representative Hurley sends forth the Conference Report on Senate Committee Substitute for **H.B. 1388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of December 3.

CONFERENCE REPORT

Representative Gibson sends forth the Conference Report on Senate Committee Substitute for **H.B. 1061**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN PUBLIC WATER SYSTEMS THAT RESELL WATER FROM THE NORTH CAROLINA DRINKING WATER ACT. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of December 3.

**2001 GENERAL ASSEMBLY
FIRST SESSION****SPECIAL MESSAGE FROM THE SENATE**

Senate Chamber
November 29, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 1195**, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

November 29, 2001

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 29, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 912**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGES FROM THE SENATE

The following special messages are received from the Senate:

Senate Committee Substitute for **H.B. 72**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR APPLYING FOR A RELEASE OR REFUND OF PROPERTY TAXES AFTER THE OWNER HAS SURRENDERED THE VEHICLE LICENSE PLATE, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute No. 3 for **H.B. 1019** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO AUTHORIZE CERTAIN

November 29, 2001

PERMIT FEES UNDER THAT PROGRAM, is returned for concurrence in Senate Committee Substitute Bill No. 3.

Pursuant to Rule 36(b), Senate Committee Substitute Bill No. 3 is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
November 29, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate reconsidered the vote by which Conference Report #1 for **H.B. 948**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS, was adopted on November 28, 2001. Conference Report #1 was withdrawn and Conference Report #2 was submitted. The Senate adopted Conference Report #2 and when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CONFERENCE REPORT

The material Conference Report for Senate Committee Substitute for **H.B. 110** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
November 29, 2001

AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO VETERANS OF WORLD WAR II, THE KOREAN WAR, AND THE UNITED STATES NAVY SUBMARINE SERVICE, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Bell, Blust, Bonner, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Harrington, Hiatt, Hill, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Wright, and Yongue - 100.

Voting in the negative: Representatives Creech, Daughtry, Hensley, and Kiser - 4.

Excused absences: Representatives Adams, Barnhart, Blue, Bowie, Brubaker, Clary, M. Crawford, Culp, Edwards, Haire, Holmes, Wainwright, and Womble - 13.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor.

CONFERENCE REPORT

Representative Culpepper moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 253

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 253, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES

November 29, 2001

NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS, AND TO PROVIDE THAT THE GENERAL LAW ON SUBDIVISION REGULATION SHALL APPLY IN PENDER COUNTY, Senate Finance Committee Substitute Adopted 10/3/01, Fourth Edition Engrossed 10/17/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute Adopted 10/3/01, Fourth Edition Engrossed 10/17/01:

On page 1, lines 6-9, by rewriting those lines to read:

"PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS.";

And on page 4, line 4, by deleting Section 3.1.;

And on page 4, lines 8-11, by rewriting those lines to read:

"of intent, deeds, deeds of trust, and other instruments recorded after that date. The remainder of this act is effective when it becomes law."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 27, 2001.

*Conferees for the
Senate*

S/ Charles W. Albertson, Chair
S/ Fletcher Hartsell, Jr.
S/ John H. Kerr, III

*Conferees for the
House of Representatives*

S/ Nurham Warwick, Chair
S/ Edd Nye
S/ Thomas E. Wright

The Conference Report, which changes the title, is adopted, by electronic vote (104-0), and the Senate is so notified by Special Message.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor.

November 29, 2001

WITHDRAWAL OF CONFERENCE REPORT FROM CALENDAR

On motion of Representative Culpepper, the Conference Report on Senate Committee Substitute for **H.B. 948** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", is withdrawn from the Calendar and re-referred to the Conference Committee.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Hensley and without objection, Senate Committee Substitute for **H.B. 1195**, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, is withdrawn from the Calendar and placed on the Calendar of December 3.

CONFERENCE REPORT

Representative Hill moves the adoption of the following Conference Report.

Senate Committee Substitute No. 2 For H.B. 1427

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 1427, A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION, Senate Finance Committee Substitute Adopted 10/4/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 10/4/01, and the House concurs in the senate Committee Substitute as amended:

On page 1, lines 5 through 13, by deleting those lines; and
by renumbering the remaining sections accordingly.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 28, 2001.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ Fletcher Hartsell, Jr., Chair
S/ Daniel G. Clodfelter
S/ John H. Kerr

S/ Dewey L. Hill, Chair
S/ Rex L. Baker
S/ Joe L. Kiser

The Conference Report, which changes the title, is adopted, by electronic vote (102-0), and the Senate is so notified by Special Message.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor.

CONFERENCE REPORT

Representative Pope moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 912

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 912, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS, House Committee Substitute, Fourth Edition Engrossed 6/7/01, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute, Fourth Edition Engrossed 6/7/01, and the Senate concurs in the House Committee Substitute as amended:

on page 1, line 25, by deleting "December 1, 2001," and substituting "January 1, 2002,".

November 29, 2001

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 28, 2001.

*Conferees for the
Senate*

S/ Anthony E. Rand, Chair
S/ Patrick J. Ballantine
S/ Daniel G. Clodfelter
S/ Robert C. Soles, Jr.

*Conferees for the
House of Representatives*

S/ Philip A. Baddour, Jr., Chair
S/ Bill Culpepper
S/ Art Pope
S/ Jennifer Weiss

The Conference Report is adopted, by electronic vote (100-0), and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 865** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWN OF HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, AND TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND.

On motion of Representative Redwine, the House concurs in the material Senate committee substitute bill, on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Arnold, Baddour, Barbee, Barefoot, Bell, Blust, Bonner, Boyd-McIntyre, Buchanan, Capps, Carpenter, Church, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Ellis, Esposito, Gibson, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Harrington, Hensley, Hiatt, Hill, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston,

Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Wright, and Yongue - 94.

Voting in the negative: Representatives Baker, Creech, Davis, Decker, Eddins, Gillespie, Hilton, Setzer, and Shubert - 9.

Excused absences: Representatives Adams, Barnhart, Blue, Bowie, Brubaker, Clary, M. Crawford, Culp, Edwards, Fox, Haire, Holmes, Tucker, Wainwright, and Womble - 15.

Senate Committee Substitute for **H.B. 1268**, A BILL TO BE ENTITLED AN ACT TO REENACT THE LAW GOVERNING PERMITS FOR URBAN WATERFRONT DEVELOPMENT IN HISTORICALLY URBAN AREAS.

On motion of Representative Wright, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (99-2), and the bill is ordered enrolled and presented to the Governor.

S.B. 914 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO PROMOTE ENERGY EFFICIENCY IN STATE- OWNED BUILDINGS; AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE.

Representative Ellis offers Amendment No. 3 which fails of adoption, by electronic vote (8-96).

Representative Wright offers Amendment No. 4 which is adopted by electronic vote (84-18).

Representative Luebke offers Amendment No. 5 which is adopted by electronic vote (94-8).

Representative Ellis offers Amendment No. 6 which is adopted by electronic vote (98-1).

Representative Nesbitt offers Amendment No. 7 which is adopted by electronic vote (88-15).

On motion of the Chair, the bill is temporarily displaced.

S.B. 1038 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LANDOWNERS TO INITIATE A SPECIAL PROCEEDING TO CLARIFY THE EXISTENCE OF A RIGHT-OF-WAY OPEN TO THE PUBLIC ADJACENT TO THEIR PROPERTY WHEN THE PUBLIC RECORDS ARE UNCLEAR CONCERNING THE ACTUAL EXISTENCE OF THE RIGHT-OF-WAY AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN SEVENTY-FIVE PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

On motion of the Chair, the bill is temporarily displaced.

S.B. 914 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO PROMOTE

ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS; AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE, which was temporarily displaced, is before the Body.

On motion of the Chair, pursuant to Rule 38, the bill is withdrawn from the Calendar, ordered engrossed, and re-referred to the Committee on Appropriations.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 748** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NON-COMMERCIAL MOTOR VEHICLES, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

CONFERENCE REPORT

Representative Culpepper sends forth the second Conference Report on Senate Committee Substitute for **H.B. 948** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA". Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of December 3.

CALENDAR (continued)

S.B. 1038 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LANDOWNERS TO INITIATE A SPECIAL PROCEEDING TO CLARIFY THE EXISTENCE OF A RIGHT-OF-WAY OPEN TO THE PUBLIC ADJACENT TO THEIR PROPERTY WHEN THE PUBLIC RECORDS ARE UNCLEAR CONCERNING THE ACTUAL EXISTENCE OF THE RIGHT-OF-WAY AND TO REQUIRE THE

DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN SEVENTY-FIVE PERCENT OF THE ADJACENT LAND-OWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, which was temporarily displaced, is before the Body.

The bill passes its second reading, by electronic vote (76-24), and remains on the Calendar.

On motion of Representative Culpepper, seconded by Representative Sherrill, the House adjourns at 1:48 p.m. to reconvene Monday, December 3, 2001, at 7:00 p.m.

ONE HUNDRED SEVENTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Monday, December 3, 2001

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Caring Creator, send Your peace into our hearts this evening. We are grateful for the loving mercies of this day and we are confident of Your protection for this night. As we surrender ourselves to Your care, may we also surrender our wills to Yours. May our hearts grow soft and our spirits be warmed by Your love, that we might share respect and charity with one another. Lead us forward in our work that we might find its fitting completion and just administration. Amen."

The Speaker leads the Body in the Pledge of Alliance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of November 29 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Arnold, Barefoot, Barnhart, Bowie, Brubaker, Carpenter, Clary, Cole, Cox, M. Crawford,

December 3, 2001

Davis, Dockham, Earle, Gray, Haire, Harrington, Holmes, Hunter, McAllister, Smith, Starnes, Sutton, and Thompson for today. Representative Goodwin is excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 912, AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS.

H.B. 110, AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND SAVE THE SEA TURTLES.

H.B. 253, AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS.

H.B. 1268, AN ACT TO MODIFY CERTAIN EXEMPTIONS TO THE THIRTY-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS AND TO PROVIDE THAT FUNDS NECESSARY TO PAY PLANNING GRANTS MADE UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974 MAY BE CARRIED FORWARD TO THE NEXT FISCAL YEAR.

H.B. 1427, AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 774, AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES. (S.L. 2001-473)

S.B. 920, AN ACT TO REPEAL OBSOLETE STATUTES AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES. (S.L. 2001-474)

S.B. 970, AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL. (S.L. 2001-475)

S.B. 748, AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY. (S.L. 2001-476)

S.B. 881, AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT. (S.L. 2001-477)

CONFERENCE REPORT

Representative Luebke sends forth the Conference Report on Senate Committee Substitute for **H.B. 917**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO

MAINTAIN THEIR PROPERTY IN GOOD CONDITION. The Speaker rules the Conference Report to be material thus constituting its first reading. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of December 4 for its second roll call reading.

WITHDRAWAL OF CONFERENCE REPORT FROM CALENDAR

On motion of Representative Culpepper and without objection, the Conference Report on Senate Committee Substitute for **H.B. 948** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", is withdrawn from the Calendar and placed on the Calendar of December 4.

CONFERENCE REPORT

Representative Gibson moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1061

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 1061, A BILL TO BE ENTITLED AN ACT TO SPECIFY THE PROCESS BY WHICH THE COST OF PROVIDING WATER AND SEWER SERVICE MAY BE ALLOCATED TO A DWELLING UNIT, Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 10/3/01, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 10/3/01:

Delete the entire Senate Agriculture/Environment/Natural Resources Committee Substitute and substitute the attached Proposed Conference Committee Substitute H1061-PCCS9380-SB-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: 28 November 2001.

*Conferees for the
Senate*

S/ Daniel G. Clodfelter, Chair
S/ Charles W. Albertson
S/ John A. Garwood

*Conferees for the
House of Representatives*

S/ Pryor A. Gibson, III, Chair
S/ Daniel F. McComas
S/ Nurham O. Warwick

The Conference Report, which changes the title, is adopted by electronic vote (88-2), and the Senate is so notified by Special Message.

WITHDRAWAL OF CONFERENCE REPORT FROM CALENDAR

On motion of Representative Hensley and without objection, the Conference Report on Senate Committee Substitute for **H.B. 1195**, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, is withdrawn from the Calendar and placed on the Calendar of December 4.

CONFERENCE REPORT

Representative Hurley moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1388

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 1388, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, Senate Finance Committee Substitute Adopted 9/19/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 9/19/01, and the House concurs in the Senate Committee Substitute as amended:

on page 1, line 9, and on page 1, line 16, delete the phrase "2006" each place it appears and substitute the phrase "2003".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 29th, 2001.

*Conferees for the
Senate*

S/ John H. Kerr, III, Chair
S/ Aaron W. Plyler
S/ Scott Thomas
S/ R. C. Soles, Jr.
S/ Patrick J. Ballantine

*Conferees for the
House of Representatives*

S/ John W. Hurley
S/ Dewey L. Hill
S/ Paul Luebke
S/ Ronald L. Smith
S/ Andrew Dedmon
S/ A. Leslie Cox, Jr.
S/ Pryor Gibson

Pursuant to Rule 24.1A(c), the excused vote of Representative Pope from August 30 is continued.

The Conference Report, which changes the title, is adopted by electronic vote (79-11), and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 865** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWN OF HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, AND TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND.

On motion of Representative Redwine, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled.

Those voting in the affirmative are: Representatives Alexander, Allen, Allred, Baddour, Barbee, Bell, Bonner, Boyd-McIntyre, Buchanan, Church, Coates, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Easterling, Edwards, Ellis, Esposito, Fox, Gibson, Goodwin, Grady, Gully, Gully,

December 3, 2001

Hackney, Hensley, Hill, Holliman, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 81.

Voting in the negative: Representatives Baker, Blust, Capps, Creech, Decker, Eddins, Gillespie, Hilton, Setzer, and Shubert - 10.

Excused absences: Representatives Adams, Arnold, Barefoot, Barnhart, Bowie, Brubaker, Carpenter, Clary, Cole, Cox, M. Crawford, Davis, Dockham, Earle, Gray, Haire, Harrington, Holmes, Hunter, McAllister, Smith, Starnes, Sutton, and Thompson - 24.

S.B. 1038 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LANDOWNERS TO INITIATE A SPECIAL PROCEEDING TO CLARIFY THE EXISTENCE OF A RIGHT-OF-WAY OPEN TO THE PUBLIC ADJACENT TO THEIR PROPERTY WHEN THE PUBLIC RECORDS ARE UNCLEAR CONCERNING THE ACTUAL EXISTENCE OF THE RIGHT-OF-WAY AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN SEVENTY-FIVE PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (88-3).

Representative Baker offers Amendment No. 2 which is adopted by electronic vote (92-0).

The bill, as amended, passes its third reading, by electronic vote (68-23), and is ordered engrossed and sent to the Senate for concurrence in House committee substitute by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and Senate Committee Substitute for **H.B. 748** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TRANSITIONAL PROVISIONS

FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NON-COMMERCIAL MOTOR VEHICLES, is placed on the Calendar for immediate consideration.

Representative Luebke moves that the House concur in the Senate committee substitute bill.

Representative Daughtry moves that the bill be withdrawn from the Calendar and referred to the Committee on Finance. The motion fails by electronic vote (41-51).

The motion to concur carries, on its second roll call reading, by the following vote, and the bill remains on the Calendar.

Those voting in the affirmative are: Representatives Alexander, Allen, Baddour, Bell, Bonner, Boyd-McIntyre, Buchanan, Church, Coates, J. Crawford, Culpepper, Cunningham, Dedmon, Easterling, Edwards, Fox, Gibson, Goodwin, Hackney, Hall, Hensley, Hill, Holliman, Hurley, Insko, Jarrell, Jeffus, Lucas, Luebke, McLawhorn, Michaux, Miller, Miner, Nesbitt, Nye, Oldham, Owens, Redwine, Rogers, Saunders, Sherrill, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, Weiss, Womble, Wright, and Yongue - 52.

Voting in the negative: Representatives Allred, Baker, Barbee, Blust, Capps, Creech, Culp, Daughtry, Decker, Eddins, Ellis, Esposito, Gillespie, Grady, Gulley, Hilton, Howard, Johnson, Justus, Kiser, McComas, McCombs, McMahan, Mitchell, Morgan, Morris, Pope, Preston, Rayfield, Russell, Setzer, Sexton, Shubert, Teague, Walend, Walker, Weatherly, West, C. Wilson, and G. Wilson - 40.

Excused absences: Representatives Adams, Arnold, Barefoot, Barnhart, Bowie, Brubaker, Carpenter, Clary, Cole, Cox, M. Crawford, Davis, Dockham, Earle, Gray, Haire, Harrington, Holmes, Hunter, McAllister, Smith, Starnes, Sutton, and Thompson - 24.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

December 3, 2001

Senate Chamber
December 3, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 1061**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE UNDER WHICH A LESSOR, IN ORDER TO ENCOURAGE WATER CONSERVATION, MAY ALLOCATE THE COST OF PROVIDING WATER AND SEWER SERVICE AS RENT ON A METERED USE BASIS, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 3, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 1388**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

December 3, 2001

The Speaker orders the bill enrolled and presented to the Governor.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 3, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute No. 2 to **S.B. 990** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE, and requests conferees, the President Pro Tempore appoints:

Senator Rand, Chair
Senator Dalton
Senator Lucas
Senator Lee

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representatives Warner, Bonner, Yongue, Jeffus, and Ellis as conferees on the part of the House and the Senate is so notified by Special Message.

CONFERENCE REPORT

Representative Hackney sends forth the Conference Report on House Committee Substitute No. 2 for **S.B. 1014**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of December 4.

December 3, 2001

Representative Culpepper moves, seconded by Representative Warren, that the House adjourn, subject to the receipt of Conference Reports, the receipt of Committee Reports, and the receipt of Messages, to reconvene December 4 at 2:00 p.m.

The motion carries.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Easterling, Oldham, Redwine, and Thompson, Chairs, for the Committee on Appropriations:

S.B. 914 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS; AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar of December 4. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

CONFERENCE REPORT

Representative Hackney sends forth the Conference Report on Senate Committee Substitute for **H.B. 969** (Committee Substitute No. 2), A BILL

December 3, 2001

TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS. The Speaker rules the Conference Report to be material, thus constituting its first reading. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of December 4 for its second roll card reading.

The House stands adjourned at 9:00 p.m.

ONE HUNDRED SEVENTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, December 4, 2001

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Faithful God, this is a season of waiting...of preparation...of expectation. As we wait for the hope of the prophets, let us labor to bring hope to the downtrodden. As we wait for Your sweet shalom, let us be ambassadors of Your peace to those whom we meet. As we wait for the joy of Your deliverance, let us be agents of liberation to those who are oppressed.

"O God, give us grace to prepare a warm and welcoming place in our hearts where we might receive the gift of Your presence. Teach us to create quiet places and times in our lives that the holidays may become holy days as we sense Your involvement in our lives. Show us where we can labor for the cause of righteousness, justice and mercy. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of December 3 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, Bowie, Brubaker, Carpenter, Church, M. Crawford, Haire, Harrington, Holmes, and Smith for today. Representatives Allred, Barefoot, Culp, Gray, and Morris are excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 649, AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES.

H.B. 1061, AN ACT TO CLARIFY THE PROCEDURE UNDER WHICH A LESSOR, IN ORDER TO ENCOURAGE WATER CONSERVATION, MAY ALLOCATE THE COST OF PROVIDING WATER AND SEWER SERVICE AS RENT ON A METERED USE BASIS.

H.B. 1388, AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 865, AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWNS OF ATLANTIC BEACH, EMERALD ISLE, AND HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND, AND TO PROVIDE ADDITIONAL PROCEDURES FOR STREET AND SIDEWALK ASSESSMENTS IN THE TOWN OF OCEAN ISLE BEACH.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 32** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR

PRESIDENTIAL ELECTORS WHO REFUSE OR FAIL TO VOTE FOR THE CANDIDATES OF THE PARTY WHICH NOMINATED THAT ELECTOR, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of December 5.

Upon concurrence, the Senate committee substitute bill changes the title.

CONFERENCE REPORT

Representative Luebke moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 917

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 917, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%, Senate Finance Committee Substitute Adopted 10/3/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 10/3/01, 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 H917-PCCS9382-LBx-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 3, 2001.

*Conferees for the
Senate*

S/ Wilbur P. Gulley
S/ Jeanne Hopkins Lucas

*Conferees for the
House of Representatives*

S/ Paul Luebke
S/ Paul Miller
S/ H. M. Michaux, Jr.
S/ Mary Long Jarrell
S/ Martha Bedell Alexander

The material Conference Report, which changes the title, is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Barnhart, Bell, Bonner, Boyd-McIntyre, Buchanan, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Edwards, Ellis, Fitch, Fox, Gibson, Goodwin, Grady, Gray, Hackney, Hall, Hensley, Hill, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Oldham, Owens, Preston, Redwine, Rogers, Russell, Saunders, Sherrill, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Weatherly, Weiss, West, C. Wilson, Womble, Wright, and Yongue - 82.

Voting in the negative: Representatives Baker, Capps, Clary, Creech, Davis, Decker, Eddins, Gillespie, Guley, Hiatt, Hilton, Justus, Nye, Pope, Rayfield, Setzer, Sexton, Shubert, Thompson, Warwick, and G. Wilson - 21.

Excused absences: Representatives Allred, Blue, Bowie, Brubaker, Carpenter, Church, M. Crawford, Haire, Harrington, Holmes and Smith - 11.

Representative Esposito requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (83-21).

CONFERENCE REPORT

Representative Hackney moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 969

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 969, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE

LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, Sixth Edition Engrossed 10/4/01, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the Sixth Edition Engrossed 10/4/01, and the House concurs in the Sixth Edition Engrossed as amended:

Delete the entire Sixth Edition Engrossed and substitute the attached Proposed Conference Committee Substitute H969-PCCS7288-RTx-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: 3 December 2001.

*Conferees for the
Senate*

S/ A. B. Swindell, IV
S/ David Hoyle
S/ Aaron W. Plyler
S/ Anthony E. Rand

*Conferees for the
House of Representatives*

S/ Joe Hackney
S/ Pryor A. Gibson, III
S/ Jennifer Weiss
S/ Constance K. Wilson

Pursuant to Rule 24.1A(c), the request that Representative Cole be excused from voting on May 31 is continued.

The material Conference Report is adopted on its second roll call reading, by the following vote and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Baddour, Barbee, Barefoot, Bell, Bonner, Boyd-McIntyre, Buchanan, Cox, J. Crawford, Culp, Cunningham, Dedmon, Dockham, Earle, Edwards, Esposito, Fitch, Fox, Gibson, Goodwin, Gray, Hackney, Hall, Hensley, Hiatt, Hill, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McAllister, McLawhorn, McMahan, Michaux, Miller, Miner, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Redwine, Rogers, Russell, Saunders, Sherrill, Shubert, Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, Weatherly, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 73.

Voting in the negative: Representatives Allred, Arnold, Baker, Barnhart, Blust, Capps, Clary, Coates, Creech, Daughtry, Davis, Decker,

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Eddins, Gillespie, Grady, Guley, Hilton, Howard, Kiser, McCombs, Mitchell, Rayfield, Sexton, Starnes, Sutton, Teague, Thompson, Walend, Walker, and West - 30.

Excused absences: Representatives Blue, Bowie, Brubaker, Carpenter, Church, M. Crawford, Haire, Harrington, Holmes, and Smith - 10.

Excused vote: Representative Cole.

Representatives McComas and Ellis request and are granted permission to be recorded as voting "aye". The adjusted vote total is (75-30).

CONFERENCE REPORT

Representative Culpepper moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 948

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 948, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO CLARIFY HOW DISTANCES BETWEEN ABC ESTABLISHMENTS AND CHURCHES AND SCHOOLS ARE MEASURED, TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS, Senate Commerce Committee Substitute Adopted 10/2/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Commerce Committee Substitute Adopted 10/2/01, and the House concurs in the Senate Committee Substitute as amended:

on page 1, lines 3 and 4,

by rewriting the lines to read:

""SPECIAL ABC AREA", TO"; and

on page 1, lines 22 and 23,
by rewriting the lines to read:

"malt beverages is permitted countywide or in ~~at least two cities; one city;~~ and

on page 2, line 38 through page 3, line 15,
by rewriting the lines to read:

"SECTION 2. Section 1 of this act does not apply in Graham and Swain Counties."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 29, 2001.

*Conferees for the
Senate*

S/ Dan Robinson
S/ Hamilton C. Horton, Jr.
S/ Eric M. Reeves

*Conferees for the
House of Representatives*

S/ Bill Culpepper, Chair
S/ Rep. Ronnie Smith
S/ Lyons Gray

REPRESENTATIVE HACKNEY, SPEAKER PRO TEMPORE,
PRESIDING.

The Conference Report, which changes the title, is adopted, by electronic vote (58-50), and the Senate is so notified by Special Message.

Representative Baddour requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (57-51).

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor.

CONFERENCE REPORT

Representative Hensley moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1195

To: The President of the Senate
The Speaker of the House of Representatives

December 4, 2001

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1195, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR AND BY PRESCRIBING A METHOD FOR MAKING ABSENTEE BALLOT REQUESTS, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY, Senate Judiciary I Committee Substitute Adopted 10/2/01, Corrected Copy 10/3/01, submit the following report:

The Senate and House agree to the following amendments to the Senate Committee Substitute, Senate Judiciary I Committee Substitute Adopted 10/2/01, Corrected Copy 10/3/01, and the House concurs in the Senate Committee Substitute as amended:

on page 1, lines 4 and 5 by rewriting those lines to read:
"ENTIRE CALENDAR YEAR, AND TO REALIGN THE";

and by deleting Section 2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 28, 2001.

*Conferees for the
Senate*

S/ Daniel G. Clodfelter
S/ Allen Wellons
S/ Cal Cunningham
S/ Frank W. Ballance, Jr.

*Conferees for the
House of Representatives*

S/ Daniel T. Blue, Jr.
S/ Wayne Goodwin
S/ Joe L. Kiser
S/ H. M. Michaux, Jr.
S/ Martin Nesbitt

The Conference Report, which changes the title, is adopted, by electronic vote (104-0), and the Senate is so notified by Special Message.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor.

CONFERENCE REPORT

Representative Weiss moves the adoption of the following Conference Report.

House Committee Substitute No. 2 for S.B. 1014

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 1014, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS, House Committee Substitute #2 Favorable 7/23/01, Seventh Edition Engrossed 7/30/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute #2 Favorable 7/23/01, Seventh Edition Engrossed 7/30/01, and the Senate concurs in the House Committee Substitute as amended:

on page 5, line 30, through page 6, line 9, by rewriting the lines to read:

"(2) ~~Trucks, trailers or other vehicles when~~ A truck, trailer, or other vehicle licensed for more than 7,500 pounds gross vehicle weight that is loaded with rock, gravel, ~~stone-stone,~~ or any other similar substances which ~~substance, other than sand,~~ that could fall, blow, leak, ~~sift-sift,~~ or drop shall not be driven or moved on any highway ~~unless-unless;~~

a. ~~the~~ The height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading ~~point, or if not so loaded,~~ point; and

b. ~~the~~ The load ~~shall be~~ is securely covered by tarpaulin or some other suitable ~~covering, or unless it is otherwise constructed so as covering~~ to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom.

(3) A truck, trailer, or other vehicle:

a. Licensed for any gross vehicle weight and loaded with sand; or

b. Licensed for 7,500 pounds or less gross vehicle weight and loaded with rock, gravel, stone, or any other similar substance that could fall, blow, leak, sift, or drop; shall not be driven or moved on any highway unless;

a. The height of the load against all four walls does not extend above a horizontal line six inches below the top when loaded at the loading point;

- b. The load is securely covered by tarpaulin or some other suitable covering; or
- c. The vehicle is constructed to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom.";

on page 6, line 16, by replacing "§ 136-28.11." with "§ 136-28.12.";

on page 10, line 8, by replacing "(39)" with "(40)";

on page 10, lines 11 through 23, by rewriting the lines to read:

"**SECTION 13.** G.S. 130A-309.14 is amended by adding a new subsection to read:

'(k) The Department of Transportation shall provide and maintain recycling containers at each rest area located in this State on a highway in the Interstate Highway System or in the State highway system for the collection of each of the following recyclable materials for which recycling is feasible:

- (1) Aluminum.
- (2) Newspaper.
- (3) Recyclable glass.
- (4) Plastic bottles.

For each rest area that has recycling containers, the Department of Transportation shall install signs, or modify existing signs, that are proximately located to the rest area to notify motorists that the rest area has recycling containers.";

on page 10, lines 30 through 33, by rewriting the lines to read:

"that recycling containers are readily accessible on each floor where State employees are located in a building occupied by a State agency. Recycling containers required pursuant to this subdivision shall be clearly labeled to identify the types of recyclable materials to be deposited in each container and, to the extent practicable, recycling containers for glass, plastic, and aluminum shall be located near trash receptacles. The program shall provide for the";
and

on page 11, lines 5 through 9, by rewriting those lines to read:

"**SECTION 16.** Section 1 of this act becomes effective March 1, 2002, and applies to offenses committed on or after that date. Section 2 of this act becomes effective June 1, 2002, and applies to offenses committed on or after that date. Sections 5, 6, 7, 8, 9, 10, 11, 12, 15, and 16 of this act

are effective when it becomes law. Sections 3, 4, 13, and 14 of this act become effective January 1, 2002."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 29, 2001.

*Conferees for the
Senate*

S/ Charles W. Albertson, Chair
S/ T. LaFontine Odom, Sr.
S/ Austin M. Allran
S/ David W. Hoyle

*Conferees for the
House of Representatives*

S/ Joe Hackney, Chair
S/ Jennifer Weiss
S/ Paul Miller

The Conference Report is adopted, by electronic vote (104-2), and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 748** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NONCOMMERCIAL MOTOR VEHICLES.

SPEAKER BLACK PRESIDING.

On motion of Representative Luebke, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Baddour, Bell, Bonner, Boyd-McIntyre, Buchanan, Coates, Cole, Cox, J. Crawford, Culpepper, Cunningham, Dedmon, Earle, Easterling, Edwards, Fitch, Fox, Gibson, Goodwin, Gray, Hackney, Hall, Hensley, Hill, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Lucas, Luebke, McAllister, McLawhorn, McMahan, Michaux, Miller, Miner, Nesbitt, Nye, Oldham, Owens, Redwine, Rogers, Saunders, Sherrill, Sutton,

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Tolson, Tucker, Underhill, Wainwright, Warner, Warren, Warwick, Weiss, Womble, Wright, and Yongue - 61.

Voting in the negative: Representatives Allred, Arnold, Baker, Barnhart, Blust, Capps, Clary, Creech, Culp, Daughtry, Davis, Decker, Dockham, Eddins, Ellis, Esposito, Gillespie, Grady, Gulley, Hiatt, Hilton, Howard, Justus, Kiser, McComas, McCombs, Mitchell, Morgan, Morris, Pope, Preston, Rayfield, Russell, Setzer, Sexton, Shubert, Starnes, Teague, Thompson, Walker, Weatherly, West, C. Wilson, and G. Wilson - 44.

Excused absences: Representatives Barefoot, Blue, Bowie, Brubaker, Carpenter, Church, M. Crawford, Haire, Harrington, Holmes, and Smith - 11.

Senate Committee Substitute No. 3 for **H.B. 1019** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO AUTHORIZE CERTAIN PERMIT FEES UNDER THAT PROGRAM.

On motion of Representative Mitchell, the House concurs in the material Senate Committee Substitute Bill No. 3, on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barnhart, Bell, Blust, Bonner, Boyd-McIntyre, Buchanan, Capps, Clary, Coates, Cole, Cox, J. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Ellis, Esposito, Fitch, Fox, Gibson, Goodwin, Gray, Gulley, Hall, Hensley, Hiatt, Hill, Hilton, Holliman, Howard, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, Luebke, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Russell, Saunders, Setzer, Sexton, Sherrill, Shubert, Sutton, Teague, Thompson, Tolson, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 95.

Voting in the negative: Representatives Creech, Davis, Decker, Eddins, Gillespie, Grady, Kiser, Starnes, and Tucker - 9.

Excused absences: Representatives Barefoot, Blue, Bowie, Brubaker, Carpenter, Church, M. Crawford, Haire, Harrington, Holmes, and Smith - 11.

Senate Committee Substitute for **H.B. 72**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR APPLYING FOR A RELEASE OR REFUND OF PROPERTY TAXES AFTER THE OWNER HAS SURRENDERED THE VEHICLE LICENSE PLATE.

On motion of Representative Allred, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (100-5), and the bill is ordered enrolled and presented to the Governor.

S.B. 914 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES.

Representative Luebke offers Amendment No. 1.

Representative Luebke withdraws his amendment.

The bill passes its second reading, by electronic vote (72-34), and remains on the Calendar.

DISMISSAL OF CONFEREES

On motion of Representative Russell, the conferees on Senate Committee Substitute for **H.B. 382**, A BILL TO BE ENTITLED AN ACT ADOPTING THE STRAWBERRY AS THE OFFICIAL FRUIT OF NORTH CAROLINA, are dismissed and the Senate is so notified by Special Message.

On motion of Representative Russell, the bill is placed on the Calendar for immediate consideration.

On motion of Representative Russell, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (98-3), and the bill is ordered enrolled and presented to the Governor.

CONFERENCE REPORT

Representative Warner sends forth the Conference Report on **S.B. 990** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of December 5.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 4, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 990**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

December 4, 2001

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 1284** (Committee Substitute # 3), A BILL TO BE ENTITLED AN ACT TO CREATE A PROCEDURE FOR INTERVENTION FOR THE LIMITED PURPOSE OF ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD AND TO CREATE A NEW FEE FOR FILING A MOTION TO INTERVENE UNDER G.S. 1-72.1, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

Upon concurrence, the Senate committee substitute bill changes the title.

BILL RECALLED FROM ENROLLING

On motion of Representative Allred and without objection, Senate Committee Substitute for **H.B. 72**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR APPLYING FOR A RELEASE OR REFUND OF PROPERTY TAXES AFTER THE OWNER HAS SURRENDERED THE VEHICLE LICENSE PLATE, is recalled from Enrolling.

On motion of Representative Allred, the House reconsiders the vote by which the House concurred in the Senate committee substitute bill by electronic vote (76-28).

On motion of Representative Allred, the bill is withdrawn from the Calendar and re-referred to the Committee on Finance, by electronic vote (82-20).

On motion of the Chair, the House recesses at 4:49 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute for **H.B. 623**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE BUILDING COMMISSION TO AUTHORIZE ALTERNATIVE CONTRACTING METHODS FOR PUBLIC CONTRACTS BY A MAJORITY VOTE OF ITS MEMBERS, with recommendation that the House do not concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 603**, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, is withdrawn from the Committee on Local Government I and re-referred to the Committee on Rules, Calendar, and Operations of the House.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and Senate Committee Substitute for **H.B. 623**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE BUILDING COMMISSION TO AUTHORIZE ALTERNATIVE CONTRACTING METHODS FOR PUBLIC CONTRACTS BY A MAJORITY VOTE OF ITS MEMBERS, is placed on the Calendar for immediate consideration.

On motion of Representative Culpepper, the House does not concur in the Senate committee substitute bill, by electronic vote (98-1), and conferees are requested.

The Speaker appoints Representatives McMahan, Gibson, Allen, Hackney, and Cunningham, as conferees, on the part of the House and the Senate is so notified by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and Senate Committee Substitute No. 2 for **H.B. 1284** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CREATE A PROCEDURE FOR INTERVENTION FOR THE LIMITED PURPOSE OF ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD AND TO CREATE A NEW FEE FOR FILING A MOTION TO INTERVENE UNDER G.S. 1-72.1, is placed on the Calendar for immediate consideration.

On motion of Representative Weiss, the House does not concur in the Senate committee substitute bill, by electronic vote (101-1), and conferees are requested.

The Speaker appoints Representatives Weiss, Wright, and Sherrill as conferees on the part of the House and the Senate is so notified by Special Message.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Allen, Buchanan, Luebke, and Wainwright, Chairs, for the Committee on Finance:

Senate Committee Substitute for **H.B. 72**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR APPLYING FOR A RELEASE OR REFUND OF PROPERTY TAXES AFTER THE OWNER HAS SURRENDERED THE VEHICLE LICENSE PLATE, with recommendation that the House concur.

Pursuant to Rule 36(b), the bill is placed on today's Calendar for immediate consideration.

On motion of Representative Allred, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (95-7), and the bill is ordered enrolled and presented to the Governor.

CONFERENCE REPORT

Representative Hackney sends forth the Conference Report on **S.B. 470** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT
December 4, 2001

TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of December 5.

CONFERENCE REPORT

Representative Hurley sends forth the Conference Report on **S.B. 348** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX. The Speaker rules the Conference Report to be material, thus constituting its first reading. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of December 5 for its second roll call reading.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 338** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is returned for concurrence in Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on today's Calendar for immediate consideration.

On motion of Representative Culpepper, the House does not concur in the Senate committee substitute bill, by electronic vote (100-2), and conferees are requested.

Representative Culpepper moves, seconded by Representative Weiss, that the House adjourn, subject to announcements, the appointment of conferees, the receipt of Conference Reports, and the receipt of Messages, to reconvene December 5 at 9:30 a.m.

The motion carries.

CONFEREES APPOINTED

The Speaker announces the following conferees on Senate Committee Substitute for **H.B. 338** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION: Representatives Redwine, Baddour, Hackney, Culpepper, Oldham, Buchanan, Allen, Easterling, Thompson, and Wainwright.

The Senate is so notified by Special Message.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 4, 2001

Mr. Speaker:

Pursuant to your message received today, on December 4, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 338** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, and requests conferees, the President Pro Tempore appoints:

Senator Clodfelter, Chair
Senator Hartsell

December 4, 2001

Senator Rand
Senator Hoyle
Senator Kerr

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 4, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives that the President Pro Tempore has dismissed the conferees on **S.B. 721** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE.

The Senate has concurred in the House Committee Substitute No. 2 and the bill is ordered enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 4, 2001

December 4, 2001

Mr. Speaker:

Pursuant to your message received today, December 4, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 623**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE BUILDING COMMISSION TO AUTHORIZE ALTERNATIVE CONTRACTING METHODS FOR PUBLIC CONTRACTS BY A MAJORITY VOTE OF ITS MEMBERS, and requests conferees, the President Pro Tempore appoints:

Senator Clodfelter, Chair
Senator Rand
Senator Ballance
Senator Ballantine
Senator Plyler

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The House stands adjourned at 7:25 p.m.

ONE HUNDRED SEVENTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, December 5, 2001

The House meets at 9:30 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"Eternal God, You are not absent from creation, but are very much a part of this world. You share our joys, support our needs, understand our frustrations, and care for us in times of trouble. We give You thanks for Your sustaining grace that has been with us through this long session. We are thankful for the gifts of support we have received from families and

December 5, 2001

friends. We are grateful for the labors of the support staff--the Principal Clerk and her office, the Sergeants-at-Arms, legislative assistants, and those who drafted and researched bills--who have graciously helped behind the scenes and made the public work of this Assembly go smoothly.

"As we prepare to end this session, we ask that Your blessing that has been upon us here will go with us as we return home to our places of residence. We turn over to You the work that we have accomplished. Where we have been in harmony with Your will and created conditions that enhance life, bless our labors. Where we have strayed from Your guidance and created conditions of injustice, we beg Your forgiveness and ask that by Your mercy the consequences of our disobedience would be minimized.

"O God, we came with the desire to make a difference in the lives of others. We pray the difference we made, indeed the legacy we leave, will be positive. We ask this in Your holy name. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of December 4 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, Bowie, Carpenter, Cox, Haire, Harrington, Holmes, Morris, and Smith for today. Representatives Adams, Allred, Brubaker, Daughtry, Gray, Luebke, Nye, and Warner are excused for a portion of the session.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 721, AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE.

S.B. 1014, AN ACT TO STRENGTHEN THE LITTERING LAWS.

S.B. 1038, AN ACT TO AUTHORIZE LANDOWNERS TO INITIATE A SPECIAL PROCEEDING TO CLARIFY THE EXISTENCE OF A RIGHT-OF-WAY OPEN TO THE PUBLIC ADJACENT TO THEIR PROPERTY WHEN THE PUBLIC RECORDS ARE UNCLEAR CONCERNING THE

ACTUAL EXISTENCE OF THE RIGHT-OF-WAY AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN SEVENTY-FIVE PERCENT OF THE ADJACENT LAND-OWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

H.B. 72, AN ACT TO EXTEND THE DEADLINE FOR APPLYING FOR A RELEASE OR REFUND OF PROPERTY TAXES AFTER THE OWNER HAS SURRENDERED THE VEHICLE LICENSE PLATE, AND TO CAP THE HIGHWAY USE TAX ON CERTAIN RECREATIONAL VEHICLES AT \$1,500 PER VEHICLE.

H.B. 382, AN ACT ADOPTING THE OFFICIAL FRUIT AND BERRIES OF NORTH CAROLINA.

H.B. 748, AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NON-COMMERCIAL MOTOR VEHICLES, TO TEMPORARILY MODIFY THE TAXATION OF HMOs AND MEDICAL SERVICE CORPORATIONS, AND TO CLARIFY THE SALES TAX EXEMPTION FOR PREPARED FOOD.

H.B. 948, AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS.

H.B. 1195, AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY.

CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 865, AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK EMERALD COUNTY TO ALLOW THE TOWNS OF ATLANTIC BEACH,

ISLE, AND HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND, AND TO PROVIDE ADDITIONAL PROCEDURES FOR STREET AND SIDEWALK ASSESSMENTS IN THE TOWN OF OCEAN ISLE BEACH. (S.L. 2001-478)

CONFERENCE REPORT

The material Conference Report for Senate Committee Substitute for **H.B. 917**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Those voting in the affirmative are: Representatives Alexander, Arnold, Baddour, Barefoot, Barnhart, Bell, Bonner, Boyd-McIntyre, Buchanan, Church, Clary, Coates, Cole, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Dedmon, Dockham, Edwards, Fitch, Fox, Gibson, Goodwin, Grady, Gulley, Hensley, Hill, Holliman, Howard, Hunter, Hurley, Jarrell, Jeffus, Johnson, Kiser, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Mitchell, Morgan, Oldham, Owens, Preston, Rayfield, Rogers, Russell, Saunders, Sexton, Sherrill, Starnes, Sutton, Teague, Tolson, Tucker, Underhill, Walend, Walker, Warren, Weatherly, Weiss, West, C. Wilson, Womble, and Wright - 71.

Voting in the negative: Representatives Baker, Barbee, Capps, Creech, Davis, Decker, Eddins, Ellis, Esposito, Gillespie, Hiatt, Hilton, Justus, Nye, Pope, Setzer, Shubert, Thompson, Warwick, and G. Wilson - 20.

Excused absences: Representatives Adams, Allred, Blue, Bowie, Brubaker, Carpenter, Cox, Daughtry, Gray, Haire, Harrington, Holmes, Luebke, Morris, Smith, and Warner - 16.

BILL TEMPORARILY DISPLACED

On motion of Representative Culpepper and without objection, the Conference Report on Senate Committee Substitute for **H.B. 969**

(Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, is temporarily displaced.

On motion of the Chair, the House recesses at 9:57 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CONFERENCE REPORT

Representative Hurley moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 348

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 348, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, House Committee Substitute Favorable 10/23/01, Fourth Edition Engrossed 11/14/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute Favorable 10/23/01, Fourth Edition Engrossed 11/14/01, and the Senate concurs in the House Committee Substitute, Fourth Edition Engrossed 11/14/01 as amended:

On page 1, lines 24 and 25, by rewriting those lines to read:
"may not be levied earlier than January 1, 2002. The levy, collections, administration, use, and"

And on page 2, line 35, by deleting the phrase "cents (3¢)" and substituting the phrase "percent (3%)";

And on page 5, lines 4 through 7, by rewriting those lines to read:

"(5) One member of the public who is not affiliated with travel and tourism and who reflects the cultural diversity of the county."

And on page 5, line 25 through page 6, line 28, by rewriting those lines to read:

"**SECTION 2.** G.S. 153A-155(g), as amended by S.L. 2001-162, S.L. 2001-305, S.L. 2001-321, S.L. 2001-381, S.L. 2001-434, S.L. 2001-439, and S.L. 2001-468, reads as rewritten:

'(g) This section applies only to Anson, ~~Avery~~, Brunswick, Buncombe, Cabarrus, Carteret, Craven, Cumberland, Currituck, Dare, Davie, Granville, Madison, Montgomery, Nash, Pender, Person, Randolph, Richmond, Rowan, Scotland, Stanly, Transylvania, Tyrrell, Vance, and Washington Counties, and to the Township of Averbosboro in Harnett County.'"

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 4, 2001.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ Tony Rand
S/ John Carrington
S/ Stephen Metcalf
S/ Aaron W. Plyler

S/ Bill Hurley
S/ Marvin W. Lucas
S/ Alex Warner
S/ Mia Morris

Representative McAllister moves, seconded by Representative Fitch, that the motion to concur do lie upon the table.

The motion fails to carry by electronic vote (41-51).

On motion of the Speaker, the Conference Report is temporarily displaced.

CALENDAR

Action is taken on the following:

December 5, 2001

S.B. 914 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES.

On motion of Representative Nesbitt and without objection, the bill is temporarily displaced.

CONFERENCE REPORT

Representative Sutton moves the adoption of the following Conference Report.

House Committee Substitute No. 2 for S.B. 470

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 470, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO

PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS, House Committee Substitute #2 Favorable 8/30/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, House Committee Substitute #2 Favorable 8/30/01, and the Senate concurs in the House Committee Substitute as amended:

on page 4, line 37, through page 5, line 31, by deleting those lines;

on page 5, lines 32 and 33, by rewriting the lines to read:
"SECTION 2. G.S. 20-305(30) reads as rewritten:";

on page 7, lines 14 through 26, by rewriting the lines to read:

"In the event that ~~at the time of the ratification of this act as of October 1, 1999,~~ a manufacturer ~~is currently~~ was operating a program that varied the price charged to its franchised dealers in this State in a manner that would violate this subdivision, or has had in effect a documented policy that had been conveyed to its franchised dealers in this State and that varied the price charged to its franchised dealers in this State in a manner which that would violate this ~~subdivision after October 1, 1999,~~ subdivision, it shall be lawful for that program or policy, including amendments to that program or policy that are consistent with the purpose and provisions of the existing program or policy, or a program or policy similar thereto implemented after ~~the effective date of this act, October 1, 1999,~~ to continue in effect as to the manufacturer's franchised dealers located in this State until ~~2002-~~ June 30, 2006.

In the event that as of June 30, 2001, a manufacturer was operating a program that varied the price charged to its franchised dealers in this State in a manner that would violate this subdivision, or had in effect a documented policy that had been conveyed to its franchised dealers in this State and that varied the price charged to its franchised dealers in this State in a manner that would violate this subdivision, and the program or policy was implemented in this State subsequent to October 1, 1999, and prior to June 30, 2001, and provided that

the program or policy is in compliance with this subdivision as it existed as of June 30, 2001, it shall be lawful for that program or policy, including amendments to that program or policy that comply with this subdivision as it existed as of June 30, 2001, to continue in effect as to the manufacturer's franchised dealers located in this State until June 30, 2006.

Any manufacturer shall be required to pay or otherwise compensate any franchise dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy.";

and on page 10, lines 38 through 41, by rewriting those lines to read:

"**SECTION 8.** This act is effective when it becomes law and applies to causes of action arising on or after that date."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 4th, 2001.

*Conferees for the
Senate*

S/ David Hoyle, Chair
S/ Fletcher Hartsell, Jr.
S/ Albin B. Swindell, IV
S/ Howard N. Lee
S/ Cal Cunningham

*Conferees for the
House of Representatives*

S/ Joe Hackney
S/ Ronnie Sutton
S/ Martin Nesbitt
S/ Martha B. Alexander
S/ Wilma M. Sherrill
S/ William C. Owens, Jr.
S/ Philip A. Baddour, Jr.

Pursuant to Rule 24.1A(c), the request that Representative Cole be excused from voting on September 4 is continued.

The Conference Report is adopted, by electronic vote (98-0), and the Senate is so notified by Special Message.

Representatives Adams and Cunningham request and are granted permission to be recorded as voting "aye". The adjusted vote total is (100-0).

CONFERENCE REPORT

Representative Warner moves the adoption of the following Conference Report.

House Committee Substitute No. 2 for S.B. 990

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 990, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL, House Committee Substitute #2 Favorable 11/14/01, Fifth Edition Engrossed 11/27/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute #2 Favorable 11/14/01, Fifth Edition Engrossed 11/27/01, and the Senate concurs in the House Committee Substitute as amended:

On page 1, lines 15-16. rewrite the lines to read:

"from a student as a result of the person's performance under the contract. This prohibition";

and on page 1, lines 24-26, and on page 2, lines 1-12, rewrite the lines to read:

"related to a student, including the student's name, birthdate, address, social security number, individual purchasing behavior or preferences, parents' names, telephone number, or any other information or identification number that would provide information about a specific student";

and on page 2, lines 19-41, and on page 3, lines 1-2, delete the lines;

and on page 3, line 22, rewrite the line to read:

"North Carolina, a community college, or a public hospital as defined in G.S. 159-39 and the records related to the planning and".

The conferees recommend that the Senate and the House of Representatives adopt this report.

December 5, 2001

Date conferees approved report: December 4, 2001.

*Conferees for the
Senate*

S/ Tony Rand, Chair
S/ Walter Dalton
S/ Jeanne Lucas
S/ Howard N. Lee

*Conferees for the
House of Representatives*

S/ Alex Warner
S/ Donald A. Bonner
S/ Douglas Y. Yongue
S/ Maggie Jeffus

The Conference Report fails of adoption by electronic vote (49-54), and the Senate is so notified by Special Message.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 5, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that Senator Horton has been added as a conferee on **H.B. 338** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 5, 2001

December 5, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 917**, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 5, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 969**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

December 5, 2001

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 5, 2001

Mr. Speaker:

Pursuant to your message received on December 4, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute No. 2 to **H.B. 1284**, A BILL TO BE ENTITLED AN ACT TO CREATE A PROCEDURE FOR INTERVENTION FOR THE LIMITED PURPOSE OF ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD AND TO CREATE A NEW FEE FOR FILING A MOTION TO INTERVENE UNDER G.S. 1-72.1, and requests conferees, the President Pro Tempore appoints:

Senator Rand, Chair
Senator Plyler
Senator Purcell

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 5, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE

December 5, 2001

OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 5, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 470, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.**

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

On motion of the Speaker, the House recesses at 9:57 a.m.

December 5, 2001

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CALENDAR (continued)

S.B. 914 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES.

On motion of Representative Nesbitt, the bill is temporarily displaced.

Senate Committee Substitute for **H.B. 32** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR PRESIDENTIAL ELECTORS WHO REFUSE OR FAIL TO VOTE FOR THE CANDIDATES OF THE PARTY WHICH NOMINATED THAT ELECTOR.

On motion of the Chair, the bill is temporarily displaced.

CONFERENCE REPORT

The Conference Report on **S.B. 348** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE

OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, which was temporarily displaced, is before the Body.

The material Conference Report is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Barbee, Barefoot, Bell, Bonner, Boyd-McIntyre, Buchanan, Church, Coates, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Dedmon, Dockham, Earle, Easterling, Edwards, Fox, Gibson, Goodwin, Grady, Gulley, Hackney, Hensley, Hill, Holliman, Howard, Hunter, Hurley, Jarrell, Jeffus, Johnson, Lucas, McComas, McCombs, McLawhorn, McMahan, Miller, Miner, Mitchell, Morgan, Nye, Oldham, Owens, Preston, Redwine, Rogers, Russell, Saunders, Sherrill, Sutton, Teague, Thompson, Tolson, Tucker, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, Womble, and Yongue - 74.

Voting in the negative: Representatives Baker, Barnhart, Blust, Brubaker, Capps, Clary, Creech, Daughtry, Davis, Decker, Eddins, Ellis, Esposito, Gillespie, Hall, Hiatt, Hilton, Justus, Kiser, McAllister, Michaux, Pope, Rayfield, Setzer, Shubert, Starnes, and G. Wilson - 27.

Excused absences: Representatives Blue, Bowie, Carpenter, Cox, Gray, Haire, Harrington, Holmes, Luebke, Morris, and Smith - 11.

Representative Allred requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (73-28).

CALENDAR (continued)

Senate Committee Substitute No. 3 for **H.B. 1019** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO AUTHORIZE CERTAIN PERMIT FEES UNDER THAT PROGRAM.

On motion of Representative Mitchell, the House concurs in the material Senate Committee Substitute Bill No. 3, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Bell, Blust, Bonner, Boyd-McIntyre, Brubaker, Buchanan, Church, Clary,

Coates, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Earle, Easterling, Edwards, Ellis, Esposito, Fox, Gibson, Goodwin, Gulley, Hackney, Hall, Hensley, Hiatt, Hill, Hilton, Holliman, Howard, Hunter, Hurley, Jarrell, Jeffus, Johnson, Justus, Lucas, McAllister, McComas, McCombs, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sherrill, Sutton, Teague, Thompson, Tolson, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 90.

Voting in the negative: Representatives Barnhart, Capps, Creech, Davis, Decker, Eddins, Gillespie, Grady, Kiser, Setzer, Shubert, Starnes, and Tucker - 13.

Excused absences: Representatives Blue, Bowie, Carpenter, Cox, Gray, Haire, Harrington, Holmes, Luebke, Morris, and Smith - 11.

Senate Committee Substitute for **H.B. 32** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR PRESIDENTIAL ELECTORS WHO REFUSE OR FAIL TO VOTE FOR THE CANDIDATES OF THE PARTY WHICH NOMINATED THAT ELECTOR.

On motion of Representative McMahan, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (64-43), and the bill is ordered enrolled.

S.B. 914 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC

BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES, which was temporarily displaced, is before the Body.

REPRESENTATIVE HACKNEY, SPEAKER PRO TEMPORE, PRESIDING.

Representative Nesbitt offers Amendment No. 2 which is adopted by electronic vote (105-1).

SPEAKER BLACK PRESIDING.

The bill, as amended, passes its third reading, by electronic vote (68-37), and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute No. 2 by Special Message.

Speaker Black votes "aye". Representatives Cole and Easterling request and are granted permission to be recorded as voting "aye". The adjusted vote total is (71-37).

CONFERENCE REPORT

The material Conference Report for Senate Committee Substitute for **H.B. 969** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, is before the Body.

Pursuant to Rule 24.1A(c), the request that Representative Cole be excused from voting on May 31 is continued.

The Conference Report is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Baddour, Barbee, Barefoot, Bell, Bonner, Boyd-McIntyre, Buchanan, Church, J. Crawford, Culp, Culpepper, Cunningham, Dedmon, Dockham,

Earle, Easterling, Edwards, Esposito, Fitch, Fox, Gibson, Goodwin, Gray, Hackney, Hall, Hensley, Hiatt, Hill, Holliman, Hunter, Hurley, Insko, Jarrell, Jeffus, Johnson, Justus, Lucas, McAllister, McComas, McLawhorn, McMahan, Michaux, Miller, Miner, Morgan, Nesbitt, Nye, Oldham, Owens, Pope, Preston, Redwine, Rogers, Russell, Saunders, Sherrill, Shubert, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Warwick, Weatherly, Weiss, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 75.

Voting in the negative: Representatives Allred, Arnold, Baker, Barnhart, Blust, Brubaker, Capps, Clary, Coates, M. Crawford, Daughtry, Davis, Decker, Eddins, Gillespie, Grady, Gulley, Hilton, Howard, Kiser, McCombs, Mitchell, Rayfield, Setzer, Sexton, Starnes, Sutton, Teague, Thompson, Walend, and West - 31.

Excused absences: Representatives Blue, Bowie, Carpenter, Cox, Haire, Harrington, Holmes, Luebke, Morris, and Smith - 10.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor by Special Message.

On motion of the Chair, the House recesses at 2:34 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

H.B. 1019, AN ACT TO AMEND THE LAWS GOVERNING THE PERMIT FEES UNDER THAT PROGRAM, TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS ARE APPROVED AND TO ESTABLISH A SCHEDULE OF FEES APPLICABLE TO APPROVAL OF THOSE SYSTEMS, AND TO REQUIRE THAT ENVIRONMENTAL HEALTH SPECIALISTS BE COVERED UNDER THE STATE'S EXCESS LIABILITY INSURANCE POLICY.

S.B. 470, AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO

PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 32, AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS.

H.B. 917, AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 5, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute No. 2 to **S.B. 914**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO PUBLIC SCHOOL CONSTRUCTION PROJECTS, and requests conferees. The President Pro Tempore appoints:

December 5, 2001

Senator Clodfelter, Chair
Senator Ballance
Senator Ballantine
Senator Plyler
Senator Dalton

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

On motion of the Chair, the House recesses at 5:04 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 32, AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS. (S.L. 2001-479)

H.B. 917, AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%. (S.L. 2001-480)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute for **H.B. 1144** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION AND TO REDUCE THE NUMBER OF STUDENT AND STATE TEACHER OF THE YEAR ADVISORS TO THE STATE BOARD OF EDUCATION, with recommendation that the House do not concur.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

S.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

S.B. 603, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

BILLS PLACED ON CALENDAR

Representative Culpepper, gives notice, pursuant to Rule 36(b), and **S.B. 603** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TEMPORARILY EXPAND THE NAVASSA TOWN BOARD TO INCLUDE REPRESENTATION FROM THE AREA RECENTLY ANNEXED, TO AUTHORIZE THE TOWN OF CARY TO REGULATE THE OPERATION OF GOLF CARTS ON PUBLIC STREETS WITHIN THE TOWN, AND CONCERNING AIRPORT LEASES BY MONTGOMERY COUNTY, is placed on the Calendar for immediate consideration.

The bill passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

Representative Culpepper, gives notice, pursuant to Rule 36(b), and **S.B. 571** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS, is placed on the Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (105-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

RECONSIDERATION OF VOTE

Having voted with the prevailing side, Representative Bell moves that the vote by which the Conference Report on **S.B. 990** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL, failed be reconsidered.

The motion carries by electronic vote (53-52).

The Conference Report, which changes the title, is adopted, by electronic vote (75-29), and the Senate is so notified by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and Senate Committee Substitute for **H.B. 1144** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF

EDUCATION AND TO REDUCE THE NUMBER OF STUDENT AND STATE TEACHER OF THE YEAR ADVISORS TO THE STATE BOARD OF EDUCATION, is placed on the Calendar for immediate consideration.

On motion of Representative Culpepper, the House does not concur in the Senate committee substitute bill, by electronic vote (102-2).

The Speaker appoints Representatives Yongue, Bonner, Rogers, and Morgan as conferees on the part of the House and the Senate is so notified by Special Message.

Representative Culpepper moves, seconded by Representative Alexander, that the House adjourn, subject to the receipt of Conference Reports and the receipt of Messages to reconvene December 6 at 9:30 a.m.

The motion carries.

CONFERENCE REPORT

Representative Culpepper sends forth the Conference Report on **S.B. 914** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of December 6.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 5, 2001

Mr. Speaker:

Pursuant to your message received today, December 5, 2001, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1144** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION AND TO REDUCE THE NUMBER OF STUDENT AND STATE TEACHER OF THE YEAR ADVISORS TO THE STATE BOARD OF EDUCATION, and requests conferees, the President Pro Tempore appoints:

Senator Rand, Chair
Senator Ballance
Senator Dalton
Senator Lee
Senator Garwood

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The House stands adjourned at 9:00 p.m.

ONE HUNDRED SEVENTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

The House meets at 9:30 a.m. pursuant to adjournment and is called to order by the Speaker Pro Tempore.

December 6, 2001

The following prayer is offered by the Reverend Mike Frese, House Chaplain:

"As we prepare to depart from this place, we pause to give You thanks. We are grateful that Your presence has never left us. Your guidance has never abandoned us. Even when we did not seek You, You sought us and led us through the gentle whisper of Your Spirit. May Your work within us continue as we return to our homes. Where bonds of friendship have been fostered, grant a deepening of relationship. Where feelings have been hurt, grant Your forgiving mercy. Where arguments have created rifts, bestow reconciling grace. And now may Your watchful eye and Your sustaining presence be with us, to watch over us and protect us. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of December 5 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Arnold, Blue, Bowie, Carpenter, Haire, Harrington, Holmes, and Smith for today. Representatives Adams, Allred, Brubaker, Clary, Esposito, Gray, Howard, Justus, McComas, Rayfield, Tucker, Wainwright, and Walend are excused for a portion of the session.

RE-REFERRAL

On motion of Representative Thompson and without objection, **S.B. 346** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW REGARDING THE CRIMINAL OFFENSE OF STALKING AND CERTAIN DOMESTIC VIOLENCE LAWS, is withdrawn from the Committee on Appropriations, Subcommittee on Justice and Public Safety and re-referred to the Committee on Appropriations.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 571, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS.

S.B. 990, AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL.

H.B. 969, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS.

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.J.R. 60, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GEORGE HENRY WHITE, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE ONE HUNDREDTH ANNIVERSARY OF HIS HISTORIC FAREWELL SPEECH IN THE UNITED STATES CONGRESS. (RESOLUTION 2001-35)

On motion of the Chair, the House recesses at 9:54 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CONFERENCE REPORT

On motion of Representative Culpepper, the Conference Report on **S.B. 914** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT

MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES, is temporarily displaced.

CONFERENCE REPORT

The material Conference Report for House Committee Substitute for **S.B. 348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, is before the Body.

Representative McAllister moves, seconded by Representative Fitch, that the motion to adopt the Conference Report do lie upon the table.

The motion fails, by electronic vote (41-59).

The Conference Report, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Representatives Alexander, Allen, Baddour, Barbee, Barefoot, Bell, Bonner, Boyd-McIntyre, Buchanan, Coates, Cole, Cox, J. Crawford, M. Crawford, Culp, Culpepper, Cunningham, Dedmon, Dockham, Earle, Easterling, Edwards, Fox, Gibson, Goodwin, Gulley, Hackney, Hall, Hensley, Hill, Holliman, Hurley, Insko, Jarrell, Jeffus, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Miller, Mitchell, Morgan, Nye, Oldham, Owens, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Sutton, Teague, Thompson, Tolson, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, Womble, and Yongue - 68.

Voting in the negative: Representatives Adams, Allred, Baker, Barnhart, Blust, Brubaker, Capps, Creech, Daughtry, Davis, Decker, Eddins, Ellis, Esposito, Fitch, Gillespie, Grady, Hiatt, Hilton, Howard, Johnson, Justus, Kiser, McAllister, Michaux, Pope, Preston, Rayfield, Setzer, Shubert, Starnes, C. Wilson, and G. Wilson - 33.

Excused absences: Representatives Arnold, Blue, Bowie, Carpenter, Clary, Gray, Haire, Harrington, Holmes, Morris, Smith, and Tucker - 12.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Easterling, Oldham, Redwine and Thompson, Chairs, for the Committee on Appropriations:

S.B. 346 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW REGARDING THE CRIMINAL OFFENSE OF STALKING AND CERTAIN DOMESTIC VIOLENCE LAWS, with a favorable report, as amended.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

CONFERENCE REPORT

Representative Yongue sends forth the Conference Report on Senate Committee Substitute for **H.B. 1144**, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO STUDY THE STRUCTURE OF THE BOARD OF GOVERNORS. Without objection, the Conference Report is placed on today's Calendar.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 914**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 1144**, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY

December 6, 2001

OF NORTH CAROLINA, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

On motion of the Chair, the House recesses at 12:26 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CONFERENCE REPORT

Representative Yongue moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1144

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 1144, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO STUDY THE STRUCTURE OF THE BOARD OF GOVERNORS, Senate Education/Higher Education Committee Substitute Adopted 10/4/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Education/Higher Education Committee Substitute Adopted 10/4/01 and the House concurs in the Senate Education/Higher Education Committee Substitute Adopted 10/4/01 as amended:

On page 1, lines 4 and 5,
by rewriting those lines to read:
"UNIVERSITY OF NORTH CAROLINA."; and

on page 2, line 40,
by deleting the word "sexual," and substituting the word "gender,"; and

on page 2, line 41 through page 3, line 31,
by deleting those lines; and

on page 3, line 32,
by deleting the numeral "4" on that line and substituting the numeral
"3".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 6, 2001.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ Anthony E. Rand, Chair
S/ Frank W. Ballance, Jr.
S/ Howard N. Lee
S/ John A. Garwood

S/ Douglas Y. Yongue
S/ Donald A. Bonner
S/ R. Eugene Rogers
S/ Richard T. Morgan

The Conference Report, which changes the title, is adopted, by electronic vote (92-6), and the Senate is so notified by Special Message.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper, gives notice, pursuant to Rule 36(b), and **S.B. 346** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW REGARDING THE CRIMINAL OFFENSE OF STALKING AND CERTAIN DOMESTIC VIOLENCE LAWS, is placed on the Calendar for immediate consideration.

On motion of Representative Goodwin, Committee Amendment No. 1 is adopted by electronic vote (101-1).

On motion of Representative Sutton, Committee Amendment No. 2 is adopted by electronic vote (100-1).

Representative Goodwin offers Amendment No. 3 which is adopted by electronic vote (101-0).

The bill, as amended, passes its second reading, by electronic vote (103-0), and there being no objection is read a third time.

Representative Russell requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (104-0).

The bill, as amended, passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute, as amended, by Special Message.

CONFERENCE REPORT

Representative Gibson sends forth the Conference Report on Senate Committee Substitute for **H.B. 688**, (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION. Without objection the Conference Report is placed on the Calendar for immediate consideration.

Representative Gibson moves the adoption of the following Conference 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 688, A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION, RESEARCH INITIATIVES FUNDED BY THE AGRICULTURAL ADVANCEMENT CONSORTIUM, AND THE TRUST FUND FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE-FUNDING NEEDS, Senate Finance Committee Substitute Adopted 10/2/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute, Senate Finance Committee Substitute

December 6, 2001

Adopted 10/2/01, and the House concurs in the Senate Finance Committee Substitute as amended:

On page 1, lines 4 through 7, by rewriting those lines to read:
"EDUCATION AND THE SAVINGS RESERVE ACCOUNT.";

And on page 2, lines 24 though 37, rewriting those lines to read:

SECTION 3. No later than June 30, 2002, the State Controller shall credit the sum of seven hundred fifty thousand dollars (\$750,000) from the General Fund to the Savings Reserve Account established in G.S. 143-15.3. This allocation of revenue is not an "appropriation made by law" as that phrase is used in Article V, Section 7(1) of the North Carolina Constitution.

SECTION 4. This act becomes effective February 1, 2002."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 6, 2001.

*Conferees for the
Senate*

S/ Walter Dalton
S/ Aaron Plyler
S/ Fountain Odom
S/ Howard Lee
S/ David Hoyle
S/ Robert Shaw
S/ J. Kerr

*Conferees for the
House of Representatives*

S/ Pryor Gibson
S/ Nurham Warwick
S/ John Weatherly
S/ David Redwine
S/ Dewey Hill
S/ James W. Crawford, Jr.

The Conference Report, which changes the title, is adopted, by electronic vote (83-19), and the Senate is so notified by Special Message.

CONFERENCE REPORT

Representative Culpepper sends forth the Conference Report on Senate Committee Substitute for **H.B. 338** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. Without objection the Conference Report is placed on the Calendar for immediate consideration.

December 6, 2001

On motion of Representative Culpepper, the Conference Report is temporarily displaced.

CONFERENCE REPORT

Representative Redwine sends forth the Conference Report on Senate Committee Substitute No. 2 for **H.B. 231** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS. Without objection the Conference Report is placed on today's Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.B. 832 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONTRACT FINANCING AND SURETY BONDS FOR SMALL BUSINESSES THAT CONTRACT WITH GOVERNMENTAL AGENCIES, is read the first time and referred to the Committee on Finance.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 231**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001 AND FOR OTHER PURPOSES, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 338**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

December 6, 2001

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Wright, Chair, for the Committee on Health:

S.B. 772, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS TO ESTABLISH REGULATORY STANDARDS FOR THE ADMINISTRATION AND MONITORING OF ENTERAL SEDATION FOR OUTPATIENTS IN THE DENTAL SETTING IN ADDITION TO EXISTING STANDARDS FOR GENERAL ANESTHESIA AND PARENTERAL SEDATION, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (100-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor by Special Message.

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

S.B. 166 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE DESIGNATION OF A LEAD AGENCY FOR LONG-TERM CARE PLANNING, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

CONFERENCE REPORT

Representative Redwine moves the adoption of the following Conference Report.

Senate Committee Substitute No. 2 for H.B. 231

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 231, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001, Senate Appropriations/Base Budget Committee Substitute Adopted 9/27/01, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute, Sixth Edition Adopted 9/27/01, and the House concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute H231-PCCS58280-LT-5.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 6, 2001.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ Aaron W. Plyler, Chair
S/ Howard Lee
S/ Tony Rand
S/ Frank W. Ballance, Jr.

S/ David Redwine
S/ Ruth M. Easterling
S/ Gregory J. Thompson
S/ Warren C. Oldham

The Conference Report, which changes the title, is adopted, by electronic vote (76-25), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor by Special Message.

Representative Buchanan requests and is granted permission to be recorded as voting "aye". Representative Esposito requests and is granted

December 6, 2001

permission to change her vote from "no" to "aye". The adjusted vote total is (78-24).

CONFERENCE REPORT

The Conference Report on Senate Committee Substitute for **H.B. 338** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is before the Body.

On motion of Representative Culpepper, the Conference Report is temporarily displaced.

2001 GENERAL ASSEMBLY FIRST SESSION

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 688**, A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION AND THE SAVINGS RESERVE ACCOUNT, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor by Special Message.

REPRESENTATIVE HACKNEY, SPEAKER PRO TEMPORE,
PRESIDING.

December 6, 2001

CONFERENCE REPORT

The Conference Report on Senate Committee Substitute for **H.B. 338** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, which was temporarily displaced, is before the Body.

Representative Culpepper moves the adoption of the following Conference 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 338, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, Senate Judiciary I Committee Substitute Adopted 11/27/01, Sixth Edition Engrossed 12/4/01, submit the following report:

The Senate and House agree to the following amendments to the Senate Committee Substitute, Senate Judiciary I Committee Substitute Adopted 11/27/01, Sixth Edition Engrossed 12/4/01, and the House concurs with the Senate Committee Substitute as amended:

on page 66, lines 4-25, [Section 48] by deleting the lines;

and on page 74, line 42, [Section 59] by deleting "October 1, 2001," and substituting "March 1, 2002,";

and on page 80, lines 15-17, [Section 62.(d)] by rewriting the lines to read:

"(b) If the domestic corporation is converting to a business entity whose ~~formation~~ formation, or whose status as a registered limited liability ~~partnership~~, partnership as defined in G.S. 59-32, or ~~limited liability limited partnership~~, as defined in G.S. 59-102, requires the filing of a";

and on page 85, lines 15-16, [Section 62.(o)] by rewriting the lines to read:

"whose ~~formation~~ formation, or whose status as a registered limited liability

~~partnership, partnership~~ as defined in G.S. 59-32, ~~or limited liability limited partnership, as defined in G.S. 59-102,~~ requires";

and on page 85, line 19, [Section 62.(o)] by inserting "the" after the word "contain";

and on page 87, lines 21-25, [Section 62.(u)] by rewriting the lines to read:

"(b) If the domestic partnership is converting to a business entity whose formation ~~or whose status as a limited liability limited partnership, as defined in G.S. 59-102,~~ requires the filing of a document with the Secretary of State, then notwithstanding subsection (a) of this section the articles of conversion shall be included as part of that document instead of separately filing the articles of conversion and shall contain the information required by the laws governing the organization and internal affairs of the resulting business entity.";

and on page 91, line 6, [Section 62.(bb)] by rewriting the line to read: "~~formation—formation,~~ or whose status as a registered limited liability ~~partnership, partnership~~ as defined in G.S.";

and on page 108, line 8 [Section 71] by inserting the following immediately after the period: "The preceding sentence applies only to agreements, contracts, and leases with an estimated revenue to the State of one hundred thousand dollars (\$100,000) or more."

and on page 113, line 15, through page 114, line 23, [Section 81] by deleting the lines;

and on page 118, line 1, through page 120, line 8, [Sections 86.(c), 86.(d), and 86.5] by deleting the lines;

and on page 134, lines 21-29, [Section 108] by deleting the lines;

and on page 135, lines 7-27, [Section 111] by deleting the lines;

and on page 136, lines 29-38, [Section 114.5] by deleting the lines;

and on page 137, lines 35-36, [Section 117] by deleting the lines;

and on page 140, lines 14-18, [Section 125] by deleting the lines;

and on page 140, line 31, through page 141, line 29, [Sections 125.2, 125.3, and 125.4] by deleting the lines;

and on page 141, lines 29-30, by inserting between the lines a new section to read:

"SECTION 125.5. If Senate Bill 571, 2001 General Assembly, becomes law, the prefatory language of Section 2.24 of that act reads as rewritten:

'SECTION 2.24. ~~G.S. 143B-344.30~~ G.S. 143B-344.32 reads as rewritten:'"

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: December 6, 2001.

*Conferees for the
Senate*

S/ Daniel G. Clodfelter, Chair
S/ Fletcher Hartsell, Jr.
S/ Hamilton C. Horton, Jr.
S/ David Hoyle
S/ John H. Kerr, III
S/ Anthony E. Rand

*Conferees for the
House of Representatives*

S/ Bill Culpepper, Chair
S/ Gordon P. Allen
S/ Charles F. Buchanan
S/ Philip A. Baddour, Jr.
S/ Ruth M. Easterling
S/ Joe Hackney
S/ Warren C. Oldham
S/ David Redwine
S/ Gregory J. Thompson
S/ William L. Wainwright

Representative McComas requests that he be excused from voting on this bill, pursuant to Rule 24.1A, because legal proceeding may be interfered with in the bill, and this request is granted.

The Conference Report, which changes the title, is adopted, by electronic vote (75-24), and the Senate is so notified by Special Message.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor by Special Message.

CONFERENCE REPORT

Representative Weiss sends forth the Conference Report on Senate Committee Substitute No. 2 for **H.B. 1284** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CREATE A PROCEDURE FOR INTERVENTION FOR THE LIMITED PURPOSE OF ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD AND TO CREATE A NEW FEE FOR FILING A

December 6, 2001

MOTION TO INTERVENE UNDER G.S. 1-72.1. Without objection, the Conference Report is placed on the Calendar for immediate consideration.

Representative Weiss moves the adoption of the following Conference 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 1284, A BILL TO BE ENTITLED AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES; TO MODIFY THE COST-SHARING REQUIREMENTS UNDER THE STATE EMPLOYEES HEALTH CARE PLAN AND TO PROVIDE THAT THE TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIAN OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE CONFIDENTIAL; AND TO PROVIDE FOR THE CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION, Senate Finance Committee Substitute Adopted 12/4/01, submit the following report:

The Senate and House agree to the following amendments to the Senate Committee Substitute, Senate Finance Committee Substitute Favorable 12/04/01, and the House concurs in the Senate Committee Substitute as amended:

on page 1, lines 6 through 8, delete the words "TO MODIFY THE COST SHARING REQUIREMENTS UNDER THE STATE EMPLOYEES HEALTH CARE PLAN AND"; and

on page 1, line 8, delete the word "THE" and substitute the word "CERTAIN"; and

on page 1, line 11, delete the word "CONFIDENTIAL;" and substitute the words "NOT A PUBLIC RECORD;"; and

on page 5, lines 2 and 3, delete the phrase "The terms of any contract, including reimbursement rates," and substitute the phrase "The terms

pertaining to reimbursement rates or other terms of consideration of any contract";

on page 5, lines 4 and 5, delete the words "be confidential and not" and substitute the words "not be"; and

on page 5, line 5, delete the words "five years" and substitute the words "thirty months"

on page 5, line 6, delete the word "from" and substitute the word "after"; and

on page 5, line 8, delete the word "confidential" and substitute the words "not a public record"; and

on page 5, lines 9 and 10, delete the phrase "Joint Legislative Health Care Oversight Committee" and substitute the phrase: "Committee on Employee Hospital and Medical Benefits"; and

on page 6, line 6, delete the quotation mark; and

on page 6, lines 6 and 7, insert the following subsection between those lines:

"(c) Nothing in this section shall be deemed to prevent an elected public body, in closed session, which has responsibility for the hospital, the Attorney General, or the State Auditor from having access to this confidential information. The disclosure to any public entity does not affect the confidentiality of the information. Members of the public entity shall have a duty not to further disclose the confidential information."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 6, 2001.

*Conferees for the
Senate*

S/ Anthony E. Rand
S/ Aaron W. Plyler
S/ Bill Purcell

*Conferees for the
House of Representatives*

S/ Jennifer Weiss
S/ Thomas E. Wright
S/ Wilma M. Sherrill

December 6, 2001

The Conference Report, which changes the title, is adopted, by electronic vote (98-3), and the Senate is so notified by Special Message.

SPECIAL MESSAGES FROM THE SENATE

The following special messages are received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 168**, A BILL TO BE ENTITLED AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is returned for concurrence in Senate committee substitute bill, as amended.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar for immediate consideration.

Upon concurrence, the Senate committee substitute bill changes the title.

On motion of Representative Culpepper, the House concurs in the Senate committee substitute bill, as amended, by electronic vote (101-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

S.J.R. 1109, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2001 GENERAL ASSEMBLY TO MEET IN 2002 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, is read the first time, and without objection, the resolution is placed on the Calendar.

On motion of the Chair, the House recesses at 4:27 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CONFERENCE REPORT

The Conference Report on **S.B. 914** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CON-

TRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES, which was temporarily displaced is before the Body.

Representative Culpepper moves the adoption of the following Conference 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 914, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT

December 6, 2001

THE PUBLIC CONSTRUCTION LAW CHANGES, House Committee Substitute #2 Favorable 12/3/01, Sixth Edition Engrossed 12/5/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, House Committee Substitute #2 Favorable 12/3/01, Sixth Edition Engrossed 12/5/01, and the Senate concurs in the House Committee Substitute #2 as amended:

on page 3, line 20, by rewriting the line to read:

“performance of the work. All bids shall be opened publicly, and once they are opened, shall be public records”; and

on page 10, lines 11 and 12, by rewriting the lines to read:

“building projects.”; and

on page 10, lines 26 through 40, by rewriting the lines to read:

“businesses that it will use on the project and an affidavit listing the good faith efforts it has made pursuant to subsection (f) of this section and the total dollar value of the bid that will be performed by the minority businesses. A contractor, including a first-tier subcontractor on a construction manager at risk project, that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this subsection. The apparent lowest responsible, responsive bidder shall also file the following:

- (1) Within the time specified in the bid documents, either:
 - a. An affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal. An affidavit under this sub-subdivision shall give rise to a presumption that the bidder has made the required good faith effort; or
 - b. Documentation of its good faith effort to meet the goal. The documentation must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

- (2) Within 30 days after award of the contract, a list of all identified subcontractors that the contractor will use on the project.

Failure to file a required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid."; and

on page 11, line 37, by rewriting the line to read:

"factors considered relevant by the Secretary. In establishing the point system, the Secretary may not require a contractor to earn more than fifty (50) points, and the Secretary must assign each of the efforts listed in subdivisions (1) through (10) of this subsection at least 10 points. The public entity may require that"; and

on page 13, line 10, by inserting the between words "subcontinent," and "Pacific" the word "or"; and

on page 13, line 27, by rewriting the line to read:

"(j) Except as provided in subsections (a), (g), (h) and (i) of this section, this section shall only apply to"; and

on page 20, lines 24 and 25, by rewriting the lines to read:

1. All State ~~buildings;~~ buildings or buildings located on State lands, except those buildings over which a local building code inspection department has and exercises jurisdiction; and"; and

on page 21, line 17 by rewriting the line to read:

"31.11."

SECTION .8(e) G.S. 133-1.1(d) reads as rewritten:

"(d) On projects on which no registered architect or engineer is required pursuant to the provisions of this section, the governing board or awarding authority shall require a certificate of compliance with the State Building Code from the city or county inspector for the specific trade or trades involved or from a registered architect or engineer, except that the provisions of this subsection shall not apply ~~on~~ to projects where any of the following apply:

- (1) ~~wherein~~ The plans and specifications are approved by the Department of Administration, Division of State Construction, and the completed project is inspected by the Division of State Construction and the State Electrical Inspector, or on projects Inspector.

- (2) The project is exempt from the State Building Code.
 (3) The project has a total projected cost of less than \$100,000 and does not alter life safety systems."; and

on page 24, lines 35 and 36, by deleting the lines; and

on page 24, line 37, by deleting "(12)" and substituting "(11)"; and

on page 25, line 3, by deleting "(13)" and substituting "(12)"; and

on page 25, line 7, by deleting "(14)" and substituting "(13)"; and

on page 28, lines 4 through 6, by rewriting the lines to read:

"Department of Administration the sum of seven hundred seventy-one thousand two hundred sixty-four dollars (\$771,264) for the 2001-2002 fiscal year and the sum of seven hundred forty-eight thousand four hundred seventy-eight dollars (\$748,478) for the 2002-2003"; and

on page 28, line 12, by rewriting the line to read:

"State Construction Office \$232,800 \$349,810"; and

on page 28, line 19 and page 28, line 23, by deleting "8(d)" each time it appears and substituting "8(e)"; and

on page 28, line 26, by deleting "G.S. 143-135.26(12)" and substituting "G.S. 143-135.26 (11)".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 5, 2001.

*Conferees for the
Senate*

S/ Daniel G. Clodfelter, Chair
 S/ Frank W. Ballance, Jr.
 S/ Patrick J. Ballantine
 S/ Aaron W. Plyler

*Conferees for the
House of Representatives*

S/ Bill Culpepper, Chair
 S/ W. Pete Cunningham
 S/ Jerry C. Dockham
 S/ W. Edwin McMahan
 S/ Warren C. Oldham
 S/ Douglas Y. Yongue

The Conference Report is adopted, by electronic vote (73-25), and the Senate is so notified by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b) and **S.B. 166** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND COMMISSIONS, TO AUTHORIZE OR DIRECT STATE AGENCIES, LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES, AND TO AMEND THE LAW REGARDING THE FURNISHING OF DATA AND INFORMATION BY STATE AGENCIES TO LEGISLATIVE COMMITTEES AND COMMISSIONS AND REGARDING INTERIM COMMITTEE ACTIVITY, is placed on the Calendar for immediate consideration.

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (94-1).

Representative Culpepper offers Amendment No. 2 which is adopted by electronic vote (98-0).

Representative Culpepper offers Amendment No. 3 which fails of adoption by electronic vote (44-49).

The bill, as amended, passes its second reading, by electronic vote (89-8), and there being no objection is read a third time.

Representative Nesbitt offers Amendment No. 4 which is adopted by electronic vote (93-0).

Representative Decker offers Amendment No. 5 which is adopted by electronic vote (49-42).

Representative McAllister offers Amendment No. 6 which is adopted by electronic vote (89-6).

The bill, as amended, passes its third reading, by electronic vote (92-3), and is ordered sent to the Senate for concurrence in House committee Substitute, as amended, by Special Message.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **H.B. 1284**, A BILL TO BE ENTITLED AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES; TO PROVIDE THAT CERTAIN TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIAN OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE NOT A PUBLIC RECORD; AND TO PROVIDE FOR THE CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION.

Pursuant to your message that your Honorable Body has adopted the report of the conferees, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor by Special Message.

CALENDAR

Action is taken on the following:

S.J.R. 1109, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2001 GENERAL ASSEMBLY TO MEET IN 2002 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, passes its second reading, by electronic vote (93-0), and there being no objection is read a third time.

December 6, 2001

Representatives Hackney and Shubert request and are granted permission to be recorded as voting "aye". The adjusted vote total is (95-0).

The resolution passes its third reading and is ordered enrolled.

CONFERENCE REPORT

Representative Luebke sends forth the Conference Report on **S.B. 400** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS. Without objection, the Conference Report is placed on the Calendar for immediate consideration.

Representative Luebke moves the adoption of the following Conference 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 400, A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS, House Committee Substitute Favorable 9/4/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, House Committee Substitute Favorable 9/4/01, and the Senate concurs in the House Committee Substitute as amended:

On page 1, lines 3 through 6, by putting a period after the word "PURPOSES" on line 3 and by deleting the remainder of those lines;

And on page 1, line 13 through page 2, line 18, by rewriting those lines to read:

"SECTION 2. This act becomes effective January 1, 2002."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 17, 2001.

*Conferees for the
Senate*

S/ David Hoyle
S/ Walter Dalton
S/ David F. Weinstein
S/ James S. Forrester

*Conferees for the
House of Representatives*

S/ Paul Luebke
S/ Bill Culpepper
S/ Philip A. Baddour, Jr.
S/ William L. Wainwright

The Conference Report, which changes the title, is adopted by electronic vote (86-7), and the Senate is so notified by Special Message.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that Senator Bingham has been discharged as a conferee on **S.B. 68** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION. Senator Soles has been added as a conferee.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

December 6, 2001

CONFERENCE REPORT

Representative Baddour sends forth the Conference Report on **S.B. 68** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND TO DIRECT THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY THE COMPOSITION OF THE COMMISSION. Without objection the Conference Report is placed on the Calendar for immediate consideration.

Representative Culpepper moves the adoption of the following Conference 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 68, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND TO DIRECT THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY THE COMPOSITION OF THE COMMISSION, House Committee Substitute Favorable 6/6/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute Favorable 6/6/01, and the Senate concurs in the House Committee Substitute as amended:

On page 1, line 8, insert between "COMMITTEE," and "TO" the word: "AND";

and on page 1, lines 9-12, rewrite the lines to read:
"DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.";

and on page 2, line 8, delete "31" and substitute "33";

and on page 2, line 37, delete "two" and substitute "~~two~~ four";

and on page 2, line 37, delete "one" and substitute "~~one~~ two";

and on page 2, line 38, delete "one" and substitute "~~one~~ two";

and on page 27, lines 23-34, delete the lines;

and on page 27, line 36, delete "IV." and substitute "III.";

and renumber the remaining section.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 6, 2001.

*Conferees for the
Senate*

S/ Frank W. Ballance, Jr.
S/ R. C. Soles, Jr.

*Conferees for the
House of Representatives*

S/ Philip A. Baddour
S/ Bill Culpepper
S/ Wilma Sherrill

The Conference Report, which changes the title, is adopted, by electronic vote (95-0), and the Senate is so notified by Special Message.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 6, 2001

December 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 400**, A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees for **S.B. 68**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

On motion of the Chair, the House recesses at 6:50 p.m.

December 6, 2001

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker Pro Tempore.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 599** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE AMOUNT OF, AND MAXIMUM RATE OF INTEREST FOR, SMALL LOANS, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES, is returned for concurrence in Senate Committee Substitute Bill No. 2.

Without objection, the Senate committee substitute bill is placed on the Calendar for immediate consideration.

Upon concurrence, the Senate committee substitute bill changes the title.

On motion of Representative Michaux, the House concurs in Senate Committee Substitute Bill No. 2, by electronic vote (87-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

H.B. 456, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON THE INVESTIGATION OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES, reported without prejudice as to committee substitute bill, unfavorable as to original bill.

On motion of the Chair, the committee substitute bill is re-referred to the Committee on Rules, Calendar, and Operations of the House. The original bill is placed on the Unfavorable Calendar.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 822** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO ADOPT ARRANGEMENTS FOR OPTIONAL HOSPITAL AND MEDICAL BENEFITS PROGRAMS AS ALTERNATIVES TO THOSE CURRENTLY AVAILABLE; TO TRANSFER ADMINISTRATION OF THE LONG-TERM CARE BENEFITS OF THE PLAN TO THE STATE TREASURER; TO PROVIDE THAT THE TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIANS OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE CONFIDENTIAL; TO CLARIFY THE AMOUNT OF REIMBURSEMENT ALLOWED FOR PRIVATE DUTY NURSING SERVICES AND ELIGIBILITY FOR CONTINUATION OF COVERAGE FOR TERMINATED EMPLOYEES AND THEIR FAMILIES UNDER THE PLAN; TO PROVIDE FOR REIMBURSEMENT UNDER THE STATE HEALTH PLAN FOR SERVICES PERFORMED BY A CLINICAL PHARMACIST PRACTITIONER; AND TO PROVIDE FOR COMPETITIVE SELECTION OF CERTAIN SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIRED STATE EMPLOYEES, is withdrawn from the Committee on Health and re-referred to the Committee on Appropriations.

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 346, AN ACT AMENDING THE LAW REGARDING THE CRIMINAL OFFENSE OF STALKING AND CERTAIN DOMESTIC VIOLENCE LAWS.

S.B. 772, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS TO ESTABLISH REGULATORY STANDARDS FOR THE ADMINISTRATION AND MONITORING OF ENTERAL SEDATION FOR OUTPATIENTS IN THE DENTAL SETTING IN ADDITION TO EXISTING STANDARDS FOR GENERAL ANESTHESIA AND PARENTERAL SEDATION.

S.B. 914, AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES.

H.B. 168, AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO AMEND THE INDEMNIFICATION PROVISIONS OF THE PATIENT'S BILL OF RIGHTS, TO SUPPORT TROOPS PARTICIPATING IN OPERATIONS ENDURING FREEDOM AND NOBLE EAGLE, AND TO PERMIT LEAVE FOR DISASTER SERVICE VOLUNTEERS.

H.B. 231, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001 AND FOR OTHER PURPOSES.

H.B. 338, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION;

AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

H.B. 688, AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION AND THE SAVINGS RESERVE ACCOUNT.

H.B. 1144, AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 348, AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX.

S.B. 603, AN ACT TO TEMPORARILY EXPAND THE NAVASSA TOWN BOARD TO INCLUDE REPRESENTATION FROM THE AREA RECENTLY ANNEXED, TO AUTHORIZE THE TOWN OF CARY TO REGULATE THE OPERATION OF GOLF CARTS ON PUBLIC STREETS WITHIN THE TOWN, AND CONCERNING AIRPORT LEASES BY MONTGOMERY COUNTY.

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.J.R. 1109, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2001 GENERAL ASSEMBLY TO MEET IN 2002 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION. (RESOLUTION 2001-36)

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 907, AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY

THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION. (S.L. 2001-481)

S.B. 178, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES. (S.L. 2001-482)

H.B. 1389, AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE FOR RETIRED MAGISTRATES AND FOR RECIPIENTS OF THE COMBAT INFANTRY BADGE. (S.L. 2001-483)

Representative Culpepper moves, seconded by Representative Fitch, that the House adjourn, subject to the ratification of bills and the receipt of Messages, to reconvene Tuesday, May 28, 2002, at 12:00 Noon.

The motion carries.

**2001 GENERAL ASSEMBLY
FIRST SESSION**

SPECIAL MESSAGE FROM THE SENATE

Senate Chamber
December 6, 2001

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives informing that honorable Body that the Senate has concluded the business of the 2001 Session of the 2001 General Assembly and, pursuant to **S.J.R. 1109**, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2001 GENERAL ASSEMBLY TO MEET IN 2002 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, stands ready to adjourn subject to the receipt of messages from the House of Representatives and ratifications of bills to reconvene at 12:00 Noon on Tuesday, May 28, 2002.

Sincerely,
S/ Janet B. Pruitt
Principal Clerk

December 6, 2001

ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

S.B. 400, AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES.

S.B. 68, AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

S.B. 166, AN ACT TO AUTHORIZE STUDIES BY LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND COMMISSIONS, TO AUTHORIZE OR DIRECT STATE AGENCIES, LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES, AND TO AMEND THE LAW REGARDING THE FURNISHING OF DATA AND INFORMATION BY STATE AGENCIES TO LEGISLATIVE COMMITTEES AND COMMISSIONS AND REGARDING INTERIM COMMITTEE ACTIVITY.

H.B. 599, AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

H.B. 1284, AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING

A MOTION UNDER G.S. 1-72.1; TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES; TO PROVIDE THAT CERTAIN TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIAN OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE NOT A PUBLIC RECORD; AND TO PROVIDE FOR THE CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION.

The House stands adjourned at 9:00 p.m.

Denise G. Weeks
Principal Clerk

ADDENDUM

Pursuant to Article II, Section 22 of the North Carolina Constitution, the following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State. The dates included in this section represent the date the Acts were assigned by the Governor or where indicated became law without the approval of the Governor.

December 6, 2001

S.B. 348, AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX. (S.L. 2001-484)

S.B. 603, AN ACT TO TEMPORARILY EXPAND THE NAVASSA TOWN BOARD TO INCLUDE REPRESENTATION FROM THE AREA RECENTLY ANNEXED, TO AUTHORIZE THE TOWN OF CARY TO REGULATE THE OPERATION OF GOLF CARTS ON PUBLIC STREETS WITHIN THE TOWN, AND CONCERNING AIRPORT LEASES BY MONTGOMERY COUNTY. (S.L. 2001-485)

December 16, 2001

S.B. 571, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE

OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS. (S.L. 2001-486)

H.B. 338, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS. (S.L. 2001-487)

H.B. 382, AN ACT ADOPTING THE OFFICIAL FRUIT AND BERRIES OF NORTH CAROLINA. (S.L. 2001-488)

December 19, 2001

H.B. 748, AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NONCOMMERCIAL MOTOR VEHICLES, TO TEMPORARILY MODIFY THE TAXATION OF HMOs AND MEDICAL SERVICE CORPORATIONS, AND TO CLARIFY THE SALES TAX EXEMPTION FOR PREPARED FOOD. (S.L. 2001-489)

S.B. 68, AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION. (S.L. 2001-490)

S.B. 166, AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND COMMISSIONS, TO AUTHORIZE OR DIRECT STATE AGENCIES, LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES, AND TO AMEND THE LAW REGARDING THE FURNISHING OF DATA AND INFORMATION BY STATE AGENCIES TO LEGISLATIVE COMMITTEES AND COMMISSIONS AND REGARDING INTERIM COMMITTEE ACTIVITY. (S.L. 2001-491)

S.B. 649, AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND

PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES. (S.L. 2001-492)

S.B. 721, AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE. (S.L. 2001-493)

H.B. 1268, AN ACT TO MODIFY CERTAIN EXEMPTIONS TO THE THIRTY-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS AND TO PROVIDE THAT FUNDS NECESSARY TO PAY PLANNING GRANTS MADE UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974 MAY BE CARRIED FORWARD TO THE NEXT FISCAL YEAR. (S.L. 2001-494)

S.B. 912, AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS. (S.L. 2001-495)

S.B. 914, AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES. (S.L. 2001-496)

H.B. 72, AN ACT TO EXTEND THE DEADLINE FOR APPLYING FOR A RELEASE OR REFUND OF PROPERTY TAXES AFTER THE OWNER HAS SURRENDERED THE VEHICLE LICENSE PLATE, AND

TO CAP THE HIGHWAY USE TAX ON CERTAIN RECREATIONAL VEHICLES AT \$1,500 PER VEHICLE. (S.L. 2001-497)

H.B. 110, AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND SAVE THE SEA TURTLES. (S.L. 2001-498)

H.B. 1427, AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION. (S.L. 2001-499)

S.B. 990, AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL. (S.L. 2001-500)

S.B. 1038, AN ACT TO AUTHORIZE LANDOWNERS TO INITIATE A SPECIAL PROCEEDING TO CLARIFY THE EXISTENCE OF A RIGHT-OF-WAY OPEN TO THE PUBLIC ADJACENT TO THEIR PROPERTY WHEN THE PUBLIC RECORDS ARE UNCLEAR CONCERNING THE ACTUAL EXISTENCE OF THE RIGHT-OF-WAY AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN SEVENTY-FIVE PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT. (S.L. 2001-501)

H.B. 1061, AN ACT TO CLARIFY THE PROCEDURE UNDER WHICH A LESSOR, IN ORDER TO ENCOURAGE WATER CONSERVATION,

MAY ALLOCATE THE COST OF PROVIDING WATER AND SEWER SERVICE AS RENT ON A METERED USE BASIS. (S.L. 2001-502)

H.B. 1144, AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA. (S.L. 2001-503)

H.B. 969, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS. (S.L. 2001-504)

H.B. 1019, AN ACT TO AMEND THE LAWS GOVERNING THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS ARE APPROVED AND TO ESTABLISH A SCHEDULE OF FEES APPLICABLE TO APPROVAL OF THOSE SYSTEMS, AND TO REQUIRE THAT ENVIRONMENTAL HEALTH SPECIALISTS BE COVERED UNDER THE STATE'S EXCESS LIABILITY INSURANCE POLICY. (S.L. 2001-505)

H.B. 253, AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS. (S.L. 2001-506)

H.B. 1195, AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY. (S.L. 2001-507)

H.B. 168, AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO AMEND THE INDEMNIFICATION PROVISIONS OF THE PATIENT'S

BILL OF RIGHTS, TO SUPPORT TROOPS PARTICIPATING IN OPERATIONS ENDURING FREEDOM AND NOBLE EAGLE, AND TO PERMIT LEAVE FOR DISASTER SERVICE VOLUNTEERS. (S.L. 2001-508)

January 4, 2002

S.B. 400, AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES. (S.L. 2001-509)

S.B. 470, AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS. (S.L. 2001-510)

S.B. 772, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS TO ESTABLISH REGULATORY STANDARDS FOR THE ADMINISTRATION AND MONITORING OF ENTERAL SEDATION FOR OUTPATIENTS IN THE DENTAL SETTING IN ADDITION TO EXISTING STANDARDS FOR GENERAL ANESTHESIA AND PARENTERAL SEDATION. (S.L. 2001-511)

S.B. 1014, AN ACT TO STRENGTHEN THE LITTERING LAWS. (S.L. 2001-512)

H.B. 231, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001 AND FOR OTHER PURPOSES. (S.L. 2001-513)

H.B. 688, AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR

TURFGRASS RESEARCH AND EDUCATION AND THE SAVINGS RESERVE ACCOUNT. (S.L. 2001-514)

H.B. 948, AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS. (S.L. 2001-515)

H.B. 1284, AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES; TO PROVIDE THAT CERTAIN TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIAN OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE NOT A PUBLIC RECORD; AND TO PROVIDE FOR THE CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION. (S.L. 2001-516)

H.B. 1388, AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT. (S.L. 2001-517)

January 5, 2002

S.B. 346, AN ACT AMENDING THE LAW REGARDING THE CRIMINAL OFFENSE OF STALKING AND CERTAIN DOMESTIC VIOLENCE LAWS. (S.L. 2001-518)

*January 6, 2002

H.B. 599, AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO

REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES,
AND TO MAKE CONFORMING CHANGES TO THE GENERAL
STATUTES. (S.L. 2001-519)

*(This bill became law without the approval of the Governor.)

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 41(b) states:

No bill shall be read more than once in the same day without the concurrence of two-thirds (2/3) of the members present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

- (1) When a member moves that the Rule be suspended, and this motion carries by at least a two-thirds vote of the members present.
- (2) When the Chair determines that there is no objection from any member present. This constitutes unanimous consent of those members present that Rule 41(b) be suspended.

In these cases, the bill is read a third time.

Denise G. Weeks
Principal Clerk

A P P E N D I X
FIRST SESSION 2001



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H.R. 49, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES OF THE 2001 GENERAL ASSEMBLY.

Be it resolved by the House of Representatives:

SECTION 1. The permanent rules of the Regular Sessions of the House of Representatives of the 2001 General Assembly are:

PERMANENT RULES OF THE REGULAR SESSIONS OF THE HOUSE OF REPRESENTATIVES OF THE 2001 GENERAL ASSEMBLY OF NORTH CAROLINA

- I. Order of Business, 1-5
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I. Order of Business

RULE 1. Convening Hour, Limitation on Friday, Night, and Sunday Legislative Sessions. – The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January and February of 2001, no sessions may be held on Friday. No session shall continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and the Speaker shall adjourn the House without motion at that point, except that a motion may be made as to the time and day of next convening. No session shall be held on Sunday.

RULE 2. Opening the Session. – At the convening hour on each legislative day, the Speaker shall call the members to order and shall have the session opened with prayer. At the convening hour on the first day of each legislative week, the Speaker, or his designee, shall lead the members in the Pledge of Allegiance to the American Flag.

RULE 3. Quorum. – (a) A quorum consists of a majority of the qualified members of the House.

(b) Should the point of a quorum be raised, the doors shall be closed, and the Clerk shall call the roll of the House, after which the names of those not responding shall again be called. In the absence of a quorum, 15 members are authorized to compel the attendance of absent members and may order that absentees for whom no sufficient excuses are made be taken into custody wherever they may be found by special messenger appointed for that purpose.

RULE 4. Approval of Journal. – (a) The Standing Committee on Rules, Calendar, and Operations of the House shall cause the Journal of the House to be examined daily before the hour of convening to determine if the proceedings of the previous day have been correctly recorded.

(b) Immediately following the opening prayer and upon appearance of a quorum, the Speaker shall call for the Journal report by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, or by a Representative designated by the Chair, as to whether the proceedings of the previous day have been correctly recorded. Without objection, the Speaker shall cause the Journal to stand approved.

RULE 5. Order of Business of the Day. – After the approval of the Journal of the preceding day, unless otherwise ordered by the Speaker, the House shall proceed to business in the following order:

- (1) The receiving of petitions, memorials, and papers addressed to the General Assembly or to the House;
- (1a) Messages from the Governor;
- (2) Ratification of bills;
- (3) Reports of standing committees and permanent subcommittees;
- (4) Reports of select committees;
- (5) Reports of referral by standing committee Chairs of bills to permanent subcommittees;
- (6) First reading and reference to committee of bills and resolutions;
- (7) Messages from the Senate;
- (8) Concurrence with Senate amendments or Senate committee substitutes;
- (9) The unfinished business of the preceding day;
- (10) Calendar (each category in accordance with Rule 40):
 - a. Local bills (roll call) third reading
 - b. Local bills (roll call) second reading
 - c. Local bills third reading
 - d. Local bills second reading
 - e. Public bills (roll call) third reading
 - f. Public bills (roll call) second reading
 - g. Public bills and resolutions, third reading
 - h. Public bills and resolutions, second reading;
- (11) Reading of notices and announcements.

II. Conduct of Debate

RULE 6. Duties and Powers of the Speaker. – The Speaker shall have general direction of the Hall. With the consent of or in the absence of the Speaker Pro Tempore, the Speaker may name any member to perform the duties of the chair, but substitution shall not extend beyond one day, except in the case of sickness or by leave of the House.

RULE 7. Obtaining Floor. – (a) When any member desires recognition for any purpose, the member shall rise and respectfully address the Speaker. No member shall proceed until recognized by the Speaker for a purpose.

(b) When a member desires to interrupt a member having the floor, the member shall first obtain recognition by the Speaker and permission of the member occupying the floor, and when such recognition and permission have been obtained, he or she may propound a question to the member occupying the floor; but he or she shall not otherwise interrupt the member having the floor, except as provided in subsection (c) of this rule; and the Speaker shall, without the point of order being raised, enforce this rule.

(c) A member 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,
- (3) A parliamentary inquiry, or
- (4) A question of privilege.

RULE 8. Questions of Privilege. – Upon recognition by the Speaker for that purpose, any member may speak to a question of privilege for a time not to exceed three minutes. Questions of privilege shall be those affecting, first, the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members, individually, in their representative capacity only; and shall have precedence over all other questions, except motions to adjourn. Privilege may not be used to explain a vote or debate a bill. The Speaker shall determine if the question is one of privilege and shall, without the point of order being raised, enforce this rule.

RULE 9. Points of Order. – (a) The Speaker shall decide questions of order and may speak to points of order in preference to other members arising from their seats for that purpose. Any member may appeal from the ruling of the chair on questions of order; on such appeal no member may speak more than once, unless by leave of the House. A two-thirds vote of the members present shall be necessary to sustain any appeal from the ruling of the chair.

(b) When the Speaker calls a member to order, the member shall be seated except that a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands. If the member appeals from the ruling of the chair and the decision by a two-thirds vote of the members present be in favor of the member called to order, the member may proceed; if otherwise, the member shall not; and if the case, in the judgment of the House, requires it, the member shall be liable to censure by the House.

RULE 10. Limitations on Debate. – (a) No member shall speak on, debate, or solicit cosponsors for a bill or resolution at its first reading.

(b) No member shall speak more than twice on the main question, nor longer than 20 minutes for the first speech and 10 minutes for the second speech; nor shall the member speak more than twice upon an amendment or motion to reconsider, re-refer, appeal, or postpone or any motion on concurrence, and then not longer than 10 minutes for the first speech and five minutes for the second speech.

(c) A member may speak only once and for not more than 20 minutes on the question of the adoption of a minority report.

(d) The House, by consent of a majority of the members present, may suspend the operation of subsections (b) and (c) of this rule during any debate on any particular question before the House.

RULE 11. Reading of Papers. – When there is a call for the reading of the text of a paper which has been presented to the House, and there is objection to such reading, the question shall be determined by a majority vote of the members of the House present. Except for protests permitted by the Constitution, no member may have material printed in the Journal until said material has been presented to the House and the printing approved by the House, and said material shall not exceed 1,000 words.

RULE 12. General Decorum. – (a) The Speaker shall preserve order and decorum.

(b) Decency of speech shall be observed and disrespect to personalities carefully avoided.

(c) When the Speaker is putting any question, or addressing the House, no person shall speak, stand up, walk out of, or cross the House, nor when a member is speaking, engage in disruptive discourse or pass between the member and the chair.

(d) Food or beverages shall not be permitted on the floor of the House during the first two hours of the daily session.

(e) The reading of newspapers shall not be permitted on the floor of the House while the House is in session.

(f) Smoking or the consumption of food or beverages shall not be permitted in the galleries at any time.

(g) Special recitals and performances by musicians or other groups shall not be permitted on the floor of the House; and special guests of members of the House shall not be permitted on the floor of the House.

(h) Members shall observe appropriate attire, coat and tie for male members and dignified dress for female members.

(i) The use of wireless telephones shall not be permitted in the House Chamber.

(j) Placards, stickers, or signs not approved by the Speaker are not permitted in the House Chamber.

III. Motions

RULE 13. Motions Generally. – (a) Every motion shall be reduced to writing if the Speaker or any two members request it. No motion relating to a bill shall be in order which does not identify the bill by its number and short title.

(b) When a motion is made, it shall be stated by the Speaker, or, if written, it shall be handed to the chair and read aloud by the Speaker or Clerk before debate.

(c) After a motion has been stated by the Speaker or read by the Speaker or Clerk, it shall be in the possession of the House; but it may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which motion, when made by a member, shall be in possession of the House and shall not be withdrawn without leave of the House.

RULE 14. Motions, Order of Precedence. – When there are motions before the House, the order of precedence is as follows:

To adjourn.

To lay on the table.

Previous question.

To postpone indefinitely.

To reconsider.

To postpone to a day certain.

To re-refer.

To amend an amendment.

To amend.

To pass the bill.

No motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to re-refer or to make a particular amendment, being decided, shall be again allowed at the same stage of the bill or proposition.

RULE 15. Motion to Adjourn. – (a) A motion to adjourn shall be seconded before the motion is put to the vote of the House.

(b) A motion to adjourn shall be decided without debate and shall always be in order, except when the House is voting or some member is speaking; but a motion to adjourn shall not follow a motion to adjourn until debate or some other business of the House has intervened.

RULE 16. Motion to Table. – (a) A motion to table shall be seconded before the motion is put to the vote of the House and is in order except when a motion to adjourn is before the House.

(b) A motion to table shall be decided without debate.

(c) A motion to table shall not be paired with a motion to reconsider.

(d) A motion to table a bill shall constitute a motion to table the bill and all amendments thereto.

(e) When the question before the House is the adoption of an amendment to a bill or resolution, a motion to table the bill is not in order;

and a motion to table an amendment applies to the amendment only, and the motion may not expressly or by implication or construction be expanded to include a motion to table the bill also.

(f) When a question has been tabled, it shall not thereafter be considered except on motion to reconsider under Rule 18 or to remove from the table approved by a two-thirds vote.

RULE 17. Motion to Postpone Indefinitely. – A motion to postpone indefinitely is in order except when a motion to adjourn or to lay on the table or for the previous question is before the House. However, after one motion to postpone indefinitely has been decided, another motion to postpone indefinitely shall not be allowed at the same stage of the bill or proposition. When a question has been postponed indefinitely, it shall not thereafter be considered except on motion to reconsider under Rule 18 or to place on the favorable calendar approved by a two-thirds vote.

RULE 18. Motion to Reconsider. – (a) When a question has been decided, it is in order for any member to move for the reconsideration thereof on the same or the succeeding legislative day; provided that if the vote by which the motion was originally decided was taken by a recorded vote, only a member of the prevailing side may move for reconsideration.

(b) A motion to reconsider shall be determined by a majority vote, except the following shall require a two-thirds vote: a second or subsequent motion to reconsider and a motion to reconsider:

- (1) A vote upon a motion to table,
- (2) A motion to postpone indefinitely,
- (3) A motion to remove a bill from the unfavorable calendar,
- (4) A motion that a bill be read twice on the same day, or
- (5) A motion to remove from the table.

(c) A motion to reconsider the vote by which a person has been elected as Speaker or Speaker Pro Tempore shall not be in order. This subsection of this rule cannot be suspended.

RULE 19. Previous Question. – (a) The previous question may be called only by:

- (1) The Chair of the Committee on Rules, Calendar, and Operations of the House;
- (2) The majority leader;
- (3) The Speaker Pro Tempore;
- (4) The member submitting the report on the bill or other matter under consideration;
- (5) The member introducing the bill or other matter under consideration; or
- (6) The member in charge of the measure, who shall be designated by the chair of the standing committee or permanent subcommittee reporting the same to the House

at the time the bill or other matter under consideration is reported to the House or taken up for consideration.

- (7) The member designated by the Speaker under Rule 26(h) to serve as an ex officio member of every standing committee and permanent subcommittee.

(b) The previous question shall be as follows: "Call for the previous question having been made, is the call sustained?" When the call for the previous question has been decided in the affirmative by a majority vote of the House, the question is on the passage of the bill, resolution, or other matter under consideration.

(c) The call for the previous question shall preclude all motions, amendments, and debate, except the motion to adjourn or motion to table.

(d) If the previous question is decided in the negative, the question remains under debate.

IV. Voting

RULE 20. 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) The passage as required by Article II, Section 23 of the North Carolina Constitution on second and third readings of any bill:
- a. Raising money on the credit of the State,
 - b. Pledging the faith of the State for the payment of a debt,
 - c. Imposing a State tax, or
 - d. Authorizing a county, municipality, or other local governmental unit to
 1. Raise money on its credit,
 2. Pledge its faith for the payment of a debt, or
 3. Impose a local tax.
- (2) All measures affecting a fee imposed by the State or any subdivision thereof.
- (3) All questions on which a call for the ayes and noes under Rule 24(a) and Article II, Section 19 of the North Carolina Constitution has been sustained.
- (4) Both second and third readings of bills proposing amendment of the North Carolina Constitution or ratifying resolutions amending the United States Constitution.
- (5) The passage of a bill notwithstanding the Governor's veto thereof pursuant to Article II, Section 22 of the North Carolina Constitution.

(b) Votes on the following questions shall be taken on the electronic voting system:

- (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 or if the reading occurs on a day or days following the second reading, all conference reports on public bills, all motions to lay public bills on the table, and all motions to postpone public bills indefinitely.
 - (2) Upon a call for division.
 - (3) Any other question upon direction of the Speaker or upon motion of any member supported by one-fifth of the members present.
- (c) When the electronic voting system is used, 15 seconds shall be allowed for voting on the question before the House, unless the Chair shall direct otherwise. The system shall be set to close automatically when that time has expired. Once the system is locked, the vote shall be recorded and printed.
- (d) The voting station at each member's desk in the Chamber shall be used only by the member to which the station is assigned. Under no circumstances shall any other person vote at a member's station. It is a breach of the ethical obligation of a member either to request that another person vote at the requesting member's station or to vote at another member's station. The Speaker shall enforce this rule without exception.
- (e) When the electronic voting system is used, the Speaker shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the member must vote by the electronic voting system within the time allowed for that vote, unless the voting station assigned to a member is malfunctioning. The Speaker shall enforce this rule without exception. After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will now lock the machine and record the vote." After the machine is locked and the vote recorded, the Speaker shall announce the vote and declare the result.
- (f) One copy of the machine printout of the vote record of all votes taken on the electronic voting system shall be filed in the office of the Principal Clerk, and two copies shall be filed in the Legislative Library where the copies shall be open to public inspection. A legible copy of the bill, amendment, or motion on which the vote was taken shall be filed with the printout of the vote in the Legislative Library.
- (g) When the Speaker ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic voting system, the Speaker shall announce that fact to the House, and any partial electronic voting system voting record shall be voided. In such a case, if the North Carolina Constitution or the Rules of the House require a call of the ayes and noes, the Clerk shall call the roll of the

House, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All roll call votes shall be taken alphabetically. If, after a vote is taken on the electronic voting system, it is discovered that a malfunction caused an error in the electronic voting system printout, the Speaker shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the House.

(h) For the purpose of identifying motions on which the vote is taken on the electronic voting system, the motions are coded as follows:

- (1) To adjourn.
- (2) To lay on the table.
- (3) Previous question.
- (4) To postpone indefinitely.
- (5) To reconsider.
- (6) To postpone to a day certain.
- (7) To re-refer.
- (8) To amend an amendment.
- (9) To amend.
- (10) To concur or not concur.
- (11) Miscellaneous.

RULE 21. Voice Votes; Stating Questions. – (a) All other votes except those required to be taken on the electronic voting system shall be taken by voice vote.

(b) When a voice vote is taken the Speaker shall put the question substantially as follows: "Those in favor (as the question may be) will say 'Aye'", and after the affirmative voice has been expressed, "Those opposed will say 'No'".

(c) No statement, explanation, debate, motion, parliamentary inquiry, or point of order shall be allowed once the voice vote has begun. Any point of order or parliamentary inquiry may be raised, however, after the completion of the vote.

RULE 22. Determining Questions. – (a) Unless otherwise provided by the Constitution of North Carolina or by these rules, all questions shall be determined by a simple majority of the members present and voting.

(b) No member may vote unless the member is in the Chamber when the question is put. This subsection of this rule cannot be suspended.

RULE 23. Voting by Division. – Any member may call for a division of the members upon the question before the result of the vote has been announced. Upon a call for a division, the Speaker shall cause the number voting in the affirmative and in the negative to be determined. Upon a division and count of the House on any question, no member away from the member's seat shall be counted.

RULE 24. Roll Call Vote. – (a) Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote.

(b) Every member who is in the Hall of the House when the question is put shall vote upon a call of the ayes and noes, unless excused pursuant to Rule 24.1A.

RULE 24.1A. Excuse From Deliberations and Voting on a Bill. – (a) Any member shall, upon request, be excused from the deliberations and voting on a particular bill, but to do so must make that request after the second reading of the bill and before any motion or vote on the bill or any amendment thereto. If the reason for the request arises at some point later in the proceedings, the request may be made at that time.

(b) The member may make a brief oral statement of the reasons for making the request. The member may send forward to the Principal Clerk, on a form provided by the Clerk, a concise written statement of the reason for the request, and the Clerk shall include this statement in the Journal.

(c) The member 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.

(d) A member may request that his or her excuse from deliberations on a particular bill be withdrawn.

RULE 24.1B. Division of Amendments. – Any member may call for an amendment to be divided into two or more amendments to be voted on separately, and the Speaker shall determine whether the amendment admits of such a division.

RULE 25. Voting by Speaker. – In all elections the Speaker may vote. In all other instances the Speaker may vote or may reserve this right until there is a tie in which event the Speaker may vote; but in no instance may the Speaker vote twice on the same question.

V. Committees

RULE 26. Standing Committees and Permanent Subcommittees Generally. – (a) The Speaker shall appoint a chair, or cochair, of every standing committee, permanent subcommittee, and select committee, if any. In the construction of these rules, the word "chair" as applied to a committee extends to and includes a cochair of the committee. The Speaker shall have the exclusive right and authority to establish select committees, but this does not exclude the right of the House by resolution to establish select committees.

(b) All permanent subcommittees of each standing committee shall be appointed by the Speaker, and the members appointed, along with the chair of the standing committee, shall constitute the standing committee

of which the permanent subcommittee is a part. The Speaker shall appoint all members of permanent subcommittees at the beginning of the first regular session in a manner to reflect the partisan membership of the House.

(c) The Speaker shall appoint the members of all standing committees having no permanent subcommittees at the beginning of the first regular session in a manner to reflect the partisan membership of the House, except that the standing committees on Congressional Redistricting and Legislative Redistricting shall have an equal number of members of the two parties having the largest membership in the House.

(d) Each chair of a permanent subcommittee shall be a vice-chair of the standing committee of which it is a permanent subcommittee. The Speaker may name other members as vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any standing committee not having permanent subcommittees.

(e) The chair of the standing committee shall be a voting member of each permanent subcommittee of the standing committee.

(f) Either the chair or acting chair, designated by the chair or by the Speaker, and five other members of the standing committee or permanent subcommittee, or a majority of the standing committee or permanent subcommittee, whichever is fewer, shall constitute a quorum of that standing committee or permanent subcommittee. For purposes of determining a quorum, the Speaker Pro Tempore, Majority Leader, Majority Whips, and the person designated by the Speaker when serving only as ex officio members under subsection (h) of this rule, shall be counted among the membership of the committee or subcommittee only when present.

(g) In any joint meeting of the Senate and House committees or subcommittees, the House standing committee or permanent subcommittee reserves the right to vote separately.

(h) The Speaker Pro Tempore, Majority Leader, two Majority Whips, and one member designated by the Speaker at the time of appointments of chairs of standing committees are ex officio members of every standing committee and permanent subcommittee, except the standing committees on Congressional Redistricting and Legislative Redistricting and any permanent subcommittees thereof, with the right to vote. No more than three of these persons may vote under the authority of this subsection at any committee meeting.

RULE 26.1. Mentions of Standing Committee Includes Select Committee. – Any reference in these rules to standing committees shall extend to select committees unless the context requires otherwise.

RULE 27. List of Standing Committees and Permanent Subcommittees. – The standing committees and permanent subcommittees thereof are:

Committees	Subcommittees
Aging	(None)

Agriculture	(None)
Alcoholic Beverage Control	(None)
Appropriations	-Capital -Education -General Government -Health and Human Services -Information Technology -Justice and Public Safety -Natural and Economic Resources -Transportation
Children, Youth and Families	(None)
Congressional Redistricting	(None)
Cultural Resources	(None)
Economic Growth and Community Development	(None)
Education	-Community Colleges -Pre-School, Elementary and Secondary Education -Universities
Election Law and Campaign Finance Reform	(None)
Environment and Natural Resources	(None)
Ethics	(None)
Finance	(None)
Financial Institutions	(None)
Health	(None)
Highway Safety	(None)
Insurance	(None)

Judiciary I	(None)
Judiciary II	(None)
Judiciary III	(None)
Judiciary IV	(None)
Law Enforcement	(None)
Legislative Redistricting	(None)
Local Government I	(None)
Local Government II	(None)
Marine Fisheries	(None)
Mental Health	(None)
Military, Veterans and Indian Affairs	(None)
Occupational Safety and Health	(None)
Pensions and Retirement	(None)
Public Health	(None)
Public Utilities	(None)
Rules, Calendar, and Operations of the House	(None)
Science and Technology	(None)
Small Business	(None)
State Government	(None)
State Personnel	(None)
Transportation	(None)

Travel and Tourism	(None)
University Board of Governors Nominating	(None)
Ways and Means	(None)
Welfare Reform	(None)
Wildlife Resources	(None)

RULE 28. Standing Committee and Permanent Subcommittee Meetings. – (a) Standing committees and permanent subcommittees of standing committees shall be furnished with suitable meeting places pursuant to a schedule adopted by the Standing Committee on Rules, Calendar, and Operations of the House. Select committees shall be furnished with suitable meeting places as their needs require by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House.

(b) Subject to the provisions of subsection (c) of this rule, standing committees and permanent subcommittees thereof shall permit other members of the General Assembly, the press, and the general public to attend all sessions of said standing committees or permanent subcommittees.

(c) The Chair or other presiding officer shall have general direction of the meeting place of the standing committee or permanent subcommittee and, in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair or presiding officer shall have power to exclude from the session any individual or individuals so hindering the legislative business.

(d) Procedure in the standing committees and permanent subcommittees shall be governed by the rules of the House, so far as the same may be applicable to such procedure. Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically and shall be subject to Rule 21(c).

(e) No standing committee or permanent subcommittee shall meet on any day when the House shall not convene except by permission of the Speaker or by approval of the House by resolution adopted by a majority vote of the House.

(f) No standing committee or permanent subcommittee shall meet during any session of the House. Standing committees and permanent subcommittees shall meet at their regularly scheduled hour. No permanent subcommittee shall meet at the same time that its standing committee is

meeting. Standing committees and permanent subcommittees may meet at other times as authorized by the chair of the Standing Committee on Rules, Calendar, and Operations of the House in order to assure the availability of the meeting room and that no conflicts will exist with the meetings of other bodies. All standing committee and permanent subcommittee meetings shall adjourn no later than:

- (1) 15 minutes preceding a regular session of the House, and
- (2) 10 minutes preceding the hour of the next regularly scheduled standing committee or permanent subcommittee meeting.

(g) Any call or notice of a standing committee or permanent subcommittee meeting between legislative sessions shall be mailed to each member of the standing committee or permanent subcommittee at least five days prior to such meeting. If a member of the body so requests in writing to the chair of the standing committee or permanent subcommittee, the member shall be notified by certified mail of the meetings.

(h) During standing committee and permanent subcommittee meetings, the chair may exercise the right to vote, or may reserve this right until there is a tie, in which event the chair may vote, but in no instance may the chair vote twice on the same question.

RULE 28.1. Ethics Committee Investigations Into Violations of the Open Meetings Law. – (a) On its own motion, or in response to signed and sworn complaint of any individual filed with the Standing Committee on Ethics, the Committee shall inquire into any alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter 143 of the General Statutes), as the same may be amended in the future.

(b) If, after such preliminary investigation as it may make, the Committee determines to proceed with an inquiry into the conduct of any individual, the Committee shall notify the individual as to the fact of the inquiry and the charges against him and shall schedule one or more hearings on the matter. The individual shall have the right to present evidence, cross-examine witnesses, and be represented by counsel at any hearings.

(c) After the Committee has concluded its inquiries into the alleged violations, the Committee shall dispose of the matter by taking one of the following actions:

- (1) Dismiss the complaint and take no further action.
- (2) Issue a private letter of reprimand to the legislator, if the legislator unintentionally violated the provisions of the Open Meetings Law.
- (3) Issue a public letter of reprimand if the violation of the Open Meetings Law was intentional, or if the legislator has previously received a private letter of reprimand. The Chair of the Committee on

Ethics shall have the public letter of reprimand spread on the pages of the House Journal.

(4) Refer the matter to the House for appropriate action.

RULE 29. Notice of Standing Committee and Permanent Subcommittee Meetings and Hearings. – Public notice of all standing committee and permanent subcommittee meetings shall be given in the House. The chair of the standing committee or permanent subcommittee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the standing committee or permanent subcommittee as to the date, time, and place of that meeting.

RULE 29.1. Public Hearings. – (a) Requests for a public hearing shall be made in writing to the chair of the standing committee and, if applicable, the chair of the permanent subcommittee to which the bill has been referred. The chair of the standing committee may schedule a public hearing by the standing committee as a whole after the adjournment of a regular daily House session. The chair of the permanent subcommittee may schedule a public hearing before the permanent subcommittee at its regularly scheduled hour. Denial of a request made by a House member may be appealed to the Speaker.

Notice shall be given not less than five calendar days prior to public hearings. These notices shall be issued as information for the press and shall be posted in the places designated by the Principal Clerk.

(b) Persons desiring to appear and be heard at a public hearing shall submit their requests to the Chair of the standing committee or permanent subcommittee. The standing committee or permanent subcommittee Chair may designate one or more members to arrange the order of appearance of interested parties. A brief written statement of testimony may be submitted without oral presentation and shall be incorporated into the minutes of the public hearing.

RULE 29.2. Minutes to Legislative Library. – The Chair of a standing committee or a permanent subcommittee shall insure that written minutes are compiled for each of the body's meetings. The minutes shall indicate the members present and the actions taken at the meeting. Not later than 20 days after the adjournment of each session of the General Assembly, the chair shall deliver the minutes to the Legislative Library. The Speaker of the House may grant a reasonable extension of time for filing said minutes upon written application of the chair.

RULE 30. Standing Committee of the Whole House. – (a) A Standing Committee of the Whole House shall not be formed, except by suspension of the rules, if there be objection by any member.

(b) After passage of a motion to form a Standing Committee of the Whole House, the Speaker shall appoint a Chair to preside in the standing committee, and the Speaker shall leave the dais.

(c) The rules of procedure in the House shall be observed in the Standing Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking and the previous question.

(d) In the Standing Committee of the Whole House, a motion that the standing committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

(e) When a bill is submitted to the Standing Committee of the Whole House, it shall be read and debated by sections, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Principal Clerk on a separate paper as the same shall be agreed to by the standing committee, and be so reported to the House. After report, the bill shall again be subject to be debated and amended by sections before a question on its passage be taken.

VI. Handling of Bills

RULE 31. Introduction of Bills and Resolutions. – (a) All bills and resolutions shall be introduced by submitting same to the Principal Clerk's office on the legislative day prior to the first reading and reference thereof according to the following schedule: by 30 minutes after adjournment each Monday; and by 3:00 P.M. each Tuesday, Wednesday, Thursday, and Friday.

(b) Bills shall not become resolutions provided the Senate has a similar rule. Resolutions shall not become bills. Resolutions are not law but may be used when a law is not necessary for the purpose contained therein. Resolutions shall not be used to appropriate funds for any purpose, but may be used to create study commissions or committees or establish investigative committees, to honor deceased persons, and to adopt House rules and internal affairs. Resolutions cannot amend, repeal, or modify a statute; nor do they have life beyond the term of the session during which they are adopted.

(c) Every bill or resolution shall be read in regular order of business, except upon permission of the Speaker or on the report of a standing committee.

(d) All bills and resolutions shall show in their captions a brief descriptive statement of the true substance of same, which captions may thereafter be amended. Captions of public bills may be amended only by amendment proposed by the standing committee to which the bill was referred. Third reading shall not be had on any bill or resolution on the same day that such caption is amended.

(e) A Substitute Bill shall be covered with the same color jacket as the original bill and shall be prefaced as follows:

"House Committee Substitute for_____".

(f) House Resolutions need not be read more than twice.

(g) All memorializing, celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, shall be excluded from introduction and consideration in the House.

(h) Any reference in these rules to bills shall extend to resolutions unless the context requires otherwise.

RULE 31.1. Deadlines on Introduction and Receipt; Single Subject Rule. – (a) All public bills or resolutions recommended by commissions or standing committees authorized or directed by act or resolution of the General Assembly to report to the 2001 Regular Session of the General Assembly, or to report prior to convening of that session, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in February (February 21) and must be introduced not later than 3:00 P.M. on the next Wednesday (February 28) of the first year of the biennial session; and

(a1) All bills prepared to be introduced for departments, agencies, or institutions of the State must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in February (February 21) and must be introduced not later than 3:00 P.M. on the next Wednesday (February 28). A bill introduced under this subsection shall be identified as an Agency Bill after its short title.

(a2) All local bills must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in March (March 21) and must be introduced not later than 3:00 P.M. on the next Wednesday (March 28) of the first year of the biennial session.

(b) All public bills which would not be required to be re-referred to the Appropriations or Finance Committees under Rule 38 must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the first Wednesday in April (April 4) and must be introduced not later than 3:00 P.M. on the next Wednesday (April 11) of the first year of the biennial session.

(c) All public bills which under Rule 38 would be required to be re-referred to the Appropriations Committee, or to both the Appropriations and Finance Committees, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in April (April 18) and must be introduced not later than 3:00 P.M. on the next Wednesday (April 25) of the first year of the biennial session. All public bills which under Rule 38 would be required to be re-referred to the Finance Committee but not the Appropriations Committee must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the first Wednesday in May (May 2) and must be introduced not later than 3:00 P.M. on the next Wednesday (May 9) of the first year of the biennial session. If any bill is eligible for introduction on account of the

date only under this subsection, and the bill is amended so that qualifying appropriation or tax law change does not remain in the bill, it shall not be eligible for further consideration. For the purpose of this section, a "tax law change" includes any provision that would require a bill under Rule 38(b) to be referred to the Standing Committee on Finance.

(d) In order to be eligible for consideration by the House during the first Regular Session, all Senate bills other than finance or appropriations bills which would be required to be re-referred to the Appropriations or Finance Committees under Rule 38 or adjournment resolutions, must be received and read on the floor of the House as a message from the Senate no later than April 26; provided that a message from the Senate 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 subsection and provided that the Senate has a similar rule.

(d1) Except by motion approved by a majority of members of the House present and voting, no public House bill other than the Current Operations Appropriations Act or the Capital Improvement Appropriations Act may contain more than one subject.

(e) This rule, other than subsection (d1), does not apply to bills establishing districts for Congress or State or local entities. This rule, other than subsection (d1), does not apply to measures ratifying an amendment or amendments to the Constitution of the United States.

RULE 32. Reference to Standing Committee and to Permanent Subcommittees; Serial Referrals. – (a) Each bill, joint resolution, or House resolution not introduced on the report of a standing committee shall immediately upon its first reading be referred by the Speaker to such standing committee or permanent subcommittee as the Speaker deems appropriate. The Speaker at the same time may order that, if the bill is reported with any favorable recommendation or without prejudice, it be re-referred automatically upon the committee report to another committee or permanent subcommittee designated in the order.

(b) The standing committee chair may refer each bill referred to the standing committee to the permanent subcommittee specifically charged with the subject matter of the bill. A report of that referral shall be made in writing and submitted to the body pursuant to Rule 5(5). Except as provided in Rule 36, the permanent subcommittee to which the bill is referred shall report the bill back to the full standing committee. That subcommittee report shall include one of the following recommendations:

- (1) Favorable, without prejudice, or unfavorable as to the original bill with the recommendation that the report be made to the standing committee;
- (2) Favorable, without prejudice, or unfavorable as to the original bill, as amended, with the recommendation that the report be made to the standing committee;

- (3) Favorable or without prejudice to the proposed committee substitute, and unfavorable to the original bill, with the recommendation that the report be made to the standing committee;
- (4) Favorable as to the original bill with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair;
- (5) Favorable to the original bill, as amended, with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair; or
- (6) Favorable to the proposed committee substitute with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair, and unfavorable to the original bill.

Any recommendation of favorable or without prejudice may include a recommendation of re-referral to another standing committee. After a bill is reported to a standing committee by a permanent subcommittee of that standing committee, the standing committee chair may re-refer the bill to another permanent subcommittee of that standing committee.

Upon recommendation to the standing committee, the bill shall be before that body for further action unless the permanent subcommittee chair reports the bill directly pursuant to Rule 36.

RULE 33. Papers Addressed to the House. – Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker. A brief statement of the contents thereof may be made orally by the introducer before reference to a committee, but such papers shall not be debated or decided on the day of their first being read unless the House shall direct otherwise.

RULE 34. Introduction of Resolutions and Bills, Copies Required. – (a) Whenever any resolution or bill is introduced, a duplicate copy thereof shall be attached thereto, and the Principal Clerk shall cause said duplicate copy to be numbered as the original resolution or bill is numbered, and shall cause the same to be available at all times to the member introducing the same.

(b) Numbering of House Bills shall be designated as "H.B.____." (No. following). A Joint Resolution shall be designated as "H.J.R. ____." (No. following). A House Resolution shall be designated as "H.R.____." (No. following).

(c) Whenever any resolution or bill is filed for introduction, it shall be in a House bill jacket containing 30 copies and in the form designated by the Speaker. Any resolution or bill not accompanied by the required number of copies shall be returned immediately to the introducer. The Clerk shall stamp the copies with the number stamped upon the original bill.

RULE 35. Duplicating and Availability of Copies of Bills. –

(a) The Legislative Services Officer shall cause such bills as are introduced to be duplicated in such numbers as may be specified by the Speaker. The Legislative Services Officer shall cause one copy of each resolution and public bill for each member to be delivered to the member's committee assistant or legislative assistant who shall place it in the appropriate notebook on the member's desk. If a member so requests, a second copy shall be delivered to the member's committee assistant or legislative assistant who shall place it in the member's office. The remaining copies shall be placed in the Printed Bills Room and made available to the committees to which the bill is referred, to individual members on request, and to the general public.

(b) 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 House.

RULE 35.1. Assessment Reports. – (a) Every bill or resolution proposing the establishment of an occupational or professional licensing board, as defined in Article 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a board shall have attached to the jacket of the original bill or resolution at the time of its consideration on second and third readings by the House or by any standing committee or permanent subcommittee of the House, an assessment report from the Legislative Committee on New Licensing Boards pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board. Upon receipt of the request, the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days.

(b) Every legislative proposal introduced in the House of Representatives, or received in the House of Representatives from the Senate, 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 House of Representatives or by any committee of the House of Representatives prior to a favorable report, a recommendation from the Joint Legislative Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of the General Statutes. The recommendation of the Joint Legislative Commission on Municipal Incorporations shall be made in accordance with the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes and shall include the findings required to be made by G.S. 120-166 through G.S. 120-170.

RULE 36. Report by Standing Committee or Permanent Subcommittee. – (a) **When Reports Required. –** All House bills and

resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make except in the case where the principal introducer requests in writing to the chair of the standing committee or permanent subcommittee that the bill not be considered.

With the written approval of the chair of the standing committee and with the recommendation of the subcommittee pursuant to Rule 32(b)(4) through (6), the chair of the permanent subcommittee may report the bill directly to the floor with that recommendation. If a permanent subcommittee recommends reporting a bill to the floor and the chair of the standing committee fails to give approval, the bill shall be deemed to have been reported to the standing committee with the same recommendation as the subcommittee would have made to the House.

(b) **Favorable Report.** – When a standing committee or permanent subcommittee reports a bill with the recommendation that it be passed, the bill shall be placed on the favorable calendar on the day and in the order designated by the Chair of the Committee on Rules, Calendar, and Operations of the House, but no later than the fourth legislative day after submission of the report or Senate message under Rule 43.2 or Rule 43.3(a), unless:

- (1) The bill is re-referred to the Committee on Appropriations or Committee on Finance under Rule 38 or was serially referred under Rule 32; or
- (2) The bill has not yet been placed on the calendar, and the Speaker refers the bill to another committee.

In order to place a bill on the calendar for a legislative day, notice shall be given by the Chair of the Committee on Rules, Calendar, and Operations of the House orally in the House or in writing to the Principal Clerk. When a committee substitute is adopted and receives a favorable report by the committee or permanent subcommittee, the standing committee or permanent subcommittee chair shall submit to the standing committee or permanent subcommittee the question of an unfavorable report on the original bill. The standing committee's or permanent subcommittee's action, if any, on the original bill shall be reported at the same time the committee substitute is reported.

(c) **Report Without Prejudice.** – When a standing committee reports a bill without prejudice, the bill shall be placed on the favorable calendar in the same manner as provided in subsection (a) of this rule.

(d) **Postponed Indefinitely.** – When a standing committee reports a bill with the recommendation that it be postponed indefinitely and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(e) **Unfavorable Report.** – When a standing committee reports a bill with the recommendation that it not be passed and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(f) **Minority Report.** – When a bill is reported by a standing committee with a recommendation that it not be passed or that it be postponed indefinitely, but it is accompanied by a minority report signed by at least one-fourth of the members of the standing committee who were present and voting when the bill was considered in standing committee, the question before the House shall be: "The adoption of the minority report." If the minority report is adopted by majority vote, the bill shall be placed on the favorable calendar for consideration. If the minority report fails of adoption by a majority vote, the bill shall be placed on the unfavorable calendar.

RULE 36.1. Fiscal Notes. – (a) The Chair or Cochair of the Appropriations Committee, of the Finance Committee, or of the Rules, Calendar, and Operations of the House Committee, upon the floor of the House, 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 House 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.

(b) The fiscal note shall be filed and attached to the bill 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 Speaker, 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 Rules, Calendar, and Operations of the House Committee 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 House.

(d) A sponsor of a bill or amendment may deliver a copy of the bill 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 filed or to the amendment when its adoption is moved.

(e) The sponsor of a bill 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 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 or amendment requiring an actuarial note under these rules.

RULE 36.2. 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 standing committee or permanent subcommittee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any standing committee or any permanent subcommittee, shall be separate there from, and shall be clearly designated as an actuarial note. A bill described in subdivision (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement upon its introduction.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with a 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 unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. 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 actuary employed by the system or program affected by the measure. Actuarial notes shall be prepared and transmitted to the sponsor of the measure not later than two weeks after the request is received, unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. The actuarial note shall be attached to the jacket of the measure. The provisions of this subsection may be waived by the measure's sponsor for a measure affecting local government retirement or pension plans not administered by the State or any local government program of hospital, medical, disability, or related benefits for local government employees not administered by the State.

(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 permanent subcommittee or standing committee reports a measure to which an actuarial note is attached at the time of permanent subcommittee or standing committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, the chair of the permanent subcommittee or standing committee reporting the measure shall obtain from the Fiscal Research Division 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. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a State-administered retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

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

RULE 36.3. Local Legislation Affecting State Highway System. – A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

RULE 37. Removing Bill From Unfavorable Calendar. – A bill may be removed from the unfavorable calendar upon motion carried by a two-thirds vote. A motion to remove a bill from the unfavorable calendar is debatable.

RULE 38. Reports on Appropriation and Revenue Bills. – (a) All standing committees, other than the Standing Committee on Appropriations, when favorably reporting any bill or resolution which:

- (1) Carries an appropriation from the State; or
- (2) Requires or will require in the future substantial additional State monies from the General Fund or Highway Fund to implement its provisions, shall indicate same in the report, and said bill or resolution shall be referred to the Standing Committee on Appropriations for a further report before being acted upon by the House.

(b) All standing committees, other than the Standing Committee on Finance, when favorably reporting any bill which in any way or manner raises revenue, reduces revenue, levies a tax, authorizes the levying of a tax,

an assessment, or a fee, or authorizes the issue of bonds or notes, whether public, public-local, or private, shall indicate same in the report, and said bill shall be referred to the Standing Committee on Finance for a further report before being acted upon by the House.

(c) **Action on Amendment Before Re-Referral.** – If any standing committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the House must be referred to the Standing Committees on Appropriations or the Standing Committee on Finance, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

RULE 39. Recall of Bill From Standing Committee. – (a) When a House bill has been introduced and referred to a standing committee, or when a Senate bill has been referred to a standing committee, if after 10 legislative days the standing committee has failed to act thereon, then the introducer of the House bill or some member designated by him, or some House member designated by the introducer of the Senate bill, may, after three legislative days' public notice given in the House and delivered in writing to the chair of the standing committee, on motion supported by a vote of three-fifths of the members of the House, recall the same from the standing committee to the floor of the House for consideration and such action thereon as a majority of the members present may direct.

(b) This rule shall not be temporarily suspended without one day's notice on the motion given in the House and delivered in writing to the chair of the standing committee, and to sustain that motion two-thirds of the members of the House shall be required.

RULE 39.1. Recall of Bill From Permanent Subcommittee. – When a House bill has been referred to a permanent subcommittee, if after 10 legislative days the subcommittee has failed to act thereon, or at any time, with the agreement of the subcommittee chair, the standing committee chair may re-refer the bill from that permanent subcommittee to another permanent subcommittee of the same standing committee provided the report of the re-referral shall be made pursuant to Rule 32.

RULE 39.2. Re-Referral of Bills From One Standing Committee to Another Standing Committee. – Upon consent of the sponsor of the bill, the Speaker, the chair of the standing committee from whom the bill is to be re-referred, and the chair of the standing committee to whom the bill is to be re-referred, the chair of the standing committee from whom the bill is to be re-referred or the chair of the Committee on Rules, Calendar, and Operations of the House may move for a re-referral to another standing committee and the bill shall be re-referred upon vote of the majority present during a regular session of the House.

RULE 40. Calendars and Schedules of Business. – The Clerk of the House shall prepare a daily schedule of business, including the Calendar

of Bills and Resolutions for consideration and debate that day, in accordance with the Order of Business of the Day (Rule 5). The Clerk shall number all bills and resolutions in the order in which they are introduced. All bills and resolutions shall be taken up as they appear in each category (Rule 5(10)) in the order they were placed on the Calendar under Rule 36(b).

RULE 41. Reading of Bills. – (a) Every bill shall receive three readings in the House prior to its passage. The first reading and reference to standing committee of a House bill shall occur on the next legislative day following its introduction. The first reading and reference to standing committee of a Senate bill shall occur on the next legislative day following its receipt on messages from the Senate. The Speaker shall give notice at each subsequent reading whether it is the second or third reading.

(b) No bill shall be read more than once on the same day without the concurrence of two-thirds of the members present and voting; provided, no bill governed by Article II, Section 23 of the North Carolina Constitution or described in Rule 20(a)(2) herein shall be read twice on one day under any circumstance.

RULE 42. Effect of a Defeated Bill. – (a) Subject to the provisions of subsection (b) of this rule, after a bill has:

- (1) Been tabled,
- (2) Been postponed indefinitely,
- (3) Failed to pass on any of its readings, or
- (4) Been placed on the unfavorable calendar,

the contents of that bill or the principal provisions of its subject matter shall not be considered in any other measure originating in the Senate or originating thereafter in the House. Upon the point of order being raised and sustained by the Chair, that measure shall be laid upon the table, and shall not be taken there from except by a two-thirds vote of the members present and voting.

(b) No local bill shall be held by the Chair to embody the contents of or the principal provisions of the subject matter of any statewide measure which has been laid on the table, has failed to pass on any of its readings, or has been placed on the unfavorable calendar.

RULE 43. Amendments. – No amendment to a measure before the House shall be in order unless the amendment is germane to the measure under consideration. A House amendment deleting a previously adopted House amendment shall not be in order, except that this sentence does not apply to amendments adopted under Rule 38(c).

If the Senate adopts an amendment or committee substitute to a House bill, the House may refuse to receive the bill on account of lack of germaneness if the Senate has a similar rule.

Only one principal (first degree) amendment shall be pending at any one time. If a subsequent or substitute principal amendment shall be offered, the Speaker shall rule it out of order. However, any member

desiring to offer a subsequent or substitute principal amendment in opposition to the pending amendment may inform the House by way of argument against the pending amendment that if it is defeated the member proposes to offer another principal amendment, and the member may then read and explain such proposed amendment.

Perfecting (or second degree) amendments may be offered and considered without limitation as to number, and in the event of multiple perfecting amendments, they shall be voted upon in inverse order.

RULE 43.1. Engrossment. – Bills and resolutions, except those making appropriations, which originate in the House and which are amended, shall be engrossed before being sent to the Senate.

RULE 43.2. House Concurrence in Senate Amendments to House Bills. – When the House receives a Senate amendment to a bill originating in the House, it shall be placed on the calendar in accordance with Rule 36(b).

RULE 43.3. Committee Substitutes Adopted by the Senate to Bills Originating in the House; Procedure for Treatment of Material Amendments Thereto. – (a) Whenever the Senate has adopted a committee substitute for a bill originating in the House and has returned the bill to the House for concurrence in that committee substitute, it shall be placed on the calendar in accordance with Rule 36(b).

(b) The Speaker shall rule whether the committee substitute is a material amendment under Article II, Section 23 of the State's Constitution which reads:

"Revenue bills. – No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal."

If the committee substitute was referred to standing committee, the standing committee shall:

- (1) Report the bill with the recommendation either that the House do concur or that the House do not concur; and
- (2) Advise the Speaker as to whether or not that committee substitute is a material amendment under Article II, Section 23 of the North Carolina Constitution.
- (c) If the committee substitute for a bill is not a material amendment, the question before the House shall be concurrence.
- (d) If the 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 House 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.

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

RULE 44. Conference Standing Committees. – (a) Whenever the House shall decline or refuse to concur in amendments put by the Senate to a bill originating in the House, or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the House or whenever the Senate shall decline or refuse to concur in amendments put by the House to a bill originating in the Senate, or shall refuse to concur in a substitute adopted by the House for a bill originating in the Senate, a conference committee may be appointed by the Speaker upon the Speaker's own motion and shall be appointed upon request by the principal sponsor of the original bill, the chair of the House standing committee which reported the bill, or by the sponsor of the amendment in which the Senate refused to concur; and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the House and Senate. In appointing members to conference committees, the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker.

(b) Only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. The conference report may be made by a majority of the House members of such conference committee and shall not be amended.

(c) If the conferees fail to agree or if either House fails to adopt the report of its conferees, new conferees may be appointed.

(d) No vote shall be taken on adoption of a conference report until the next legislative day following the report.

RULE 44.1. Transmittal of Bills to Senate. – Unless ordered by the Speaker or two-thirds vote of the members present and voting, no bill shall be sent from the House on the day of its passage, except on the last day of the session.

VII. Legislative Officers and Employees

RULE 45. Elected Officers. – (a) The House shall elect one of its members Speaker.

(b) The House shall elect one of its members Speaker Pro Tempore who shall perform such duties as the Speaker may assign and shall preside over the House in the absence or incapacity of the Speaker and shall perform all of the duties of the Speaker until such time the Speaker may assume the chair.

(c) The House shall elect a Principal Clerk, who shall continue in office until another is elected. The Speaker shall appoint a Reading Clerk

and a Sergeant-at-Arms, who shall serve at the Speaker's pleasure. The Principal Clerk, Reading Clerk, and Sergeant-at-Arms shall have and perform duties and responsibilities, not inconsistent with these rules, as the Speaker may assign. Unless directed otherwise by the Speaker on behalf of the House, the Principal Clerk or an employee designated by the Principal Clerk shall receive House bills not approved by the Governor. In addition, the Sergeant-at-Arms may assign the Reading Clerk additional duties, to be performed while the House is not in its daily session.

RULE 46. Assistants to Principal Clerk and Sergeant-at-Arms. – The Principal Clerk and the Sergeant-at-Arms may appoint, with the approval of the Speaker, such assistants as may be necessary to the efficient discharge of the duties of their respective offices.

RULE 47. Speaker's Staff, Chaplain, and Pages. – (a) The Speaker may appoint one or more staff members to the Speaker, a Chaplain of the House, and pages to wait upon the sessions of the House.

(b) When the House is not in session, the pages shall be under the supervision of the Supervisor of Pages.

(c) The Speaker at the request of a member may appoint honorary pages.

RULE 48. Member's Staff. – (a) Each standing committee and permanent subcommittee shall have a committee assistant. The committee assistant to a standing committee or permanent subcommittee shall serve as staff to the chair of the standing committee or permanent subcommittee.

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

(c) The selection and retention of committee assistants, legislative assistants, and office assistants shall be the sole prerogative of the individual member or members. Such staff shall file initial applications for employment with the Principal Clerk and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of such staff shall commence not earlier than the convening date of the General Assembly and shall terminate not later than the final adjournment or recess of the General Assembly unless employment for an extended period is approved by the Speaker. The committee assistants, legislative assistants, and office assistants shall adhere to such uniform rules and regulations not inconsistent with these rules regarding hours and other conditions of employment as the Legislative Services Commission shall fix by appropriate regulations.

RULE 49. Compensation of Legislative Assistants. – No clerk, committee assistant, legislative assistant, office assistant, or other person employed or appointed under Rules 46, 47, and 48 hereof shall receive during such employment, appointment, or service, any compensation from any department of the State government, and there shall not be voted, paid,

or awarded any additional pay, bonus, or gratuity to any of them; but they shall receive only the pay now provided by law for such duties and services.

VIII. Privileges of the Hall

RULE 50. Admittance to Floor. – No person except members, officers, and employees of the General Assembly who have been issued identification tags as provided by this rule, and former members of the General Assembly who are not registered under the provisions of Article 9 of Chapter 120 of the General Statutes of North Carolina, shall be allowed on the floor of the House during its session, unless permitted by the Speaker or otherwise provided by law. Employees of the General Assembly shall wear identification tags, approved by the Legislative Services Officer, when on the floor of the House.

RULE 51. Admittance of Press. – Reporters wishing to take down debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect this object, as shall not interfere with the convenience of the House. Reporters admitted to the floor of the House shall observe the same requirements of attire for members contained in Rule 12(h).

RULE 52. Extending Courtesies. – Courtesies of the floor, galleries, or lobby shall be extended at the discretion of the Speaker and only by the Speaker. Requests by members to extend these courtesies shall be typewritten and delivered to the Speaker. No member shall orally ask the Speaker to extend these courtesies during the daily session.

RULE 53. Order in House Chamber, Galleries, and Lobby. – In case of any disturbance or disorderly conduct in the House Chamber, galleries, or lobby, the Speaker or other presiding officer is empowered to order the same to be cleared to the extent they deem necessary.

IX. General Rules

RULE 54. Attendance of Members. – No member or officer of the House shall absent himself from the service of the House without leave, unless from sickness or disability.

RULE 55. Documents to Be Signed by the Speaker. – All acts, addresses, and resolutions and all warrants and subpoenas issued by order of the House shall be signed by the Speaker or other presiding officer.

RULE 56. Printing or Reproducing Materials. – There shall be no printing or reproducing of paper(s) that are not legislative in essence except upon approval of the Speaker.

RULE 57. Placement or Circulation of Materials. – Persons other than members of the House shall not place or cause to be placed any materials on members' desks in the House Chamber without obtaining approval of the Speaker. Any material placed on members' desks in the House Chamber, or circulated to House members anywhere in the Legislative Building or the Legislative Office Building, shall bear the name of the originator.

RULE 58. Rules, Rescission, and Alteration. – (a) These rules shall not be permanently rescinded or altered except by House simple resolution passed by a two-thirds vote of the members present and voting. The introducer of the resolution must on the floor of the House give notice of intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the House upon two-thirds vote of the members present and voting may temporarily suspend any rule.

RULE 59. Cosponsorship of Bills and Resolutions. – (a) Any member wishing to cosponsor a bill or resolution which has been introduced may do so by appearing in the office of the Principal Clerk for such purpose within one-half hour following the adjournment of the session during which such bill or resolution was first read and referred.

(b) Members wishing to jointly sponsor legislation should indicate such to the drafter at the time the bill is requested or upon filing the bill with the Principal Clerk's office. The names of the members who are the primary sponsors shall be listed in the order requested by them, followed by the words (Primary Sponsors); and the remaining names of members cosponsoring shall follow. No more than four members may be listed as primary sponsors.

(c) No member shall permit anyone, other than that member's committee assistant, legislative assistant, office assistant, or another member, to have possession of and solicit for bill or resolution cosponsorship, the jacket of a bill or resolution.

RULE 60. Correcting of Typographical Errors. – The Legislative Services Officer may correct typographical errors appearing in House bills or resolutions provided that such corrections are made before ratification and do not conflict with any actions or rules of the Senate and provided further that such correction be approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker, or other presiding officer.

RULE 61. Assignment of Seats. – After initial assignment of seats, a member shall continue to occupy the seat to which initially assigned until assigned a permanent seat; once assigned a permanent seat, the member shall occupy it for the entire biennial session. In event of vacancy, that member's successor will occupy the seat of the member replaced for the remainder of the biennial session.

RULE 61.1. Office Assignments. – The Chair of the Standing Committee on Rules, Calendar, and Operations of the House shall assign to each member an office space. When available, Chairs of standing committees and permanent subcommittees shall be assigned an office adjacent to the room in which the standing committee or permanent subcommittee generally meets if

the Chair so desires. The Speaker shall be assigned an office of his or her choice.

RULE 61.2. Convening and Assigning Seats in the New House. –

(a) The Principal Clerk of the previous House of Representatives shall convene the House of Representatives at 12:00 noon on the date established by law for the convening of each regular session, and preside over the body until the members elect a Speaker. In the case of a vacancy, inability, or refusal to so serve, the duty shall devolve upon the sergeant-at-arms of the prior House, and in the case of a vacancy in that office, or inability or refusal to so serve, the duty shall devolve upon the reading clerk of the prior House.

(b) It shall be the duty of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House of the prior House to assign temporary seats to the members of the House of Representatives in its Chamber. In the case of the inability or refusal to serve of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker of the prior House of Representatives shall appoint a person to assign seats to members of the House of Representatives in its Chamber. In the event that the party that had a majority of members in the prior House will no longer have a majority of members of the new House, then the duty assigned in this subsection to the Chair of the committee of the prior House shall instead be the duty of the person nominated as Speaker by the majority party caucus for the new House, or some member-elect designated by the Speaker-nominee. In the event no party will have a majority, then the duty assigned in this subsection to the Chair of the committee of the prior House shall instead be the joint duty of one person chosen each by the caucuses of the two parties having the greatest numbers of members.

RULE 62. Matters Not Covered in These Rules. – Except as herein set out the rules of Mason's Manual of Legislative Procedure shall govern the operation of the House.

Section 2. This resolution is effective upon adoption.

H.R. 542, A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the House of Representatives:

SECTION 1. The following procedures for nominating and electing nine members of the Board of Governors of The University of North Carolina (hereinafter the "Board of Governors") are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the University Board of Governors Nominating Committee of the House of Representatives (hereinafter the "Committee") to conduct a process for nominating and electing persons for each opening in each category of seats on the Board of Governors to which the House of Representatives is to elect members.

2. The Committee shall receive nominations for election to the Board of Governors through March 29, 2001. Each Representative may nominate up to two persons. In order for a person to have standing as a nominee, that person must be formally nominated by a member of the House of Representatives. Only a written nomination that includes all the requested information, which is submitted on a form provided by the Chair of the Committee for that purpose, and that is received in the Office of the House Principal Clerk no later than 5:00 P.M. on March 29, 2001, shall constitute a formal nomination. Delivery by facsimile transmission shall constitute valid receipt if the communication or submission is in fact received in the Office of the House Principal Clerk no later than 5:00 P.M. on March 29, 2001. An individual cannot be a nominee or be nominated in more than one category. An individual is not eligible for nomination if he or she was nominated and not elected to the Board of Governors by the Senate during the 2001 Session.

3. A Representative may nominate persons only for the categories available for election by the House of Representatives. In the 2001 Session, the House of Representatives will elect:

- (a) Six persons in the at-large category, for four-year terms;
- (b) Two persons in the political minority party category, for four-year terms; and
- (c) One person in the minority race category, for the remainder of the unexpired term that ends on June 30, 2003.

4. On or after April 3, 2001, the Committee shall list all nominees by category. The Committee shall screen the nominees as to their qualifications, experience, opinions, and statutory suitability. The Committee may screen nominees by interviewing, or by soliciting written information, or by both means. On completion of the screening process, the Committee shall conduct a vote to ensure that the slate of legally qualified candidates lists no more than twice the number of candidates for the total seats open in each category.

5. Each nominee shall confirm his or her willingness to serve if elected. Any nominee may withdraw without the approval of the sponsor.

II. ELECTIONS IN THE HOUSE OF REPRESENTATIVES.

1. A ballot shall be prepared under the supervision of the Chair of the Committee for the use of the House of Representatives. The ballot shall include no more than twice the number of legally qualified candidates for the total seats open in each category.

2. The names of the nominees shall be arranged on the ballot (a) by category and (b) within each category by alphabetical order.

3. The House of Representatives shall hold its election no later than the beginning of the daily session on April 5, 2001. Before the voting begins, the Speaker of the House shall explain the voting rules, which are:

- (a) No nomination shall be received from the floor.
- (b) In order to be elected, a nominee must receive the votes of a majority of all members present and voting in the nominee's category.
- (c) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.
- (d) When fewer than one nominee in the minority race category, two nominees in the political minority party category, or six nominees in the at-large category receive the votes of a majority of all members present and voting for positions in those categories, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest number of votes cast in each category; and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.
- (e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position.
- (f) When more than one nominee in the minority race category, two nominees in the political minority party category, or six nominees in the at-large category receive the votes of a majority of all members present and voting for positions in those categories, then the one nominee in the minority race category, two nominees in the political minority party category, or the six nominees in the at-large category receiving the highest number of votes in that category shall be deemed to have been elected.

4. The members of the House of Representatives shall proceed to mark their ballots for the following:

- (a) Six persons in the at-large category, for four-year terms;
- (b) Two persons in the political minority party category, for four-year terms; and
- (c) One person in the minority race category, for the remainder of the unexpired term that ends on June 30, 2003.

Every ballot shall be signed by the member of the House of Representatives casting it, and no unsigned ballots shall be counted.

5. The Chair of the Committee is responsible for canvassing the vote and declaring the results and may designate members of the Committee to assist. All ballots shall be retained by the Principal Clerk as part of the permanent records of the House of Representatives and shall be open for immediate public inspection.

6. When the Chair of the Committee has determined that the House of Representatives has elected two members from the political minority party category and six members from the at-large category for terms of four years, and one member from the minority race category for the remainder of the unexpired term, the Speaker of the House of Representatives shall declare those nine persons to have been elected to the Board of Governors by the House of Representatives to the indicated positions and for the indicated terms.

7. The results of the election in the House of Representatives shall then be sent by Special Messenger to the Senate.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the Chair of the Committee shall notify the Secretary of the Board of Governors of the names of the persons elected by the House of Representatives and the category and term for which each person was elected.

SECTION 2. This resolution is effective upon adoption.

H.R. 816, A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF LINDSEY GUY DEWITT AND RECOGNIZING NORTH CAROLINA AS THE NASCAR STOCK CAR RACING CAPITAL OF THE WORLD.

Whereas, on October 9, 1990, Richmond County lost one of its most prominent citizens with the death of Lindsey Guy DeWitt; and

Whereas, Lindsey Guy DeWitt was born on March 23, 1912, in Camden, South Carolina, to Jesse Sterling DeWitt and Hattie Ward DeWitt; and

Whereas, in 1924, Lindsey Guy DeWitt moved with his family to Ellerbe, North Carolina; and

Whereas, Lindsey Guy DeWitt graduated from Ellerbe High School in 1928; and

Whereas, Lindsey Guy DeWitt married Carrie Bowles in 1935, and from their marriage two daughters, Jo and Nancy, were born; and

Whereas, Lindsey Guy DeWitt was a successful entrepreneur in Richmond County, where he was owner and president of L.G. DeWitt Trucking

Company, Textile Motor Freight, North State Orchards, and numerous other business ventures; and

Whereas, Lindsey Guy DeWitt helped to organize the Richmond County Bank, and, for a time, had the distinction of being the largest peach grower in the world; and

Whereas, in 1965, Lindsey Guy DeWitt was among a group of business people who joined together to complete the construction of the North Carolina Speedway in Richmond County; and

Whereas, Lindsey Guy DeWitt was president of the Richmond County facility from 1972 until his death in 1990; and

Whereas, Lindsey Guy DeWitt was honored as the Richmond County Citizen of the Year in 1985; and

Whereas, Lindsey Guy DeWitt's involvement in motorsports led to the formation of his own NASCAR racing team, DeWitt Racing Enterprises, in 1966; and

Whereas, in 1973, Lindsey Guy DeWitt's racing team won the Winston Cup Championship and in 1975, his racing team won the Daytona 500; and

Whereas, John Sears of Ellerbe was the first driver for the racing team and former Grand National Champion Benny Parsons, also of Ellerbe, later became the driver; and

Whereas, in 1972, Lindsey Guy DeWitt became president of the Atlanta International Raceway and guided it out of bankruptcy; and

Whereas, Lindsey Guy DeWitt played an important role in the growth of NASCAR stock car racing; and

Whereas, today, NASCAR stock car racing is one of the most popular spectator sports in the United States, attracting families and individuals from all socio-economic levels; and

Whereas, the North Carolina Speedway in Rockingham holds two races annually, the NASCAR Winston Cup Series and NASCAR Busch Series, attracting thousands of spectators and bringing worldwide attention to Richmond County and the Sandhills region of the State; and

Whereas, the Coca-Cola 600, held annually on the last Sunday in May at the Lowe's Motor Speedway in Charlotte, is one of NASCAR's most popular attractions; and

Whereas, in 1996, a study prepared by the North Carolina Department of Commerce found that the motorsports industry contributed \$392,000,000 to the State's economy and provided 4,240 jobs; and

Whereas, today that economic impact figure has climbed to over \$1 billion dollars; and

Whereas, over 75% of the equipment used in stock car racing is produced and sold in North Carolina; and

Whereas, over 70% of the top Winston Cup stock car teams are headquartered in North Carolina; and

Whereas, over 75% of the Grand National stock car teams are based in North Carolina; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the life and memory of Lindsey Guy DeWitt and expresses the deep gratitude and appreciation of this State and its citizens for his life and service to his community and State.

SECTION 2. The House of Representatives expresses its sincere sympathy to the family and friends of Lindsey Guy DeWitt for their loss.

SECTION 3. The House of Representatives wishes to recognize North Carolina as the NASCAR Stock Car Racing Capital of the World and encourages the citizens of this State to attend stock car racing events held in North Carolina.

SECTION 4. The House of Representatives encourages the continued growth of stock car racing events in North Carolina in the years ahead and supports the holding of no fewer than the current number of racing events in North Carolina.

SECTION 5. The Principal Clerk shall transmit a certified copy of this resolution to the family of Lindsey Guy DeWitt.

SECTION 6. This resolution is effective upon adoption.

H.R. 1455, A HOUSE RESOLUTION HONORING THE MEMORY OF CIVIL WAR VETERANS IRA T. HARDISON AND JOHN F. MCNAIR, AND OTHERS BURIED IN THE WINDLEY CEMETERY AND COMMENDING THE EFFORTS OF THE WINDLEY CEMETERY PERPETUAL CARE ASSOCIATION, INC., AND THE PLYMOUTH COMMUNITY IN RESTORING AND PRESERVING THAT CEMETERY.

Whereas, the Windley Cemetery Perpetual Care Association, Inc., a private nonprofit association, was formed in 1993 by a group of civic-minded citizens in the Town of Plymouth; and

Whereas, association members were enormously successful in soliciting private donations totaling \$125,000 from relatives who had loved ones interred in the Windley Cemetery and from other members of the Plymouth community to sustain a tax-free Perpetual Care Fund for the Windley Cemetery; and

Whereas, after this achievement, the association decided to restore the Windley Cemetery to the prominent burial ground that it had once been; and

Whereas, the Windley Cemetery was first used as a cemetery during the Civil War era; and

Whereas, the cemetery contains several acres of land with 1,500 grave sites; and

Whereas, many graves of known Civil War Veterans have been discovered in the cemetery, including those of Ira T. Hardison, Company A, 17th North Carolina Infantry and John F. McNair, Company E, 52nd North Carolina Infantry; and

Whereas, some of those buried in the cemetery were casualties of the Battle of Plymouth, which was fought twice, once with the Confederates winning the battle and some weeks later with the Union Forces regaining possession of Plymouth; and

Whereas, the Battle of Plymouth was the only time the Southern Army performed this feat; and

Whereas, association members have completed several projects in their efforts to restore the Windley Cemetery, including:

- (1) Identifying those who fell victim of the war as well as those who survived and are interred in the cemetery.
- (2) Fencing the entire cemetery with a brick and wrought iron fence across the front and with a split rail fence on each side and the rear.
- (3) Constructing a monument and erecting a flagpole in honor of the deceased veterans and others who are buried in the cemetery.
- (4) Landscaping the entire cemetery.
- (5) Installing gravel and paving four access lanes; and

Whereas, these restoration projects were financed with additional funds outside of the Perpetual Care Fund; and

Whereas, the actions taken in restoring the Windley Cemetery will forever be a reminder to the Plymouth community and the State of our past war history and how that history influences our lives today; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Ira T. Hardison, John F. McNair, and others buried in the Windley Cemetery and commends the Windley Cemetery Perpetual Care Association, Inc., and the Plymouth Community for recognizing the need to preserve the Windley Cemetery.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the Windley Cemetery Perpetual Care Association, Inc.

SECTION 3. This resolution is effective upon adoption.

H.R. 1457, A HOUSE RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES TO ELECT A MEMBER TO FILL AN UNEXPIRED TERM ON THE STATE BOARD OF COMMUNITY COLLEGES.

Be it resolved by the House of Representatives:

SECTION 1. Pursuant to G.S. 115D-2.1(b)(4)e., the House of Representatives shall elect a member to the State Board of Community Colleges to fill a vacancy occurring among the members elected by the House of Representatives and to serve for the remainder of the unexpired term. This election shall be held during the regular session of the House of Representatives on June 21, 2001.

SECTION 2. The House of Representatives shall follow the procedure set out in G.S. 115D-2.1 for the nomination and election of members of the State Board. The Education Subcommittee on Community Colleges shall select as committee nominees no more than twice the number of legally qualified candidates as there are places to be filled.

SECTION 3. This resolution is effective upon adoption.

H.R. 1458, A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH HEWES, WILLIAM HOOPER, AND JOHN PENN, THE SIGNERS OF THE DECLARATION OF INDEPENDENCE FROM NORTH CAROLINA ON THE TWO HUNDRED TWENTY-FIFTH ANNIVERSARY OF THE ADOPTION OF THAT HISTORIC DOCUMENT BY THE SECOND CONTINENTAL CONGRESS.

Whereas, North Carolina elected Richard Caswell, Joseph Hewes, and William Hooper as its delegates to the Second Continental Congress, which convened in Philadelphia, Pennsylvania, on May 10, 1775; and

Whereas, John Penn replaced Richard Caswell in the North Carolina delegation in September 1775; and

Whereas, John Penn, a talented attorney from Granville County, was a tireless member of the Continental Congress, serving longer in that body than any other North Carolinian during America's quest for independence; and

Whereas, John Penn served on fourteen committees and eight standing boards of the Continental Congress; and

Whereas, Joseph Hewes, a respected merchant from Edenton, earned the respect and admiration of his colleagues as one of the most influential members of the Continental Congress; and

Whereas, Joseph Hewes was appointed by the Continental Congress as the secretary of the Naval Board in November 1775, effectively making him the first secretary of the United States Navy; and

Whereas, Joseph Hewes died in 1779 at the age of 49 in Philadelphia while the Continental Congress was in session, and the stunned members of Congress attended his funeral as a body; and

Whereas, William Hooper, a Harvard-educated attorney from Wilmington and Hillsborough, was one of the youngest delegates in the Continental Congress; and

Whereas, William Hooper served on Thomas Jefferson's committee to draft a Declaration of Independence; and

Whereas, William Hooper, Richard Henry Lee, and Patrick Henry were considered the great orators of the Continental Congress; and

Whereas, while they served in the Continental Congress, William Hooper, Joseph Hewes, and John Penn were also members of the Fourth Provincial Congress of North Carolina (the forerunner of the North Carolina General Assembly); and

Whereas, as tensions between the American colonies and Great Britain intensified in the early spring of 1776, Hooper, Hewes, and Penn sent a request from Philadelphia to their colleagues in the Fourth Provincial Congress, then meeting at Halifax, for instructions concerning the direction that North Carolina should take in the growing rift; and

Whereas, the distinguished body at Halifax responded with a Resolution, adopted on April 12, 1776, which read in part: "Resolved, that the delegates of this colony in the Continental Congress be empowered to concur with the delegates of the other colonies in declaring independence, and forming foreign alliances, reserving to this colony the sole and exclusive right of forming a constitution and laws for this colony"; and

Whereas, that Resolution was the most revolutionary official act taken by an American colony to that date, and North Carolina became the first colony to issue an official utterance of independence and request that her sister colonies follow suit; and

Whereas, when Hooper, Hewes, and Penn presented the Resolution to the Continental Congress, its revolutionary language was well received, and the delegates at Philadelphia sent copies home with the request that their constituents "follow this laudable example"; and

Whereas, the defiant acts of Hooper, Hewes, and Penn at Philadelphia and the other statesmen of North Carolina who took a bold stand for a free and independent America bore fruit on July 4, 1776, when the Second Continental Congress approved the Declaration of Independence; and

Whereas, on behalf of North Carolina, William Hooper, Joseph Hewes, and John Penn affixed their signatures to the final draft of the Declaration of Independence on August 2, 1776; and

Whereas, for more than five years thereafter, North Carolinians willingly sacrificed their lives and property to win the independence so declared July 4, 1776, for America and North Carolina; and

Whereas, all North Carolinians are today the beneficiaries of the courage, honor, vision, and determination of William Hooper, Joseph Hewes, and John Penn and the other Revolutionary-era statesmen who forged the State of North Carolina and the United States of America; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives expresses high esteem, regard, and deep appreciation for the lives, accomplishments, and leadership of William Hooper, Joseph Hewes, and John Penn and acknowledges with gratitude the distinguished service they provided to their State and union.

SECTION 2. This resolution is effective upon adoption.

**BOARDS AND COMMISSIONS
APPOINTMENTS
(January 1, 2001 through March 8, 2002)**

APPOINTED EXPIRES

**ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE,
JOINT LEGISLATIVE**

G.S. 120-70.100(a)(2)

Rep. E. David Redwine, Co-Chair	2/18/2002	1/14/2003
Rep. Daniel W. Barefoot (Reappointment)	2/18/2002	1/14/2003
Rep. Pryor A. Gibson, III	2/18/2002	1/14/2003
Rep. Mary L. Jarrell (Reappointment)	2/18/2002	1/14/2003
Rep. Daniel F. McComas	2/18/2002	1/14/2003
Rep. Martin L. Nesbitt, Jr. (Reappointment)	2/18/2002	1/14/2003
Rep. Wilma M. Sherrill	2/18/2002	1/14/2003
Rep. Gregory J. Thompson	2/18/2002	1/14/2003

ADVISORY BUDGET COMMISSION

G.S. 143-4(a)

Rep. Ruth M. Easterling (Reappointment)	2/11/2002	1/31/2003
Rep. Warren C. Oldham	2/11/2002	1/31/2003
Rep. William C. Owens, Jr. (Reappointment)	2/11/2002	1/31/2003
Rep. E. David Redwine (Reappointment)	2/11/2002	1/31/2003
Rep. Gregory J. Thompson	2/11/2002	1/31/2003

AGING, GOVERNOR'S ADVISORY COUNCIL ON

G.S. 143B-181

Mrs. Nancy Hall Evans	3/13/2001	12/31/2004
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AGING, NORTH CAROLINA STUDY COMMISSION ON

G.S. 120-182 (2)

Rep. Beverly M. Earle, Co-Chair	2/13/2002	6/30/2003
Rep. Verla C. Insko (Reappointment)	2/13/2002	6/30/2003
Rep. Edith D. Warren (Reappointment)	2/13/2002	6/30/2003
Rep. Wilma M. Sherrill	2/13/2002	6/30/2003
Rep. Edd Nye	2/13/2002	6/30/2003
Mr. Ron Burrell (Reappointment)	2/13/2002	6/30/2003
Mrs. Nancy Hall Evans (Reappointment)	2/13/2002	6/30/2003
Mr. John Young (Reappointment)	2/13/2002	6/30/2003

AGRICULTURAL FINANCE AUTHORITY, NORTH CAROLINA

G.S. 122D-4(b)

Mr. Stan Crowe	1/15/2002	6/30/2003
Mr. David Hall	1/15/2002	6/30/2003
Mr. Alfred James Worley, Jr.	1/15/2002	6/30/2003

AQUACULTURE ADVISORY BOARD

G.S. 106-760(a)(7)

Rep. Nurham O. Warwick	2/11/2002	12/31/2002
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ART, BOARD OF TRUSTEES FOR THE NORTH CAROLINA MUSEUM OF

G.S. 140-5.13(b)(5)

Mr. James Treadaway, Jr. (Reappointment)	1/15/2002	6/30/2003
Mrs. Rosemary F. Wyche (Reappointment)	1/15/2002	6/30/2003

BIOTECHNOLOGY CENTER BOARD OF DIRECTORS, NORTH CAROLINA

By-laws

Mr. John Atkins (Reappointment)	8/10/2001	7/31/2003
(At-large position)		
Dr. Mark Dibner (Reappointment)	8/10/2001	7/31/2003
(Medical pharmacy position)		
Mr. Robert Eubanks (Reappointment)	8/10/2001	7/31/2003
(At-large position)		
Hon. Robert B. Jordan, III (Reappointment)	8/10/2001	7/31/2003
(Forestry position)		
Hon. Norris Tolson (Reappointment)	8/10/2001	7/31/2003
(Animal agriculture position)		

**BLIND, CONSUMER AND ADVOCACY ADVISORY COUNCIL
FOR THE NORTH CAROLINA**

G.S. 143B-164(a)(2)

Rep. W. Pete Cunningham (Reappointment) 3/2/2002 1/14/2003

BRIDGE AUTHORITY, NORTH CAROLINA

G.S. 136-89.161(a)(3)

Mr. Swayn G. Hamlet 1/15/2002 6/30/2005

BUILDING COMMISSION, STATE

G.S. 143-135.25

Mr. Cleve Paul 2/7/2001 6/30/2002

(Licensed building contractor)

Mr. C. Neil Styers 1/15/2002 6/30/2004

(Licensed mechanical contractor position)

CAPITAL PLANNING COMMISSION, NORTH CAROLINA

G.S. 143B-374(a)

Rep. Joe Hackney (Reappointment) 2/12/2002 1/31/2003

Rep. Robert J. Hensley, Jr. (Reappointment) 2/12/2002 1/31/2003

Rep. Verla C. Insko 2/12/2002 1/31/2003

Rep. David M. Miner 2/12/2002 1/31/2003

Rep. Jennifer Weiss (Reappointment) 2/12/2002 1/31/2003

CEMETERY COMMISSION

G.S. 65-50(a)

Mr. Leonard J. Fulcher 1/15/2002 6/30/2005

CENTENNIAL AUTHORITY

G.S. 160A-480.3

Mr. Don Beason 1/15/2002 6/30/2005

Mr. O. Temple Sloan (Reappointment) 1/15/2002 6/30/2005

**CHEROKEE, NORTH CAROLINA ADVISORY COUNCIL ON
EASTERN BAND OF THE**

G.S. 143B-411.1

Rep. R. Phillip Haire (Reappointment) 1/23/2001 6/30/2002

CHILD CARE COMMISSION

G.S. 143B-168.4(a)

Ms. J. Sandra Morris 1/15/2002 6/30/2003

(For-profit provider position)

Ms. Linda Rivers 1/15/2002 6/30/2003

(Non-profit provider position)

CHILDREN AND YOUTH, GOVERNOR'S ADVOCACY COUNCIL ON

G.S. 143B-415(a)

Rep. Larry M. Bell	2/22/2002	1/14/2003
Rep. Lorene T. Coates	2/22/2002	1/14/2003

CHILDREN AND YOUTH, LEGISLATIVE STUDY COMMISSION ON

G.S. 120-217(a)(1)

Rep. Alex Warner, Co-Chair, (Reappointment)	2/12/2002	1/15/2003
Rep. Flossie Boyd-McIntyre	2/12/2002	1/15/2003
Rep. Jim Gulley (Reappointment)	2/12/2002	1/15/2003
Rep. Howard J. Hunter, Jr. (Reappointment)	2/12/2002	1/15/2003
Rep. Maggie Jeffus (Reappointment)	2/12/2002	1/15/2003
Mr. George Bond	2/12/2002	1/15/2003
(Health department director position)		
Ms. Charlene Carswell (Reappointment)	2/12/2002	1/15/2003
(Public/At-large position)		
Dr. Hector H. Henry, II	2/12/2002	1/15/2003
(Licensed physician position)		
Mr. Daniel C. Hudgins	2/12/2002	1/15/2003
(Social services department director position)		
Hon. Gary Locklear	2/12/2002	1/15/2003
(District court judge position)		
Ms. Pam Seamans (Reappointment)	2/12/2002	1/15/2003
(Covenant with North Carolina's Children position)		
Ms. Jennifer M. Sullivan	3/2/2002	1/15/2003
(filling unexpired term of Ms. Pam Seamans)		

CHILDREN, COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL

G.S. 115C-121(b)

Rep. Edith D. Warren (Reappointment)	2/21/2002	6/30/2003
Rep. Douglas Y. Yongue (Reappointment)	2/21/2002	6/30/2003
(Declined appointment 3/2/2002)		

CHIROPRACTIC EXAMINERS, STATE BOARD OF

G.S. 90-139(a)

Dr. Etheridge E. Alligood (Reappointment)	1/15/2002	6/30/2003
(Practicing doctor of chiropractic position)		

CLEAN WATER MANAGEMENT TRUST FUND BOARD OF DIRECTORS

G.S. 113-145.5(b)

Mr. Robert D. Howard (Reappointment) 1/17/2001 12/31/2004

Ms. Margaret B. Markey 6/7/2001 12/31/2004

CODE OFFICIALS QUALIFICATION BOARD, NORTH CAROLINA

G.S. 143-151.9(a)(9)

Mr. Mark H. Hicks 1/15/2002 6/30/2003

(Licensed general contractor position)

COMMUNITY COLLEGES, STATE BOARD OF

Governor's Executive Order, No. 1

Hon. W.W. "Dub" Dickson 6/26/2001 6/30/2003

(filling unexpired term of Norris Tolson)

CRIME COMMISSION, GOVERNOR'S

G.S. 143B-478

Rep. R. Phillip Haire 6/19/2001 2/28/2003

Rep. William L. Wainwright 4/4/2001 2/28/2003

CRIME VICTIMS COMPENSATION COMMISSION

G.S. 15B-3(3)

Mrs. Margaret Eichelberger 1/15/2002 6/30/2003

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

G.S. 17C-3(5)

Mr. Charles P. Farris, Jr. (Reappointment) 1/15/2002 6/30/2003

(Citizen position)

CRIMINAL JUSTICE INFORMATION NETWORK GOVERNING BOARD

G.S. 143-661 (2)(b)

Hon. Joseph M. Buckner 1/15/2002 6/30/2003

(General public position)

Mr. Roy Holler 1/15/2002 6/30/2005

(County official position)

DEAF AND HARD OF HEARING, COUNCIL FOR THE

G.S. 143B-216.32

Rep. Martha B. Alexander (Reappointment) 2/18/2002 6/30/2005

DISABILITIES, GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH

G.S. 143B-403.2(a)(3)

Mr. Jeffrey Cooper (At-large position)	1/15/2002	6/30/2003
Ms. Angela McCants (Representative of persons with developmental disabilities position)	(Reappointment) 1/15/2002	6/30/2003
Ms. Patricia King (At-large position)	(Reappointment) 1/15/2002	6/30/2003
Mr. Richard P. Pierce, Jr. (Representative of persons with physical disabilities position)	(Reappointment) 1/15/2002	6/30/2003
Mrs. Laura Thompson-Quinn (Representative of persons with mental retardation position)	(Reappointment) 1/15/2002	6/30/2003
Mr. Michael C. Teague (At-large position)	1/15/2002	6/30/2003

DOMESTIC VIOLENCE COMMISSION

G.S. 143B-394.15(c)(3)

Hon. Earl Butler (filling unexpired term of W.E. Smith)	1/15/2002	8/31/2002
Hon. Gary Cash (District court judge position)	1/15/2002	8/31/2002
Ms. Lucy Hurley (Cultural and linguistic minority position)	1/15/2002	8/31/2003
Ms. Geraldine Sumter	1/15/2002	8/31/2003
Mr. Michael Turner (Abuser treatment provider position)	(Reappointment) 1/15/2002	8/31/2003

ECONOMIC DEVELOPMENT BOARD

G.S. 143B-434(b)

Rep. E. David Redwine	11/27/2001	6/30/2005
Rep. Wilma M. Sherrill (filling unexpired term of former Rep. John Bridgeman)	3/20/2001	6/30/2003
Rep. Joe P. Tolson	11/27/2001	6/30/2005

ECONOMIC DEVELOPMENT COMMISSION, NORTHEASTERN NORTH CAROLINA REGIONAL

G.S. 158-8.2(b)(3)

Mr. Edmond Buckman (Reappointment)	1/15/2002	6/30/2002
Mr. Joe Landino	1/15/2002	6/30/2003
Mr. John E. Schrote (Reappointment)	1/15/2002	6/30/2003
Mr. G.B. "Buffy" Warner (Reappointment)	1/15/2002	6/30/2002
Hon. Fred Yates (Reappointment)	1/15/2002	6/30/2002

**ECONOMIC DEVELOPMENT COMMISSION,
SOUTHEASTERN NORTH CAROLINA**

G.S. 158-8.3(b)(3)

Mr. Roger F. Hall	1/15/2002	6/30/2005
Mr. Henry E. Miller, III	1/15/2002	6/30/2003
(filling unexpired term of Henry E. Miller, Jr.)		
Mr. James L. F. Smith	1/15/2002	6/30/2005
Mr. Kermit D. Williamson (Reappointment)	1/15/2002	6/30/2005

**ECONOMIC DEVELOPMENT COMMISSION,
WESTERN NORTH CAROLINA**

G.S. 158-8.1(b)(3)

Mr. George Couch	1/15/2002	6/30/2005
Hon. Leon D. Jones	1/15/2002	6/30/2005
Mr. Craig Madison	1/15/2002	6/30/2005
Mr. Van Phillips	1/15/2002	6/30/2003
(filling unexpired term of R. Tracy Walker)		

EDUCATION COMMISSION OF THE STATES

G.S. 115C-104 Article III (1)

Rep. Donald A. Bonner	3/2/2002	1/14/2003
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EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.80(2)

Rep. Gene Rogers Co-Chair, (Reappointment)	2/9/2002	12/31/2002
Rep. Flossie Boyd-McIntyre	2/9/2002	12/31/2002
Rep. Charles F. Buchanan	2/9/2002	12/31/2002
Rep. Verla C. Insko	2/9/2002	12/31/2002
Rep. Maggie Jeffus	2/9/2002	12/31/2002
Rep. Richard T. Morgan	2/9/2002	12/31/2002
Rep. Warren C. Oldham	2/9/2002	12/31/2002
Rep. Wilma M. Sherrill	2/9/2002	12/31/2002
Rep. Ronald L. Smith	2/9/2002	12/31/2002
Rep. Alex Warner	2/9/2002	12/31/2002
Rep. Douglas Y. Yongue	2/9/2002	12/31/2002

(ADVISORY, NON-VOTING MEMBERS)

Rep. Donald A. Bonner (Reappointment)	2/15/2002	12/31/2002
Rep. W. Robert Grady	2/15/2002	12/31/2002
Rep. Marian N. McLawhorn	2/15/2002	12/31/2002
(Reappointment)		
Rep. Joe P. Tolson	2/15/2002	12/31/2002
Rep. Edith D. Warren (Reappointment)	2/15/2002	12/31/2002

**ELECTRIC SERVICE IN NORTH CAROLINA, STUDY
COMMISSION ON THE FUTURE OF**

House Bill 778 of the 1999 Session Laws

Mr. Albert R. Eckel	2/4/2002	Final Report
(Industrial member position)		
(filling unexpired term of Lee Kinderberg)		
Mr. Michael Housley	1/17/2001	Final Report
(Power marketer position)		
(filling unexpired term of Terry Callender)		

ELECTROLYSIS EXAMINERS, NORTH CAROLINA BOARD OF

G.S. 88A-5(a)(1)

Ms. Charlotte Cable	1/15/2002	8/31/2004
(Electrologist position)		

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

G.S. 143-507(b)(2)

Rep. Thomas E. Wright	3/10/2002	3/10/2006
Mr. Tracy L. Lawry	3/10/2002	3/10/2004

**EMPLOYEE HOSPITAL AND MEDICAL BENEFITS,
COMMITTEE ON**

G.S. 135-38 (4a)

Rep. Bobby H. Barbee, Sr.	(Reappointment) 3/13/2001	1/14/2003
Rep. Beverly M. Earle	(Reappointment) 3/13/2001	1/14/2003
Rep. John W. Hurley	(Reappointment) 3/13/2001	1/14/2003
Rep. Larry T. Justus	3/13/2001	1/14/2003
Rep. Edd Nye	(Reappointment) 3/13/2001	1/14/2003
Rep. Thomas E. Wright	(Reappointment) 3/13/2001	1/14/2003

ENERGY POLICY COUNCIL

G.S. 113B-3(a)(1)

Rep. Joe P. Tolson	(Reappointment) 2/21/2002	1/14/2003
Rep. Nurham O. Warwick	(Reappointment) 2/21/2002	1/14/2003

ENVIRONMENTAL MANAGEMENT COMMISSION

G.S. 143B-283(d)

Mr. Don Abernathy	(Reappointment) 1/15/2002	6/30/2003
Hon. Anne C. Barnes	(Reappointment) 1/15/2002	6/30/2003

ENVIRONMENTAL REVIEW COMMISSION

G.S. 120-70.42

Rep. Pryor A. Gibson, III, Co-Chair,	2/5/2002	Pleasure of
Rep. Joe Hackney	2/5/2002	Appointing
Rep. Dewey L. Hill	2/5/2002	Authority
Rep. Daniel F. McComas	2/5/2002	
Rep. Nurham O. Warwick	2/5/2002	
Rep. Thomas E. Wright	2/5/2002	
Rep. Jennifer Weiss	2/5/2002	

ETHICS COMMITTEE, LEGISLATIVE

G.S. 120-99

Rep. Ruth M. Easterling, Co-Chair (Reappointment)	2/21/2002	1/14/2003
Rep. Donald A. Bonner (Reappointment)	2/21/2002	1/14/2003
Rep. Billy J. Creech	2/21/2002	1/14/2003
Rep. John W. Hurley (Reappointment)	2/21/2002	1/14/2003
Rep. Joe L. Kiser (Reappointment)	2/21/2002	1/14/2003

FIRST FLIGHT CENTENNIAL COMMISSION

G.S. 143-640(c)(3)

Dr. Franklin S. Clark (filling unexpired term of Laura Carpenter Bingham)	3/13/2001	Pleasure of Speaker
Dr. Victoria Franchetti-Haynes (filling unexpired term of Mr. John D. "Jay" Cornet)	1/23/2001	6/30/2001
Dr. Victoria Franchetti-Haynes (Reappointment)	3/2/2002	6/30/2003
Mr. D. G. Martin, Jr. (Reappointment)	3/2/2002	6/30/2003
Colonel William McArthur	1/23/2001	6/30/2002
Mr. John S. Rainey, Jr.	3/2/2002	6/30/2003
Dr. Keats Sparrow	1/23/2001	6/30/2002
Mr. James E. Stovall (filling unexpired term of Ms. Linda Ashendorf)	2/20/2001	6/30/2001

FUTURE STRATEGIES FOR NORTH CAROLINA, JOINT LEGISLATIVE COMMISSION ON

G.S. 120-84.7

Rep. Martha B. Alexander (Reappointment)	2/18/2002	1/14/2003
Rep. Stanley H. Fox (Reappointment)	2/18/2002	1/14/2003
Rep. W. Robert Grady	2/18/2002	1/14/2003
Rep. R. Phillip Haire (Reappointment)	2/18/2002	1/14/2003
Rep. Paul Miller (Reappointment)	2/18/2002	1/14/2003
Rep. Russell E. Tucker (Reappointment)	2/18/2002	1/14/2003

GENERAL STATUTES COMMISSION

G.S. 164-14(a)(6)

Rep. William T. Culpepper, III (Reappointment)	2/21/2002	6/30/2003
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**GLOBAL TRANSPARK AUTHORITY BOARD OF DIRECTORS,
NORTH CAROLINA**

G.S. 63A-3(b)(2)

Mr. Ronald Gene Braswell	1/15/2002	6/30/2005
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**GOLDEN L.E.A.F. (Long-Term Economic Advancement Foundation)
INC., BOARD OF DIRECTORS**

S.L. 1999-2, Section 2(c)

Mr. J. T. Bunn (Reappointment)	2/21/2002	11/30/2005
Mr. S. Lawrence Davenport (Reappointment)	2/27/2002	11/30/2005

**GOVERNMENTAL OPERATIONS, JOINT LEGISLATIVE
COMMISSION ON**

G.S. 120-74

Rep. Martha B. Alexander	3/1/2001	1/15/2003
Rep. Philip A. Baddour, Jr. (ex-officio)	3/1/2001	1/15/2003
Rep. E. Nelson Cole	3/1/2001	1/15/2003
Rep. James W. Crawford, Jr.	3/1/2001	1/15/2003
Rep. William T. Culpepper, III	3/1/2001	1/15/2003
Rep. W. Pete Cunningham	3/1/2001	1/15/2003
Rep. Ruth M. Easterling	3/1/2001	1/15/2003
Rep. Joe Hackney (ex-officio)	3/1/2001	1/15/2003
Rep. Mary L. Jarrell	3/1/2001	1/15/2003
Rep. Larry T. Justus	3/1/2001	1/15/2003
Rep. Edd Nye	3/1/2001	1/15/2003
Rep. Warren C. Oldham	3/1/2001	1/15/2003
Rep. William C. Owens, Jr.	3/1/2001	1/15/2003
Rep. E. David Redwine	3/1/2001	1/15/2003
Rep. R. Eugene Rogers	3/1/2001	1/15/2003
Rep. Gregory J. Thompson	3/1/2001	1/15/2003
Rep. Thomas E. Wright	3/1/2001	1/15/2003

**GOVERNMENTAL OPERATIONS – SUBCOMMITTEE ON
EDUCATION/HUMAN RESOURCES**

G.S. 120-74

Rep. R. Eugene Rogers, Co-Chair	3/1/2001	1/15/2003
Rep. Martha B. Alexander	3/1/2001	1/15/2003
Rep. Flossie Boyd-McIntyre	3/1/2001	1/15/2003
Rep. Beverly M. Earle	3/1/2001	1/15/2003
Rep. Edd Nye	3/1/2001	1/15/2003
Rep. Warren C. Oldham	3/1/2001	1/15/2003
Rep. Douglas Y. Yongue	3/1/2001	1/15/2003

**GOVERNMENTAL OPERATIONS – SUBCOMMITTEE ON JUSTICE
AND PUBLIC SAFETY/INFORMATION TECHNOLOGY**

G.S. 120-74

Rep. William T. Culpepper, III, Co-Chair	3/1/2001	1/15/2003
Rep. Philip A. Baddour, Jr.	3/1/2001	1/15/2003
Rep. W. Pete Cunningham	3/1/2001	1/15/2003
Rep. R. Phillip Haire	3/1/2001	1/15/2003
Rep. Larry T. Justus	3/1/2001	1/15/2003
Rep. E. David Redwine	3/1/2001	1/15/2003
Rep. Joe P. Tolson	3/1/2001	1/15/2003
Rep. Russell E. Tucker	3/1/2001	1/15/2003

**GOVERNMENTAL OPERATIONS – SUBCOMMITTEE ON
STATEWIDE/CAPITAL/GENERAL GOVERNMENT**

G.S. 120-74

Rep. Thomas E. Wright, Co-Chair	3/1/2001	1/15/2003
Rep. Ruth M. Easterling	3/1/2001	1/15/2003
Rep. Joe Hackney	3/1/2001	1/15/2003
Rep. Dewey L. Hill	3/1/2001	1/15/2003
Rep. Maggie Jeffus	3/1/2001	1/15/2003
Rep. Wilma M. Sherrill	3/1/2001	1/15/2003
Rep. Gregory J. Thompson	3/1/2001	1/15/2003

**GOVERNMENTAL OPERATIONS – SUBCOMMITTEE ON
NATURAL AND ECONOMIC RESOURCES/TRANSPORTATION**

G.S. 120-74

Rep. William C. Owens, Jr., Co-Chair	3/1/2001	1/15/2003
Rep. E. Nelson Cole	3/1/2001	1/15/2003
Rep. James W. Crawford, Jr.	3/1/2001	1/15/2003
Rep. Stanley H. Fox	3/1/2001	1/15/2003
Rep. Mary L. Jarrell	3/1/2001	1/15/2003
Rep. Drew P. Saunders	3/1/2001	1/15/2003
Rep. Ronald L. Smith	3/1/2001	1/15/2003

HEALTH AND WELLNESS TRUST FUND COMMISSION

House Bill 1431, G.S. 147-86.32(b)(3)(b)

Dr. Anita L. Jackson	3/16/2001	6/30/2004
(A person involved with health care for underserved populations position)		
Dr. Elizabeth Locke	3/16/2001	6/30/2002
(At-large position)		
Ms. Ann Maxwell	3/16/2001	6/30/2001
(At-large position)		
Ms. Ann Maxwell	(Reappointment) 2/21/2002	6/30/2005
Dr. Rebecca H. Wartman	3/16/2001	6/30/2004
(At-large position)		
Mr. Paul Wiles	3/16/2001	6/30/2002
(A person involved in health policy trends position)		
Dr. Charles F. Willson	3/16/2001	6/30/2003
(A person involved with child health care position)		

HIGHER EDUCATION BOND OVERSIGHT COMMITTEE

S.L. 2000-3, Section 4(1)

Mr. Charles T. Davidson, Co-Chair	6/5/2001	1/14/2004
Mr. Ron Leatherwood	6/5/2001	1/14/2004
Ms. Peaches Gunter Simpkins	6/5/2001	1/14/2004

HOLOCAUST, NORTH CAROLINA COUNCIL ON THE

G.S. 143B-216.21

Ms. Frances Ramsey	1/23/2001	6/30/2001
(filling unexpired term of Mr. Steve Laufer)		

HOME INSPECTOR LICENSURE BOARD, NORTH CAROLINA

G.S. 143-151.46(a)(2)

Mr. Gerald W. Canipe	1/15/2002	6/30/2005
(Home inspector position)		

HOMELESS PROGRAMS, NORTH CAROLINA INTERAGENCY COUNCIL FOR COORDINATING

Executive Order 14 Section 2(p)

Rep. Martha B. Alexander	2/4/2002
Rep. Paul Miller	1/24/2002
Rep. Edith D. Warren	1/24/2002

**HOUSING FINANCE AGENCY BOARD OF DIRECTORS,
NORTH CAROLINA**

G.S. 122A-4(c)

Mr. Brent Barringer	1/15/2002	6/30/2003
(Industry/public member position)		
Mr. Douglas Bebbler	(Reappointment) 1/15/2002	6/30/2003
(Licensed real estate broker position)		
Mr. William C. Fitzgerald, III	1/15/2002	6/30/2003
Mr. Paul S. Jaber	(Reappointment) 1/15/2002	6/30/2003
(Mortgage servicing institution position)		

INDIAN AFFAIRS NORTH CAROLINA STATE COMMISSION OF

G.S. 143B-407(a)

Mr. Ray Littleturtle	(Reappointment) 1/15/2002	6/30/2003
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INDIAN EDUCATION, STATE ADVISORY COUNCIL ON

G.S. 115C-210.1(1)

Rep. Ronnie N. Sutton	3/2/2002	1/14/2003
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INFORMATION RESOURCE MANAGEMENT COMMISSION

G.S. 143B-472.41(a)(6)

Mr. Olin H. Broadway, Jr.	1/15/2002	6/30/2005
(Citizen with a background in and familiarity with information technology and telecommunications position)		

INFORMATION TECHNOLOGY, JOINT SELECT COMMITTEE ON

G.S. 120-232(a)(2)

Rep. Joe P. Tolson, Co-Chair	(Reappointment) 2/15/2002	8/14/2003
Rep. W. Robert Grady	2/15/2002	8/14/2003
Rep. Paul Miller	2/20/2002	8/14/2003
Rep. Drew P. Saunders	2/15/2002	8/14/2003
Rep. Russell E. Tucker	(Reappointment) 2/15/2002	8/14/2003
Mr. Curtis Clark	(Reappointment) 2/15/2002	8/14/2003
Mr. Rufus L. Edmisten	(Reappointment) 2/15/2002	8/14/2003
Ms. Betty Turner	2/15/2002	8/14/2003

INTERNSHIP COUNCIL, NORTH CAROLINA

G.S. 143B-418

Rep. Paul Luebke	2/11/2002	6/30/2003
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JUDICIAL COUNCIL, STATE

G.S. 7A-409(a)(12)

Mr. William "Billy" D. Friende, Jr. (Attorney position)	1/15/2002	12/31/2004
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LEGISLATIVE RESEARCH COMMISSION

G.S. 120-30.10(a)

Rep. James B. Black, Co-Chair (ex-officio) (Reappointment)	2/16/2002	1/14/2003
Rep. James W. Crawford (Reappointment)	2/16/2002	1/14/2003
Rep. Beverly M. Earle (Reappointment)	2/16/2002	1/14/2003
Rep. Verla C. Insko (Reappointment)	2/16/2002	1/14/2003
Rep. Ronald L. Smith	2/16/2002	1/14/2003
Rep. William L. Wainwright (Reappointment)	2/16/2002	1/14/2003

LEGISLATIVE SERVICES COMMISSION

G.S. 120-31(a)

Rep. James B. Black, Co-Chair, (ex-officio) (Reappointment)	2/16/2002	1/14/2003
Rep. Gordon P. Allen (Reappointment)	2/16/2002	1/14/2003
Rep. Flossie Boyd-McIntyre (Reappointment)	2/16/2002	1/14/2003
Rep. Stanley H. Fox (Reappointment)	2/16/2002	1/14/2003
Rep. William T. Culpepper, III (Reappointment)	2/16/2002	1/14/2003
Rep. Marian N. McLawhorn	2/16/2002	1/14/2003
Rep. Wilma M. Sherrill (Reappointment)	2/16/2002	1/14/2003
Rep. Joe P. Tolson (Reappointment)	2/16/2002	1/14/2003

LICENSING BOARDS, LEGISLATIVE COMMITTEE ON NEW

G.S. 120-149.6(b)

Rep. W. Edwin McMahan, Chair	3/26/2001	1/15/2003
Rep. Jerry C. Dockham	3/26/2001	1/15/2003
Rep. Verla C. Insko	3/26/2001	1/15/2003
Rep. Henry M. Michaux, Jr.	3/26/2001	1/15/2003
Rep. Alex Warner	3/26/2001	1/15/2003

LOCAL GOVERNMENT COMMISSION

G.S. 159-3(a)

Mr. David Huskins	1/15/2002	6/30/2005
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MARTIN LUTHER KING, JR. COMMISSION

G.S. 143B-426.34B(a)

Rep. Flossie Boyd-McIntyre	1/23/2001	6/30/2003
Hon. Skip Alston	1/23/2001	6/30/2003

MASSAGE AND BODYWORK THERAPY, NORTH CAROLINA BOARD OF

G.S. 90-625(a)(1)

Ms. Daisy C. Millet	6/7/2001	6/30/2003
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MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES COMMISSION FOR

G.S. 143B-148(a)(1)

Mrs. Ellen Holliman	1/15/2002	6/30/2003
Ms. Anna Marie Scheyett	1/15/2002	6/30/2003
Dr. Marvin S. Swartz	1/15/2002	6/30/2003

MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES, JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON

House Bill 1519, Session Law 2000-83

Rep. Verla C. Insko, Co-Chair (Reappointment)	3/13/2001	Convening of the 2003 G. A.
Rep. Martha B. Alexander (Reappointment)	3/13/2001	
Rep. Walter G. Church, Sr. (Reappointment)	3/13/2001	
Rep. James W. Crawford, Jr. (Reappointment)	3/13/2001	
Rep. Beverly M. Earle (Reappointment)	3/13/2001	
Rep. Theresa H. Esposito (Reappointment)	3/13/2001	
Rep. Lyons Gray (Reappointment)	3/13/2001	
Rep. Edd Nye (Reappointment)	3/13/2001	

NATIONAL HERITAGE AREA DESIGNATION

S.L. 2001-491, Section 18.4

Rep. R. Phillip Haire, Co-Chair	2/21/2002	12/31/2003
Rep. Martin L. Nesbitt, Jr.	2/21/2002	12/31/2003

NATURAL HERITAGE TRUST FUND BOARD OF TRUSTEES

G.S. 113-77.8(a)

Mr. William Joslin	1/15/2002	12/31/2007
Mr. Henry L. Kitchin	1/15/2002	12/31/2007

**NURSING BOARD OF DIRECTORS, NORTH CAROLINA
CENTER FOR THE**

G.S. 90-171.71(a)(2)

Ms. Sharon Elliott-Bynum 6/7/2001 6/30/2004

NURSING SCHOLARS COMMISSION, NORTH CAROLINA

G.S. 90-171.60(b)(5)

Ms. Patricia Gayle Floyd 1/15/2002 6/30/2005

Dr. Evelyn Pet Pruden 1/15/2002 6/30/2005

PARKS AND RECREATION AUTHORITY, NORTH CAROLINA

G.S. 143B-313.2(a)

Mr. J. Ronald Kincaid 1/10/01 6/30/2002

(filling unexpired term of Ms. Mary Rhoe)

Mr. Russell Robinson, III (Reappointment) 1/15/2002 6/30/2003

Dr. Kenneth M. Sadler (Reappointment) 1/15/2002 6/30/2003

**PETROLEUM UNDERGROUND STORAGE TANK
FUNDS COUNCIL, NORTH CAROLINA**

G.S. 143-215.94O(3)(a)

Mr. Al Dorsett (Reappointment) 1/15/2002 6/30/2003

(Service station owner position)

Mr. Bennie Gupton (Reappointment) 1/15/2002 6/30/2003

(Owner of a non-commercial petroleum underground storage
tank position)

Mr. David Knight (Reappointment) 1/15/2002 6/30/2003

(Environmental advocacy position)

Mr. Leland L. Laymon (Reappointment) 1/15/2002 6/30/2003

(Underground storage tank remediation specialist position)

Mr. Lloyd Williams, Jr. (Reappointment) 1/15/2002 6/30/2003

(Motor fuel service station dealer position)

PHYSICAL FITNESS AND HEALTH, GOVERNOR'S COUNCIL ON

G.S. 130A-33.41(1)

Rep. G. Wayne Goodwin 1/23/2001 6/30/2001

(filling unexpired term of former Rep. Richard Moore)

PORTS AUTHORITY, NORTH CAROLINA STATE

G.S. 143B-452(e)

Dr. David Freshwater 1/15/2002 6/30/2003

PRIVATE PROTECTIVE SERVICES BOARD

G.S. 74C-4(b)

Mr. John D. Greco	1/15/2002	6/30/2003
(Licensee under this Chapter position)		

PROGRESS BOARD, NORTH CAROLINA

G.S. 143B-372.1

Rep. Phillip A. Baddour, Jr.	3/20/2001	6/30/2004
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PROPERTY TAX COMMISSION

G.S. 105-288(a)

Hon. Wade Wilmoth	(Reappointment) 1/15/2002	6/30/2003
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PUBLIC EMPLOYEE DEFERRED COMPENSATION BOARD OF TRUSTEES, NORTH CAROLINA

G.S. 143B-426.24

Mr. James Kirkpatrick	(Reappointment) 1/15/2002	6/30/2003
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PUBLIC OFFICERS AND EMPLOYEES LIABILITY INSURANCE COMMISSION

G.S. 58-32.1

Mr. Joe Kluttz	(Reappointment) 1/15/2002	6/30/2003
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PUBLIC SCHOOL FORUM OF NORTH CAROLINA BOARD OF DIRECTORS

Bylaws

Rep. Warren C. Oldham	(Reappointment) 3/2/2002	12/31/2002
Rep. Gene Rogers	(Reappointment) 3/2/2002	12/31/2002
Rep. Alex Warner	(Reappointment) 3/2/2002	12/31/2002
Rep. Douglas Y. Yongue	(Reappointment) 3/2/2002	12/31/2002

PUBLIC TELECOMMUNICATIONS, NORTH CAROLINA AGENCY FOR

G.S. 143B-426.9(3)

Mr. Herbert Crenshaw	(Reappointment) 1/15/2002	6/30/2003
Ms. Jan Dempster	(Reappointment) 1/15/2002	6/30/2003

RAIL COMMISSION, VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED

Section 1(1a) of S.L. 2001-266

Mr. William H. Kincheloe	3/4/2002	Life of the Commission
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RAILROAD BOARD OF DIRECTORS, NORTH CAROLINA

G.S. 124-6(b)

Mrs. Sharman Thornton (Reappointment) 1/15/2002 6/30/2003

RESPIRATORY CARE BOARD OF DIRECTORS

G.S. 90-650 (a)(2)

Mr. Floyd Boyer 6/7/2001 10/31/2003

(Respiratory care practitioner position)

Dr. Neil Ross MacIntyre, Jr. 6/7/2001 10/31/2003

(Physician position)

ROANOKE ISLAND COMMISSION

G.S. 143B-131.6(a)(3)

Dr. Thomas E. Brooks (Reappointment) 1/15/2002 6/30/2003

Mr. Walter Daniels (Reappointment) 1/15/2002 6/30/2003

(Dare County resident position)

Mr. Winston Hawkins (Reappointment) 1/15/2002 6/30/2003

(Dare County resident position)

RULES REVIEW COMMISSION

G.S. 143B-30.1(a)

Dr. Walter Futch (Reappointment) 1/15/2002 6/30/2003

Ms. Jennie Hayman (Reappointment) 1/15/2002 6/30/2003

Mr. John L. Tart 1/15/2002 6/30/2003

**RURAL INTERNET ACCESS AUTHORITY COMMISSION,
NORTH CAROLINA**

G.S. 143B-437.42(b)

Dr. Cecil L. Groves (Reappointment) 1/15/2002 7/31/2002

(Representative of rural constituency position)

Mr. Bolling Gray McNeill, Jr. (Reappointment) 1/15/2002 7/31/2002

(Internet provider position)

Mr. Brad Phillips 1/15/2002 7/31/2002

(Communications industry position)

RURAL REDEVELOPMENT AUTHORITY, NORTH CAROLINA

G.S. 143B-437.22(a)(2)

Dr. Katherine Johnson (Reappointment) 1/15/2002 6/30/2004

SCHOOL TECHNOLOGY, COMMISSION ON

G.S. 115C-102.5(b)(7)

Rep. Flossie Boyd-McIntyre, Co-Chair (Reappointment)	3/4/2002	6/30/2003
Rep. Joe P. Tolson (Reappointment)	3/4/2002	6/30/2003
Mr. Dave Boliek	3/4/2002	6/30/2003
Mr. Richard E. Moore (Reappointment)	3/4/2002	6/30/2003
Mr. Eric J. Smith	3/4/2002	6/30/2003
Ms. Jean White	3/4/2002	6/30/2003

SCIENCE AND TECHNOLOGY, NORTH CAROLINA BOARD OF

G.S. 143B-426.31(a)

Mr. Jameson Wells	1/15/2002	6/30/2003
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SEAFOOD AND AQUACULTURE, JOINT LEGISLATIVE COMMISSION ON

G.S. 120-70.61

Rep. William L. Wainwright, Co-Chair (Reappointment)	2/18/2002	1/14/2003
Rep. Zeno L. Edwards, Jr. (Reappointment)	2/18/2002	1/14/2003
Rep. E. David Redwine (Reappointment)	2/18/2002	1/14/2003
Rep. Ronald L. Smith (Reappointment)	2/18/2002	1/14/2003

SEAFOOD INDUSTRIAL PARK AUTHORITY, NORTH CAROLINA

G.S. 113-315.25(d)

Mr. Gilbert Baccus (Reappointment)	1/15/2002	6/30/2003
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SENTENCING AND POLICY ADVISORY COMMISSION, NORTH CAROLINA

G.S. 164-35(12)

Rep. William T. Culpepper, III	6/20/2001	6/30/2003
Rep. R. Phillip Haire	6/20/2001	6/30/2003
Rep. Larry T. Justus (Reappointment)	9/24/2001	6/30/2003
Mr. H. Morris McKnight (Reappointment)	9/24/2001	6/30/2003

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION, NORTH CAROLINA

G.S. 17E-3(a)(2)

Hon. Steve Bunn (Reappointment)	1/15/2002	6/30/2003
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SOIL SCIENTISTS, NORTH CAROLINA BOARD FOR LICENSING

G.S. 89F-4(a)(4)

Mr. Toney C. Jacobs	1/15/2002	6/30/2004
(Licensed soil scientist position)		

SOUTHERN GROWTH POLICIES BOARD

G.S. 143-492(b)(2)

Rep. Paul Miller	2/8/2002	12/31/2002
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STATE BAR, DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA

G.S. 84-28.1(a)

Ms. Betty Ann Knudson	6/7/2001	6/30/2003
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STATE CAPITOL FOUNDATION, INC.

By-laws

Rep. Mary L. Jarrell	4/12/2001	Pleasure of the Appointing Authority
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STATE FIRE AND RESCUE COMMISSION

G.S. 58-78-1(a)(3)

Captain Marvin O. Wilson, Jr.	1/15/2002	6/30/2004
(Public at large position)		

STATE LIBRARY COMMISSION

G.S. 143B-91(a)

Mrs. Elizabeth Nell Hall	2/13/2002	6/30/2003
(filling unexpired term of Mrs. John Wells (Missy) Kuykendall)		

STATE PERSONNEL COMMISSION

G.S. 126-2(b)(1)

Ms. S. Katherine Burnette	2/5/2002	6/30/2004
(filling unexpired term of Mr. Wilson Hayman)		

SUBSTANCE ABUSE ADVISORY COUNCIL

G.S. 143B-270(b)

Hon. Arlene Pulley	(Reappointment) 2/22/2002	9/30/2004
Ms. Margaret Weller-Stargell	2/22/2002	9/30/2004
Mr. Russell E. Williams	(Reappointment) 2/22/2002	9/30/2004

**TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE
MAJOR MEDICAL PLAN, BOARD OF TRUSTEES OF THE**

G.S. 135-39(c)

Ms. Trudy Mitchell (Reappointment) 1/15/2002 6/30/2003

**TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM,
BOARD OF TRUSTEES**

G.S. 135-6(b)(4)

Mr. James C. Rivers 1/15/2002 6/30/2003
(Non-state/non-local government employee position)

**TEACHING BOARD OF TRUSTEES, NORTH CAROLINA
CENTER FOR THE ADVANCEMENT OF**

G.S. 116-74.7

Hon. Cheri Cheek 1/15/2002 6/30/2005
Ms. Sheryn Northy 1/15/2002 6/30/2005

TEACHING FELLOWS COMMISSION, NORTH CAROLINA

G.S. 115C-363.23(a)(5)

Mrs. Millie Yongue 1/15/2002 6/30/2005

TOBACCO TRUST FUND COMMISSION

G.S. 143-717(b)(3)(d)

Mr. George W. Ward, Jr. (Reappointment) 3/2/2002 6/30/2005
(At-large position)

**TRANSPORTATION OVERSIGHT COMMITTEE,
JOINT LEGISLATIVE**

G. S. 120-70.50

Rep. James W. Crawford, Jr., Co-Chair 3/7/2001 Convening of
(Reappointment) 2003 G. A.
Rep. Joanne W. Bowie (Reappointment) 3/7/2001
Rep. Charles F. Buchanan (Reappointment) 3/7/2001
Rep. Lorene Coates 3/7/2001
Rep. E. Nelson Cole (Reappointment) 3/7/2001
Rep. Mary L. Jarrell 2/9/2002
Rep. Larry T. Justus 3/7/2001
Rep. Drew P. Saunders (Reappointment) 3/7/2001
Rep. Ronnie N. Sutton (Reappointment) 3/7/2001

TRAVEL AND TOURISM BOARD OF NORTH CAROLINA

G.S. 143B-434.1(15)

Rep. Wilma M. Sherrill	(Reappointment) 3/15/2001	12/31/2002
Rep. Ronald L. Smith	(Reappointment) 3/8/2001	12/31/2002
Hon. Hank Kahn	3/8/2001	12/31/2002
Ms. Carol S. Lohr	(Reappointment) 6/12/2001	12/31/2002
(filling unexpired term of Mr. Doug Stafford)		
Mr. Stephen P. Miller	(Reappointment) 3/8/2001	12/31/2002
(Person associated with tourism attractions in North Carolina)		
Mr. Doug Stafford	(Reappointment) 3/8/2001	12/31/2002

UNIVERSITY OF NORTH CAROLINA CENTER FOR PUBLIC TELEVISION, BOARD OF TRUSTEES OF THE

G.S. 116-37.1

Ms. Ruth Cook	(Reappointment) 1/15/2002	6/30/2003
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UTILITY REVIEW COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.2

Rep. Thomas E. Wright	3/13/2001	Pleasure of Speaker
(filling unexpired term of former Rep. Thomas Hardaway)		

VAGABOND SCHOOL OF DRAMA INC., BOARD OF DIRECTORS

Bylaws

Rep. Daniel W. Barefoot	3/2/2002	1/14/2003
Rep. R. Phillip Haire	(Reappointment) 3/2/2002	1/14/2003

VOCATIONAL REHABILITATION COUNCIL

G.S. 143-548(a)(2)

Ms. Patricia Eure Hussey	3/21/2001	6/30/2002
(Person representing a disability advocacy group)		

VOTING PROCEDURES, JOINT SELECT COMMITTEE ON

G.S. 120-19.6

House Appointments

Rep. Martha B. Alexander, Co-Chair	3/13/2001
Rep. Donald A. Bonner	3/13/2001
Rep. Walter G. Church, Sr.	3/13/2001
Rep. Stanley H. Fox	3/13/2001
Rep. Larry T. Justus	3/13/2001
Rep. Joe L. Kiser	3/13/2001
Rep. Wilma M. Sherrill	3/13/2001

Senate Appointments

Sen. Linda Garrou, Co-Chair	1/8/2001
Sen. Cal Cunningham	1/8/2001
Sen. Wib Gulley	1/8/2001
Sen. Fletcher Hartsell	1/8/2001
Sen. Jeanne Lucas	1/8/2001
Sen. Bill Martin	1/8/2001
Sen. Steve Metcalf	1/8/2001

WATERSHED PROTECTION ADVISORY COUNCIL

G.S. 143-214.6(b)(7)

Ms. Annette Myers	(Reappointment)	1/15/2002	6/30/2003
(League representative position)			
Ms. Carol Rahea	(Reappointment)	1/15/2002	6/30/2003
(CCA nominee position)			

WELL CONTRACTORS CERTIFICATION COMMISSION

G.S. 143B-301.12(a)(1)

Mr. Dale Todd	(Reappointment)	1/15/2002	6/30/2003
(Resident of a county east of I-95 position)			

WILDLIFE RESOURCES COMMISSION

G.S. 143-241

Mr. Gary Allen		1/15/2002	6/30/2003
Mr. Charles W. Bennett	(Reappointment)	1/15/2002	6/30/2003
Mr. Troy Boyd, Sr.	(Reappointment)	1/15/2002	6/30/2003
(Member of the political party to which the largest minority of the General Assembly belongs position)			
Mr. Robert L. Purcell	(Reappointment)	1/15/2002	6/30/2003

WILMINGTON RACE RIOT COMMISSION, 1898

Senate Bill 787, Part XVII, Section 17.1(c) of the 2000 Session Laws

Rep. Thomas E. Wright, Co-Chair	2/13/2002	12/31/2002
Ms. Lottie Clinton	2/13/2002	12/31/2002
Mr. Alfred Thomas	2/13/2002	12/31/2002

WIRELESS 911 BOARD

G.S. 62A-22(a)(2)

Mr. Don Van Liew	1/15/2002	6/30/2002
(filling unexpired term of Mike Watson)		

**2001-2002
APPOINTMENTS BY THE SPEAKER
TO THE NATIONAL COMMITTEES AND
TASK FORCES OF THE
COUNCIL OF STATE GOVERNMENTS**

COMMITTEE	MEMBER
Governing Board	Speaker James B. Black
Annual	Rep. Philip A. Baddour, Jr.
Associates Advisory	Rep. Pryor A. Gibson, III.
Agricultural Policy	Rep. Dewey L. Hill
Intergovernmental Affairs	Rep. Paul Luebke
International	Rep. Gregory J. Thompson
Suggested State Legislation	Rep. E. David Redwine
Corrections and Public Safety	Rep. R. Phillip Haire
Environmental	Rep. Joe Hackney
Health Capacity	Rep. Beverly M. Earle Rep. Joanne W. Bowie

**2001-2002
 APPOINTMENTS BY THE SPEAKER
 TO THE STANDING COMMITTEES OF THE
 NATIONAL CONFERENCE OF
 STATE LEGISLATURES**

ASSEMBLY ON STATE ISSUES

COMMITTEE	APPOINTEE
Children, Families, and Health	Rep Ruth M. Easterling Rep. Flossie Boyd-McIntyre
Communications and Information Policy	Rep. Joe P. Tolson Rep. Russell E. Tucker
Criminal Justice	Rep. Ronnie N. Sutton Rep. Gregory J. Thompson
Economic and Cultural Development	Rep. William C. Owens, Jr. Rep. Stanley N. Fox
Education	Rep. Gene Rogers Rep. Warren C. Oldham Rep. Donald A. Bonner
Fiscal Affairs	Rep. E. David Redwine
Legislative Effectiveness	Rep. Philip A. Baddour, Jr. Rep. William T. Culpepper, III
Redistricting Task Force	Rep. Philip A. Baddour, Jr. Rep. Ronnie N. Sutton Rep. W. Edwin McMahan
Science, Energy and Environmental Resources	Rep. Jennifer Weiss Rep. Alice G. Underhill Rep. Ronald L. Smith

**2001-2002
APPOINTMENTS BY THE SPEAKER
TO THE STANDING COMMITTEES OF THE
NATIONAL CONFERENCE OF
STATE LEGISLATURES**

ASSEMBLY ON FEDERAL ISSUES

COMMITTEE	MEMBER	ALTERNATE
Agriculture & International Trade	Rep. Dewey L Hill	Rep. Nurham O. Warwick Rep. Arlie F. Culp
Energy & Transportation	Rep. Drew P. Saunders	Rep. Ronald L. Smith Rep. Charles F. Buchanan
Health	Rep. Thomas E. Wright	Rep. Zeno L. Edwards, Jr. Rep. Verla C. Insko.
Law & Justice	Rep. R. Phillip Haire.	Rep. G. Wayne Goodwin Rep. Larry T. Justus
Environment	Rep. Joe Hackney	Rep. Pryor A. Gibson, III Rep. Daniel F. McComas
Federal Budget & Taxation	Rep. Paul Luebke Rep. Gordon P. Allen	Rep. Mary L. Jarrell Rep. Andrew T. Dedmon
Commerce & Communications	Rep. Walter G. Church, Sr.	Rep. E. Nelson Cole Rep. Richard T. Morgan
Education, Labor & Workforce Development	Rep. Douglas Y. Yongue Rep. Alex Warner	Rep. Maggie Jeffus Rep. Gene G. Arnold
Human Services	Rep. Martha B. Alexander	Rep. Beverly M. Earle Rep. Debbie A. Clary

**2001-2002
APPOINTMENTS BY THE SPEAKER
TO COMMITTEES OF THE
SOUTHERN LEGISLATIVE CONFERENCE**

COMMITTEE	MEMBER	ALTERNATE
Executive	Speaker James B. Black	Rep. Philip A. Baddour, Jr.
Agriculture & Rural Development	Rep. Dewey L. Hill Rep. Nurham O. Warwick	
Economic Development, Transportation & Cultural Affairs	Rep. R. Philip Haire Rep. Mary L. Jarrell Rep. Charles F. Buchanan Rep. Drew P. Saunders	Rep. William C. Owens, Jr.
Education	Rep. Gene Rogers Rep. Douglas Y. Yongue Rep. Alex Warner	Rep. Donald A. Bonner
Energy	Rep. Joe Hackney Rep. Pryor A. Gibson, III Rep. Ronald L. Smith Rep. Nurham O. Warwick	
Fiscal Affairs & Government Operations	Rep. E. David Redwine Rep. Ruth M. Easterling Rep. Warren C. Oldham	Rep. William C. Owens, Jr. Rep. Martin L. Nesbitt, Jr. Rep. Gordon P. Allen
Human Services & Public Safety	Rep. Beverly M. Earle Rep. Edd Nye Rep. Larry T. Justus	Rep. John W. Hurley
Intergovernmental Affairs	Rep. William T. Culpepper, III Rep. Warren C. Oldham Rep. Maggie Jeffus	

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 108**

H108-CCS-RB-4, AN ACT TO AUTHORIZE ALLEGHANY, ANSON, BEAUFORT, CABARRUS, CAMDEN, CHEROKEE, CHOWAN, CURRITUCK, FORSYTH, GRAHAM, GRANVILLE, HARNETT, HAYWOOD, JACKSON, LEE, MADISON, MONTGOMERY, PASQUOTANK, PERQUIMANS, PITT, STANLY, SWAIN, VANCE, WARREN, AND YADKIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 161 of the General Statutes is amended by adding a new section to read:

"§ 161-31. Tax certification.

(a) Tax Certification. - The board of commissioners of a county may, by resolution, require the register of deeds not to accept any deed transferring real property for registration unless the county tax collector has certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged are a lien on the property described in the deed. The county commissioners may describe the form the certification must take in its resolution.

(b) Applicability. - This section applies only to Alleghany, Anson, Beaufort, Cabarrus, Camden, Cherokee, Chowan, Currituck, Forsyth, Graham, Granville, Harnett, Haywood, Jackson, Lee, Madison, Montgomery, Pasquotank, Perquimans, Pitt, Stanly, Swain, Vance, Warren, and Yadkin Counties."

SECTION 2. G.S. 161-14(a) reads as rewritten:

(a) ~~The~~ Except as provided in G.S. 161-31, the register of deeds shall immediately register all written instruments presented to him for registration. When an instrument is presented for registration, the register of deeds shall endorse upon it the day and hour on which it was presented. This endorsement forms a part of the registration of the instrument. All instruments shall be registered in the precise order in which they were presented for registration. Immediately after endorsing the day and hour of presentation upon an instrument, the register of deeds shall index and cross-index it in its proper sequence. He shall then proceed to register it on the day that it is presented unless a temporary index has been established.

The register of deeds may, in his discretion, establish a temporary index in which all instruments presented for registration shall be indexed until they are registered and entered in the permanent indexes. A temporary index shall operate in all respects as the permanent index. All instruments presented for registration shall be registered and indexed and cross-indexed on the permanent indexes not later than 30 days after the date of presentation."

SECTION 3. This act is effective when it becomes law. Section 2 of this act is repealed July 1, 2002.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 231**

H231-CCSLT-5, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001 AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

TECHNICAL CORRECTIONS TO THE HEALTH AND HUMAN SERVICES PROVISIONS.

SECTION 1.(a) Section 5.1(t) of S.L. 2001-424 reads as rewritten:

"SECTION 5.1.(t) The sum of one million five hundred thousand dollars (\$1,500,000) appropriated in this section in the Mental Health Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal ~~year and year~~, the sum of seven hundred thousand dollars (\$700,000) appropriated in this section in the Substance Abuse Prevention and Treatment Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal ~~year~~, and the sum of seven hundred fifty thousand dollars (\$750,000) appropriated in this section in the Social Services Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year shall be used to continue a Comprehensive Treatment Services Program in accordance with Section 21.60 of this act."

SECTION 1.(b) G.S. 143-26, as amended by Section 6.7 of S.L. 2001-424, reads as rewritten:

"§ 143-26. Director to have discretion as to manner of paying annual appropriations.

(a) Except as provided in subsection (b) of this section or as otherwise provided by State or federal law, it shall be discretionary with the Director of the Budget whether any annual appropriation shall be paid in monthly, quarterly or semiannual installments or in a single payment.

(b) Except as otherwise provided by State or federal law, an annual appropriation of one hundred thousand dollars (\$100,000) or less to or for the use of a nonprofit corporation shall be paid in a single annual payment. An annual appropriation of more than one hundred thousand dollars (\$100,000) to or for the use of a nonprofit corporation shall be paid in

quarterly or monthly installments, in the discretion of the Director of the Budget."

SECTION 1.(c) The "Requested by" text of Section 5.1 of S.L. 2001-424 is rewritten to read:

"Requested by:Senators Martin of Guilford, Dannelly, Metcalf, Purcell, Wellons, Plyler, Odom, Lee; Representatives Earle, Nye, Baddour, Esposito, Easterling, Oldham, Redwine, Thompson".

SECTION 1.(d) The "Requested by" text of Section 21.58 of S.L. 2001-424 is rewritten to read:

"Requested by:Senators Martin of Guilford, Dannelly, Metcalf, Purcell, Wellons, Plyler, Odom, Lee; Representatives Earle, Nye, Baddour, Esposito, Insko, Alexander, Easterling, Oldham, Redwine, Thompson".

SECTION 1.(e) The MENTAL HEALTH SERVICES BLOCK GRANT section of Section 5.1 of S.L. 2001-424 is amended by deleting "Establish Child Residential Treatment Services Program" and substituting "Comprehensive Treatment Services Program".

SECTION 1.(f) The SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT section of Section 5.1 of S.L. 2001-424 is amended by deleting "Child Residential Treatment Services Program" and substituting "Comprehensive Treatment Services Program".

SECTION 1.(g) The "Requested by" text of Section 21.76B of S.L. 2001-424 is rewritten to read:

"Requested by:Senators Martin of Guilford, Dannelly, Metcalf, Purcell, Wellons, Plyler, Odom, Lee; Representatives Earle, Nye, Baddour, Easterling, Oldham, Redwine, Thompson".

SECTION 1.(h) S.L. 2001-424 is amended by adding the following new section to read:

"Requested by:Senators Martin of Guilford, Plyler, Odom, Lee; Representatives Earle, Nye, Easterling, Oldham, Redwine, Thompson

TECHNICAL CORRECTION TO POSITION NUMBERS FOR CERTAIN POSITION REDUCTIONS IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

SECTION 6.21. The following positions and position numbers for position reductions in the Department of Health and Human Services, as provided in the Joint Conference Committee Report on the Continuation, Expansion, and Capital Budgets, September 19, 2001, are amended as follows: In the Division of Central Administration, delete "4410-1420-1103-122" (Personnel Technician III) and substitute "4401-1420-1103-122"; and delete "Artist Illustrator II 4410-0106-0200-517" and substitute "Artist Illustrator III 4410-0106-0200-515"; and delete "4410-0106-0300-521" the second time it appears; and delete "Printing Equipment Operator II 4410-0106-0155-032" and substitute "Printing Equipment Operator III 4410-0106-0155-029"; and in the Division of Child Development, delete "4420-1123-0001-161" (Deputy Director) and substitute "4420-1110-0001-161"; and delete

"4420-1117-0001-108" (Policy/Planning Con.) and substitute "4420-1172-0001-108"; and delete "4420-1141-0001-153" (SS Program Coordinator) and substitute "4420-1146-0001-153"; and delete "4420-1141-0001-1322" (SS Program Coordinator) and substitute "4420-1146-0001-322"; and delete "4420-1141-0001-1598" (CDC Program Specialist) and substitute "4420-1154-0001-598"; and in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, delete "4460-0000-2000-814" (Primary Care Systems Associate) and substitute "4460-8010-2000-814"; and delete "4460-6020-2000-614" (Social Worker II) and substitute "4460-6020-0000-614"; and in the Division of Medical Assistance, delete "445-0000-0009-177" (Processing Assistant V) and substitute "4445-0000-0009-177"; and delete "4445-0000-006-420" (SS Program Administrator) and substitute "4445-0000-0006-420"; and delete "Comp. Consult. II 4445-0000-009-145" and substitute "App. Analyst Prog. I 4445-0000-0009-145"; and in the Division of Early Intervention and Education, delete "1132-5255-0032-449" (Audiologist) and substitute "4432-5255-0032-449"; and in the Division of Public Health, insert "4431-0000-0055-221" (Deputy Director)."

SECTION 1.(i) Section 21.56 of S.L. 2001-424 reads as rewritten:

"SECTION 21.56. To ensure uniformity in rates charged to area programs and funded with State-allocated resources, the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services may require a private agency that provides services under contract with two or more area programs, except for hospital services that have an established Medicaid rate, to complete an agency-wide uniform cost ~~finding in accordance with G.S. 122C 143.2(a) and G.S. 122C 147.2.~~ finding. The resulting cost shall be the maximum included for the private agency in the contracting area program's unit cost finding."

SECTION 1.(j) The heading to Section 21.24 of S.L. 2001-424 is rewritten to read:

"MEDICAID COST-CONTAINMENT AND GROWTH REDUCTION".

SECTION 1.(k) The heading to Section 21.53 of S.L. 2001-424 is rewritten to read:

"CHILD SUPPORT PROGRAM/ENHANCED STANDARDS".

SECTION 1.(l) The heading to Section 21.59 of S.L. 2001-424 is rewritten to read:

"NONMEDICAID REIMBURSEMENT".

SECTION 1.(m) Section 21.29(a) of S.L. 2001-424 is amended by deleting "June 30, 2001," and substituting "~~June 30, 2001,~~June 30, 2002,".

REVISIONS TO SPONSORS NAMES.

SECTION 2. The "Requested by" texts for Sections 30.5, 31.5, 31.6, 31.7, 31.10, and 31.12 of S.L. 2001-424 are rewritten to read:

"Requested by:Senators Dalton, Lucas, Garrou, Plyler, Odom, Lee; Representatives Boyd-McIntyre, Rogers, Yongue, Easterling, Oldham, Redwine, Thompson".

SECTION 3. The "Requested by" text of Section 31.8 of S.L. 2001-424 is rewritten to read:

"Requested by:Senators Plyler, Odom, Lee; Representatives Easterling, Oldham, Redwine, Thompson".

OTHER TECHNICAL CORRECTIONS.

SECTION 4. Section 14D.3 of S.L. 2001-424 reads as rewritten:

"**SECTION 14D.3.** The Department of Revenue may ~~used~~ use up to two hundred thirty thousand one hundred sixty dollars (\$230,160) in lapsed salary funds for the 2001-2002 fiscal year to hire temporary personnel to implement the change in the State sales tax rate effective October 16, 2001, as enacted by this act. In addition, the Department of Revenue may draw up to two hundred thirty thousand dollars (\$230,000) from collections under Article 5 of Chapter 105 of the General Statutes for the 2001-2002 fiscal year to pay for printing, mailing, and other one-time costs necessary to implement the changes in the State sales tax effective October 16, 2001, as enacted by this act."

SECTION 5. Section 24.11 of S.L. 2001-424 reads as rewritten:

"**SECTION 24.11.** Of the funds appropriated in this act for the 2001-2003 biennium, the Department of Juvenile Justice and Delinquency Prevention may use up to three hundred fifty-one thousand two hundred thirty-three dollars (\$351,233) each year of the biennium in available funds to increase the number of juveniles who can be served under the contract with Eckerd Wilderness Camp."

SECTION 6. Section 31.12(d) and Section 30.15A of S.L. 2001-424 are repealed.

SECTION 7. Section 30.5(i) of S.L. 2001-424, is amended by adding a quotation mark immediately before "d5".

SECTION 8. Section 6.11(d) of S.L. 2001-424 reads as rewritten:

"**SECTION 6.11.(d)** The Office of State Budget and Management shall report on the strategic plan developed pursuant to this section to the Chairs of the Senate and House of Representatives Appropriations Committees, the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Information Technology, the Joint

Legislative Commission on Governmental Operations, and the Fiscal Research Division by ~~October 1, 2001~~ January 1, 2002."

SECTION 9. S.L. 2001-424 is amended by adding the following new section to read:

"Requested by: Senators Jordan, Ballance, Rand, Clodfelter, Plyler, Odom, Lee; Representatives Culpepper, Haire, Justus, Luebke, Easterling, Oldham, Redwine, Thompson

POSITIONS FOR TRAFFIC LAW ENFORCEMENT STATISTICS

SECTION 23.12. The Department of Justice may use funds appropriated to the Department for the 2001-2003 biennium to create up to three full-time permanent positions to implement the collection of traffic law enforcement information by certain local law enforcement agencies, as required under G.S. 114-10(2a) as amended by Section 23.7(a) of this act."

DOBBS CENTER FUNDS

SECTION 10. Notwithstanding Chapter 146 of the General Statutes and any other provision of law, the net proceeds derived from the sale of right-of-ways and associated easements from the Department of Juvenile Justice and Delinquency Prevention to the Department of Transportation in the amount of one hundred seventy-two thousand fifty dollars (\$172,050) shall be deposited with the State Treasurer in a capital improvement and repair and renovation account to the credit of the Department of Juvenile Justice and Delinquency Prevention. The Department shall use the funds to construct a maintenance and storage facility at Dobbs Youth Development Center.

CRIMINAL JUSTICE PARTNERSHIP

SECTION 11. Subsection (b) of Section 25.16 of S.L. 2001-424 reads as rewritten:

"**SECTION 25.16.(b)** Notwithstanding the provisions of ~~G.S. 143B-273.5~~, the sum of one million dollars (\$1,000,000) of the unexpended cash balance of the State-County Criminal Justice Partnership Account shall revert to the General Fund on June 30, 2002, and the sum of one million dollars (\$1,000,000) of the unexpended cash balance of the State-County Criminal Justice Partnership Account shall revert to the General Fund on June 30, 2003. G.S. 143B-273.15 specifying that grants to participating counties are for the full fiscal year and that unobligated funds are returned to the State-County Criminal Justice Partnership Account at the end of the grant period, the Department of Correction may reallocate unspent or unclaimed funds distributed to counties participating in the State-County Criminal Justice Partnership Program in an effort to maintain the level of services realized in previous fiscal years."

CLARIFY COMMUNITY COLLEGE GENERIC FEE

SECTION 12.(a) The State Board of Community Colleges may adopt temporary rules clarifying the provisions of 23NCAC2(D).0201(c)(1) and (c)(2) pertaining to the definition of generic fees and specific fees charged to students attending community colleges.

SECTION 12.(b) This section becomes effective when this act becomes law and expires six months after that date.

ECONOMIC DEVELOPMENT BOARD MEMBERSHIP

SECTION 13. G.S. 143B-434(b) reads as rewritten:

"(b) Membership. – The Economic Development Board shall consist of ~~36~~³⁷ members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. The Secretary of Revenue shall serve as an ex officio, nonvoting member. Four members of the House of Representatives appointed by the Speaker of the House of Representatives, four members of the Senate appointed by the President Pro Tempore of the Senate, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the President of the Senate (or the designee of the President of the Senate), shall serve as members of the Board. The Governor shall appoint the remaining 23 members of the Board, provided that effective with the terms beginning July 1, 1997, one of those appointees shall be a representative of a nonprofit organization involved in economic development and two of those appointees shall be county economic development representatives. The Governor shall designate a chair and a vice-chair from among the members of the Board. Appointments to the Board made by the Governor for terms beginning July 1, 1997, and appointments to the Board made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate for terms beginning July 9, 1993, should reflect the ethnic and gender diversity of the State as nearly as practical.

The initial appointments to the Board shall be for terms beginning on July 9, 1993. Of the initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial appointments made by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate two appointments of each shall be designated to expire on July 1, 1995; the remaining terms shall expire July 1, 1997. Thereafter, all appointments shall be for a term of four years.

The appointing officer shall make a replacement appointment to serve for the unexpired term in the case of a vacancy.

The members of the Economic Development Board shall receive per diem and necessary travel and subsistence expenses payable to members of State Boards and agencies generally pursuant to G.S. 138-5 and ~~G.S.~~G.S. 138-6,

as the case may be. The members of the Economic Development Board who are members of the General Assembly shall not receive per diem but shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1."

DELINQUENT TAX ENFORCEMENT

SECTION 14. As enacted by S.L. 2001-464, G.S. 161-31(b) reads as rewritten:

"(b) Applicability. – This section applies only to Alleghany, Anson, Beaufort, Cabarrus, Camden, Carteret, Cherokee, Chowan, Cleveland, Currituck, Davidson, Forsyth, Gaston, Graham, Granville, Harnett, Haywood, Iredell, Jackson, Lee, Madison, Martin, Montgomery, Pasquotank, Perquimans, Person, Pitt, Rockingham, Rowan, Stanly, Swain, Vance, Warren, Washington, and Yadkin Counties."

DISPOSITION OF TAX PROCEEDS

SECTION 15. G.S. 105-187.9, as amended by S.L. 2001-424, reads as rewritten:

"§ 105-187.9. Disposition of tax proceeds.

(a) Distribution. – Taxes collected under this Article at the rate of eight percent (8%) shall be credited to the General Fund. Taxes collected under this Article at the rate of three percent (3%) shall be credited to the North Carolina Highway Trust Fund.

(b) Transfer. – In each fiscal year the State Treasurer shall transfer the amounts provided below from the taxes deposited in the Trust Fund to the General Fund. The transfer of funds authorized by this section may be made by transferring one-fourth of the amount at the end of each quarter in the fiscal year or by transferring the full amount annually on July 1 of each fiscal year, subject to the availability of revenue.

- (1) The sum of one hundred seventy million dollars (\$170,000,000).
- (2) In addition to the amount transferred under subdivision (1) of this subsection, In the 2001-2002 fiscal year, the sum of one million seven hundred thousand dollars (\$1,700,000).(\$1,700,000) shall be transferred in the 2001-2002 fiscal year. The amount distributed under this subdivision shall increase In-in the 2002-2003 fiscal year, year to the sum of two million four hundred thousand dollars (\$2,400,000). In each fiscal year thereafter, the sum transferred under this subdivision shall be the amount distributed in the previous fiscal year plus or minus a

percentage of this sum equal to the percentage by which tax collections under this Article increased or decreased for the most recent 12-month period for which data are available."

JOURNAL PUBLICATION CHANGE

SECTION 16.(a) G.S. 147-45 reads as rewritten:

"§ 147-45. Distribution of copies of State publications.

The Secretary of State shall, at the State's expense, as soon as possible after publication, provide such number of copies of the Session Laws and Senate and House Journals to federal, State, and local governmental officials, departments and agencies, and to educational institutions of instruction and exchange use, as is ~~set out in the table below:~~ determined by the Legislative Services Commission in consultation with the Principal Clerks of the House of Representatives and the Senate. These publications shall be made available in hardbound and electronic format. Each agency or institution entitled to more than one copy shall receive only one of the copies in hardbound format with the remainder in electronic format, unless that agency or institution requests additional hardbound copies from the Secretary of State by August 1 of the calendar year. The Legislative Services Commission, in consultation with the Principal Clerks of the House of Representatives and the Senate, shall determine each year the total number of bound volumes of each publication to be printed and the total number of the electronic copies of each publication to be produced.

Agency or Institution	Session Laws	Assembly Journals
Governor, Office of the	3	2
Lieutenant Governor, Office of the	1	1
Secretary of State, Department of the	3	3
Auditor, Department of the State	3	1
Treasurer, Department of the State	3	1
Local Government Commission	2	0
State Board of Education	1	0
Department of Public Instruction	3	1
Controller	1	0
Technical Assistance Centers	1 ea.	0
Department of Community Colleges	3	1
Justice, Department of		
Office of the Attorney General	25	3
Budget Bureau (Administration)	1	0
Property Control (Administration)	1	1

State Bureau of Investigation	1	0
Agriculture and Consumer Services,		
Department of	3	1
Labor, Department of	5	1
Insurance, Department of	5	1
Administration, Department of	1	1
Budget Bureau	2	1
Controller	1	0
Property Control	1	0
Purchase and Contract	2	0
Policy and Development	1	0
Veterans Affairs Commission	1	0
Environment and Natural Resources,		
Department of	6	0
Wildlife Resources Commission	2	0
Revenue, Department of	5	1
Health and Human Services, Department of	6	0
Mental Health, Developmental Disabilities,		
—and Substance Abuse Services,		
—Division of	1	0
Social Services, Division of	3	0
Facilities Services, Division of	1	0
Hospitals and Institutions	1 ea.	0
Juvenile Justice and Delinquency		
Prevention, Department of	3	0
Transportation, Department of	1	0
Board of Transportation	3	0
Motor Vehicles, Division of	1	0
Commerce, Department of	1	0
Economic Development, Division of	2	0
State Ports Authority	1	0
Alcoholic Beverage Control Commission,		
—North Carolina	2	0
Banking Commission	2	0
Utilities Commission	8	1
Industrial Commission	7	0
Labor Force Development Council	1	0
Milk Commission	5	0
Employment Security Commission	1	1
Correction, Department of	1	0
Department of Correction	2	0
Parole Commission	2	0
State Prison	1	0
Correctional Institutions	1 ea.	0

Cultural Resources, Department of	1	0
Archives and History, Division of	5	1
State Library	5	5
Publications Division	1	1
Crime Control and Public Safety, Department of	2	1
North Carolina Crime Commission	1	0
Adjutant General	2	0
Elections, State Board of	2	0
Office of Administrative Hearings	2	0
State Personnel Commission	1	0
Office of State Personnel	1	1
Legislative Branch		
State Senators	1 ea.	1 ea.
State Representatives	1 ea.	1 ea.
Principal Clerk—Senate	1	1
Principal Clerk—House	1	1
Reading Clerk—Senate	1	1
Reading Clerk—House	1	1
Sergeant at Arms—House	1	1
Sergeant at Arms—Senate	1	1
Enrolling Clerk	1	0
Engrossing Clerk	1	0
Indexer of the Laws	1	0
Legislative Building Library	35	15
Judicial System		
Justices of the Supreme Court	1 ea.	1 ea.
Judges of the Court of Appeals	1 ea.	1 ea.
Judges of the Superior Court	1 ea.	0
Emergency and Special Judges of the Superior Court	1 ea.	0
District Court Judges	1 ea.	0
District Attorneys	1 ea.	0
Clerk of the Supreme Court	1	1
Clerk of the Court of Appeals	1	1
Administrative Office of the Courts	4	1
Supreme Court Library	AS MANY AS REQUESTED	
Colleges and Universities		
The University of North Carolina System		
Administrative Offices	3	0
University of North Carolina, Chapel Hill	65	25
University of North Carolina, Charlotte	3	1
University of North Carolina,		

Greensboro	3—	1
University of North Carolina, Asheville	2—	1
University of North Carolina, Wilmington	2—	1
North Carolina State University, Raleigh	5—	3
Appalachian State University	2—	1
East Carolina University	3—	2
Elizabeth City State University	2—	1
Fayetteville State University	2—	1
North Carolina Agricultural and Technical University	2—	1
North Carolina Central University	5—	5
Western Carolina University	2—	1
University of North Carolina, Pembroke	2—	1
Winston-Salem State University	2—	1
North Carolina School of the Arts	1	1
Private Institutions		
Duke University	6—	6
Davidson College	3—	2
Wake Forest University	5—	5
Lenoir Rhyne College	1—	1
Elon College	1—	1
Guilford College	1—	1
Campbell University	5—	5
Wingate College	1—	1
Pfeiffer College	1—	1
Barber Scotia College	1—	1
Barton College	1—	1
Shaw University	1—	1
St. Augustine's College	1—	1
Johnson C. Smith University	1—	1
Belmont Abbey College	1—	1
Bennett College	1—	1
Catawba College	1—	1
Gardner-Webb College	1—	1
Greensboro College	1—	1
High Point University	1—	1
Livingstone College	1—	1
Mars Hill College	1—	1

Meredith College	1—	1
Methodist College	1—	1
North Carolina Wesleyan College	1—	1
Queens College	1—	1
Sacred Heart College	1—	1
St. Andrews Presbyterian College	1—	1
Salem College	1—	1
Warren Wilson College	1—	1
County and Local Officials		
Clerks of the Superior Court	1 ea.	1 ea.
Register of Deeds	1 ea.	1 ea.
Federal, Out of State and Foreign		
Secretary to the President	1—	0
- Secretary of State	1—	1
- Secretary of Defense	1—	0
- Secretary of Agriculture	1—	0
- Secretary of the Interior	1—	0
- Secretary of Labor	1—	1
- Secretary of Commerce	1—	1
- Secretary of the Treasury	1—	0
- Secretary of Health, Education and Welfare	1—	0
Secretary of Housing and Urban Development	1—	0
- Secretary of Transportation	1—	0
- Attorney General	1—	0
- Postmaster General	1—	0
- Bureau of Census	1—	0
- Bureau of Public Roads	1—	0
- Department of Justice	1—	0
- Department of Internal Revenue	1—	0
- Veterans' Administration	1—	0
- Farm Credit Administration	1—	0
- Securities and Exchange Commission	1—	0
- Social Security Board	1—	0
- Environmental Protection Agency	1—	0
- Library of Congress	8—	2
- Federal Judges resident in North Carolina	1 ea.	0
- Federal District Attorneys resident in North Carolina	1 ea.	0
- Marshal of the United States Supreme Court	1—	0

- | | | |
|---|-------|---|
| - Federal Clerks of Court resident in
North Carolina | 1 ea. | 0 |
| - Supreme Court Library exchange list | 1 ea. | 0 |

~~One copy of the Session Laws shall be furnished the head of any department of State government created in the future.~~

~~State agencies, institutions, etc., not found in or covered by this list may. Any State agency, department, institution, commission, committee, board, division, bureau, officer, or official that does not receive a copy of the Session Laws may, upon written request from their respective department head to the Secretary of State, and upon the discretion of the Secretary of State as to need, be issued copies of the Session Laws on a permanent loan basis with the understanding that should said copies be needed they will be recalled. "~~

SECTION 16.(b) Each agency or institution entitled to receive more than one copy of a hardbound volume of the Session Laws and of the House of Representatives and Senate journal publications for the year 2001 desiring additional hardbound copies of those publications to which it is entitled shall so notify the Secretary of State not later than 30 days after this act becomes law; and each State Senator and each State Representative is entitled to receive the 2001 journal of a house only if he or she so requests in writing to the principal clerk of that house no later than 30 days after this act becomes law.

SECTION 16.(c) G.S. 120-32 reads as rewritten:

"§ 120-32. Commission duties.

The Legislative Services Commission is hereby authorized to:

- ...
- (7) a. Provide for the indexing and printing of the session laws of each regular, extra or special session of the General Assembly and provide for the printing of the journal of each house of the General Assembly,
- b. Provide and supply to the Secretary of State such bound volumes of the journals and session laws and of these publications in electronic format as may be required by ~~him~~ the Secretary of State to be distributed under the provisions of G.S. 147-45, 147-46.1 and 147-48."

SECTION 16.(d) G.S. 120-34(a) reads as rewritten:

"(a) The Legislative Services Commission shall publish all laws and joint resolutions passed at each session of the General ~~Assembly.~~ Assembly and the executive orders of the Governor issued since the adjournment of the prior session of the General Assembly. The laws and joint resolutions shall be kept separate and indexed separately. Each volume shall contain a certificate from the Secretary of State stating that the volume was printed

under the direction of the Legislative Services Commission from ratified acts and ~~resolutions~~ resolutions and executive orders of the Governor on file in the Office of the Secretary of State. The Commission may publish the Session Laws and House and Senate Journals of extra and special sessions of the General Assembly in the same volume or volumes as those of regular sessions of the General Assembly. ~~In printing,~~ In printing the ratified acts and resolutions, the signatures of the presiding officers and the Governor shall be omitted.

The enrolling clerk or the Legislative Services Office shall assign to each bill that becomes law a number in the order the bill became law, and the laws shall be printed in the Session Laws in that order. The number shall be preceded by the phrase "Session Law" or the letters "S.L." followed by the calendar year it was ordered enrolled, followed by a hyphen and the sequential law number. Laws of Extra Sessions shall so indicate. In the case of any bill required to be presented to the Governor, and which became law, the Session Laws shall carry, below the date of ratification, editorial notes as to what time and what date the bill became law. In any case where the Governor has returned a bill to the General Assembly with objections, those objections shall be printed verbatim in the Session Laws, regardless of whether or not the bill became law notwithstanding the objections."

SECTION 16.(e) The Legislative Research Commission shall study the issue of further changes in agencies and institutions entitled to copies of State publications, and shall report to the General Assembly in 2002 on its findings.

COMPREHENSIVE SERVICES/FOSTER CARE

SECTION 17. Section 21.60(g) of S.L. 2001-424 reads as rewritten:

"SECTION 21.60.(g) The Department of Health and Human Services, in conjunction with the Department of Juvenile Justice and Delinquency Prevention, the Department of Public Instruction, and other affected agencies, shall report on the following Program information:

- (1) The number and other demographic information of children served.
- (2) The amount and source of funds expended to implement the Program.
- (3) Information regarding the number of children screened, specific placement of children including the placement of children in programs or facilities outside of the child's home county, and treatment needs of children served.
- (4) The average length of stay in residential treatment, transition, and return to home.
- (5) The number of children diverted from institutions or other out-of-home placements such as ~~training schools~~ foster

care, training schools, and State psychiatric hospitals and a description of the services provided.

- (6) Recommendations on other areas of the Program that need to be improved.
- (7) Other information relevant to successful implementation of the Program."

DHHS DATE CHANGE

SECTION 18. Section 21.66(d) of S.L. 2001-424 reads as rewritten:

"**SECTION 21.66.(d)** The Department shall submit a progress report on implementation of this section not later than February 1, ~~2001, 2002,~~ and a final report not later than May 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division."

CIRCUMCISION FUNDS

SECTION 19. Notwithstanding any other provision of law to the contrary, from funds available in the General Fund, there is appropriated to the Department of Health and Human Services, Division of Medical Assistance, the sum of two hundred forty-six thousand, seven hundred sixty-two dollars (\$246,762) for the 2001-2002 fiscal year and the sum of four hundred thousand dollars (\$400,000) for the 2002-2003 fiscal year. These funds shall be used to provide optional circumcision procedures for newborns eligible for Medicaid.

COORDINATION OF ACCESS TO PHARMACEUTICAL COMPANY PRESCRIPTION DRUG PROGRAMS

SECTION 20. Section 21.6 of S.L. 2001-424 reads as rewritten:

"**SECTION 21.6.(a)** Of the funds appropriated in this act to the Department of Health and Human Services, ~~Division of Public Health,~~ the sum of two hundred thousand dollars (\$200,000) for the 2001-2002 fiscal year and the sum of two hundred thousand dollars (\$200,000) for the 2002-2003 fiscal year shall be used to initiate the development of a system to assist eligible individuals in obtaining prescription drugs at no cost or for a nominal fee through pharmaceutical company programs or initiatives. programs. The system will be designed to minimize the efforts of patients and their health care providers in securing needed drugs. The required patient and health care provider data will be maintained and orders tracked in order to initiate timely reorders of needed drugs to assure continuity of medication intake. ~~Coordination of access shall be provided through a central location that maintains documentation of an individual's eligibility~~

~~provided by the individual and prescription orders from the individual's physician to facilitate the provision of no cost or nominal cost drugs under the pharmaceutical company program. The coordination of access shall be implemented in a way that encourages physician, patient, and pharmacy participation by reducing time consuming procedural requirements. The Department may contract with a private nonprofit organization to coordinate access assist in the development of the system as provided under this section.~~

~~**SECTION 21.6.(b)** The coordination of access effort development of the system shall be jointly managed by the Office of Research, Demonstrations and Rural Health Development and the Office of Pharmacy Services, Division of Public Health, under this section shall be consistent with other prescription drug assistance programs throughout the Department, including the AIDS Drug Assistance Program and the Prescription Drug Assistance Program, in identifying program participants.~~

SECTION 21.6.(c) The Department shall work with pharmaceutical companies in obtaining access to company applications for assistance and making those applications available to the general public. The Department shall ensure that pharmaceutical company programs are registered with the Department and shall obtain the application forms of each pharmaceutical program.

SECTION 21.6.(d) The Department shall report on the implementation of this section on ~~December 1, 2001, January 1, 2002,~~ April 1, 2002, and October 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division."

RETIREMENT PAYMENT

SECTION 21. It is the intent of the General Assembly to appropriate funds to make the contribution to the Teachers' and State Employees' Retirement System ("System") that would have been made for the fiscal period beginning February 28, 2001, and ending June 30, 2001. Further, it is the intent of the General Assembly that the payment be made with interest at rates determined by the General Assembly to be consistent with the performance and earnings of the System. Subject to the availability of funds, it is also the intent of the General Assembly to make the payment by appropriations over a five-year period beginning July 1, 2003.

HEALTH PLAN CO-PAYMENT

SECTION 22.(a) G.S. 135-40.8(c3), as enacted by Section 1(m) of S.L. 2001-253, reads as rewritten:

"(c3) Notwithstanding any other provision of this Article, the Plan does not pay for the first fifteen dollars (\$15.00) of allowable charges for

each home, office, or skilled nursing facility visit under the provisions of G.S. 135-40.6(7)a. and b., G.S. 135-40.6(4), ~~G.S. 135-40.6(8)e. (IV therapy), G.S. 135-40.6(8)i., j., k., n., r., and s., and G.S. 135-40.5(e).~~ The ~~co-payment~~ co-payment assessed by this subsection shall be assessed only once per person per provider per day and shall not apply to laboratory, pathology, and radiology ~~services~~ services, or to charges for injected medications. The exclusion made under this subsection shall not count toward the deductible nor toward the maximum amount of coinsurance out-of-pocket costs."

SECTION 22.(b) In accordance with G.S. 135-40.8(c3), enacted by Section l(m) of Session Law 2001-253, the first fifteen dollars (\$15.00) of allowable charges not paid by the Plan does not apply to cardiac rehabilitation benefits.

MILITARY LEAVE

SECTION 23.(a) The caption for Article 9 of Chapter 127A reads as rewritten: "Privilege of Organized Militia, State Militia and Reserve Components of the United States Armed Forces."

SECTION 23.(b) G.S. 127A-116 reads as rewritten:

"§ 127A-116. **Leaves of absence for State officers and employees.**

The Governor or ~~his~~ the Governor's designee shall promulgate appropriate policy and regulations relating to leaves of absence for short periods of military training and for State or federal military duty or special emergency management service of all officers and employees of the State and its political subdivisions, including officers and employees of public educational facilities under the sponsorship of the State, without loss of pay, time or efficiency rating."

SECTION 23.(c) This section is effective September 1, 2001.

OPTIONAL RETIREMENT PROGRAM/NCCCS

SECTION 24. Section 32.24(c) of S.L. 2001-424 reads as rewritten:

"**SECTION 32.24.(c)** This section becomes effective ~~January 1, 2002.~~ January 1, 2003."

FLOODPLAIN MAPPING

SECTION 25. The Department of Crime Control and Public Safety shall complete Phase 1 of the floodplain mapping for the Cape Fear River Basin by December 30, 2002. The Department of Crime Control and Public Safety shall use available federal funds to complete Phase 1 of the floodplain mapping for the Cape Fear River Basin; however, if the federal funds are insufficient to complete Phase 1, then the Department may use up to six million dollars (\$6,000,000) from the Reserve for Disaster Relief (Budget Code 19930) to complete Phase 1 of the floodplain mapping.

The Department of Crime Control and Public Safety may use up to three million dollars (\$3,000,000) from the Reserve for Disaster Relief (Budget Code 19930) to initiate Phase 2 of the floodplain mapping for the Catawba River Basin and for the Yadkin River Basin.

SICKLE CELL SYNDROME PURCHASE OF MEDICAL CARE FUNDS

SECTION 26. There is appropriated from the General Fund to the Department of Health and Human Services, Division of Public Health, the sum of four hundred sixty thousand dollars (\$460,000) for the 2001-2002 fiscal year for the Sickle Cell Syndrome Purchase of Medical Care.

CULTURAL RESOURCES/DIGITAL ARCHIVES

SECTION 27. Section 11.1 of S.L. 2001-424 reads as rewritten:

"SECTION 11.1. Of the funds appropriated to the Department of Cultural Resources, the sum of fifty thousand dollars (\$50,000) shall be used to complete the planning for the Information Technology Expansion Project ~~and the Information Resource Management Commission (IRMC) Project Certification.~~ and to aid in computerizing certain archival records in the State Archives so that the records will be available to the public via the Internet. The Department shall not expend any additional funds for information technology expansion prior to review of the IRMC Project Certification by the Joint Select Committee on Information Technology. The results of the IRMC Project Certification shall be presented to the Joint Select Committee on Information Technology no later than March 1, 2002."

E-PROCUREMENT

SECTION 28.(a) G.S. 143-48.3, as rewritten by Section 15.6(b) of S.L. 2001-424, reads as rewritten:

"§ 143-48.3. Electronic procurement.

(a) The Department of Administration and the Office of the State Controller, in conjunction with the Office of Information Technology Services (ITS), the Department of State Auditor, the Department of State Treasurer, the University of North Carolina General Administration, the Community Colleges System Office, and the Department of Public Instruction shall collaborate to develop electronic or digital procurement standards.

(b) The Department of Administration, in conjunction with the Office of the State Controller and the Office of Information Technology Services may, upon request, provide to all State agencies, universities, local school administrative units, and the community colleges, training in the use of the electronic procurement system.

(c) The Office of Information Technology Services shall act as an Application Service Provider for an electronic procurement system and shall establish, manage, and operate this electronic procurement system and shall establish, manage, and operate, through State ownership or commercial leasing, in accordance with the requirements and operating standards developed by the Department of Administration, the Office of the State Controller, and ITS.

(d) This section does not otherwise modify existing law relating to procurement between The University of North Carolina, UNC Health Care, local school administrative units, community colleges, and the Department of Administration.

(e) The Board of Governors of The University of North Carolina ~~may shall~~ exempt North Carolina State University and the University of North Carolina at Chapel Hill from the electronic procurement system authorized by this Article until May 1, 2003, ~~if the Board of Governors determines that each exemption is in the best interest of the respective constituent institutions, 2003.~~ Each exemption shall be subject to the Board of Governors' annual review and reconsideration. Exempted constituent institutions shall continue working with the North Carolina E-Procurement Service as that system evolves and shall ensure that their proposed procurement systems are compatible with the North Carolina E-Procurement Service so that they may take advantage of this service to the greatest degree possible. Before an exempted institution expands any electronic procurement system, that institution shall consult with the Joint Legislative Commission on Governmental Operations and the Joint Select Committee on Information Technology. By May 1, 2003, the General Assembly shall evaluate the efficacy of the State's electronic procurement system and the inclusion and participation of entities in the system.

(f) Any State entity, local school administrative unit, or community college operating a functional electronic procurement system established prior to September 1, 2001, may until May 1, 2003, continue to operate that system independently or may opt into the North Carolina E-Procurement Service. Each entity subject to this section shall notify the Information Resources Management Commission by January 1, 2002, and annually thereafter, of its intent to participate in the North Carolina E-Procurement Service."

SECTION 28.(b) G.S. 143-49(8), as enacted by Section 15.6(d) of S.L. 2001-424, reads as rewritten:

"(8) To establish and maintain a procurement card program for use by State agencies, community colleges, nonexempted constituent institutions of The University of North Carolina, and local school administrative units. The Secretary of Administration may adopt temporary rules for the

implementation and operation of the program in accordance with the payment policies of the State Controller, after consultation with the Office of Information Technology Services. These rules would include the establishment of appropriate order limits that leverage the cost savings and efficiencies of the procurement card program in conjunction with the fullest possible use of the North Carolina E-Procurement Service. ~~Procurement cards shall be utilized only through the E-Procurement Service. North Carolina State University and the University of North Carolina at Chapel Hill may use procurement cards consistent with the rules adopted by the Secretary, provided that the procurement cards have a purchase limit of two hundred fifty dollars (\$250.00) per month.~~ Prior to implementing the program, the Secretary shall consult with the State Controller, the UNC General Administration, the Community Colleges System Office, the State Auditor, the Department of Public Instruction, a representative chosen by the local school administrative units, and the Office of Information Technology Services. The Secretary may periodically adjust the order limit authorized in this section after consulting with the State Controller, the UNC General Administration, the Community Colleges System Office, the Department of Public Instruction, and the Office of Information Technology Services."

CHEROKEE COMPACT

SECTION 29.(a) G.S. 147-12 is amended by adding a new subdivision to read:

"(14) To negotiate and enter into Class III Tribal-State gaming compacts, and amendments thereto, on behalf of the State consistent with State law and the Indian Gaming Regulatory Act, Public Law 100-497, as necessary to allow a federally recognized Indian tribe to operate gaming activities in this State as permitted under federal law."

SECTION 29.(b) Chapter 71A of the General Statutes is amended by adding a new section to read:

"§ 71A-8. Authorization for federally recognized Indian tribes.

In recognition of the governmental relationship between the State, federally recognized Indian tribes and the United States, a federally recognized Indian tribe may conduct games consistent with the Indian

Gaming Regulatory Act, Public Law 100-497, that are in accordance with a valid Tribal-State compact executed by the Governor pursuant to G.S. 147-12(14) and approved by the U.S. Department of Interior under the Indian Gaming Regulatory Act, and such games shall not be unlawful or against the public policy of the State if the State permits such gaming for any purpose by any person, organization, or entity."

SECTION 29.(c) This section is effective August 1, 1994, and applies to compacts and amendments thereto executed on or after that date.

ADVANCE HEALTH CARE DIRECTIVE REGISTRY FUNDS

SECTION 30.(a) There is appropriated from the General Fund to the Department of Secretary of State the sum of seventy-five thousand dollars (\$75,000) for the 2001-2002 fiscal year to fund the Advance Health Care Directive Registry established under Article 21 of Chapter 130A of the General Statutes.

SECTION 30.(b) Section 8 of S.L. 2001-455 reads as rewritten:

"**SECTION 8.** Sections 1 through 6 of this act become effective ~~January 1, 2002.~~ May 1, 2002. The remainder of this act is effective when it becomes law."

DMV ADVERTISING

SECTION 31. The Legislative Research Commission shall study the issue of sale of advertising to be placed in official mailings or publications of the Division of Motor Vehicles and shall report to the General Assembly in 2002. The Commissioner of Motor Vehicles shall not contract for the sale of advertising to be placed in official mailings or publications of the Division of Motor Vehicles until authorized by the General Assembly.

DMV MAY ISSUE LICENSES OF LIMITED DURATION

SECTION 32.(a) G.S. 20-7(f) reads as rewritten:

"(f) Expiration and Temporary License. – The first drivers license the Division issues to a person expires on the person's fourth or subsequent birthday that occurs after the license is issued and on which the individual's age is evenly divisible by five, unless this subsection sets a different expiration date. A first drivers license may be issued for a shorter duration if the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration issued by the United States Department of State. The first drivers license the Division issues to a person who is at least 17 years old but is less than 18 years old expires on the person's twentieth birthday. The first drivers license the Division issues to a person who is at least 62 years old expires on the person's birthday in

the fifth year after the license is issued, whether or not the person's age on that birthday is evenly divisible by five.

A drivers license that was issued by the Division and is renewed by the Division expires five years after the expiration date of the license that is ~~renewed.~~ renewed unless the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration from the United States Department of State. A person may apply to the Division to renew a license during the 180-day period before the license expires. The Division may not accept an application for renewal made before the 180-day period begins.

The Division may renew by mail a drivers license issued by the Division to a person who meets any of the following descriptions:

- (1) Is serving on active duty in the armed forces of the United States and is stationed outside this State.
- (2) Is a resident of this State and has been residing outside the State for at least 30 continuous days.

When renewing a license by mail, the Division may waive the examination that would otherwise be required for the renewal and may impose any conditions it finds advisable. A license renewed by mail is a temporary license that expires 60 days after the person to whom it is issued returns to this State."

SECTION 32.(b) This section is effective when it becomes law.

CASH ASSISTANCE PAYMENTS

SECTION 33. Section 5.1 of S.L. 2001-424 is amended by adding a new subsection to read:

"SECTION 5.1.(bb) If the Department of Health and Human Services determines that sufficient funds are not available within the Work First Cash Assistance Program and the Cash Assistance Reserve to provide cash assistance payments to all eligible families in the 2001-2002 fiscal year, the Department may reduce the allocations under the TANF Block Grant in this section to non cash assistance programs and services in order to ensure that cash assistance payments to all eligible families continue throughout the 2001-2002 fiscal year."

EFFECTIVE DATE

SECTION 34. Unless otherwise provided in this act, this act is effective July 1, 2001.

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL 685

**H685-CCSSVx-3, A BILL TO BE ENTITLED AN ACT TO
AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES**

TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

PART I. COUNTY ADMINISTRATIVE PROVISIONS

SECTION 1. G.S. 153A-155 reads as rewritten:

"§ 153A-155. Uniform provisions for room occupancy taxes.

(a) Scope. - This section applies only to counties the General Assembly has authorized to levy room occupancy taxes.

(b) Levy. - A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. - Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing county a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. - The taxing county shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the taxing county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the county finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. - A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing county has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

(f) Repeal or Reduction. - A room occupancy tax levied by a county may be repealed or reduced by a resolution adopted by the governing body of the county. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

(g) This section applies only to Anson, Avery, Brunswick, Craven, Currituck, Davie, Granville, Madison, Montgomery, Nash, Person, Randolph, Scotland, Stanly, and Transylvania Counties."

PART II. ANSON COUNTY

SECTION 2. Anson Occupancy Tax. (a) Authorization and Scope. - The Anson County Board of Commissioners may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 2.(b) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

SECTION 2.(c) Distribution and Use of Tax Revenue. - Anson County shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Anson Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Anson County and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. - Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross

proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.

- (2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. - Expenditures that, in the judgment of the Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a county by attracting tourists or business travelers to the county. The term includes tourism-related capital expenditures.

SECTION 3. Anson Tourism Development Authority. (a) Appointment and Membership. - When the board of commissioners adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the county, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the county. The board of commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Anson County shall be the ex officio finance officer of the Authority.

SECTION 3.(b) Duties. - The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

SECTION 3.(c) Reports. - The Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

PART III. MONTGOMERY COUNTY

SECTION 4. Montgomery Occupancy Tax. (a) Authorization and Scope. - The Montgomery County Board of Commissioners may levy a

room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 4.(b) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

SECTION 4.(c) Distribution and Use of Tax Revenue. - Montgomery County shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Montgomery Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Montgomery County and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. - Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. - Expenditures that, in the judgment of the Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a county by attracting tourists or business travelers to the county. The term includes tourism-related capital expenditures.

SECTION 5. Montgomery Tourism Development Authority.
(a) Appointment and Membership. - When the board of commissioners adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of

vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the county, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the county. The board of commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Montgomery County shall be the ex officio finance officer of the Authority.

SECTION 5.(b) Duties. - The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

SECTION 5.(c) Reports. - The Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

PART IV. STANLY COUNTY

SECTION 6. Stanly Occupancy Tax. (a) Authorization and Scope. - The Stanly County Board of Commissioners may levy a room occupancy tax of up to six percent (6%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 6.(b) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

SECTION 6.(c) Distribution and Use of Tax Revenue. - Stanly County shall, on a quarterly basis, remit to the City of Albemarle five-sixths of the gross proceeds of the occupancy tax derived from accommodations in the City of Albemarle. The City of Albemarle shall remit to the Stanly County Tourism Development Authority forty percent (40%) of the proceeds it receives under this subsection. The City of Albemarle shall use the remainder of the proceeds only for tourism-related expenditures.

Stanly County shall remit to each municipality in the county other than the City of Albemarle the net proceeds of the occupancy tax derived from accommodations in that municipality. Each of these municipalities shall remit to the Stanly County Tourism Development Authority each year

the greater of one dollar (\$1.00) per capita of the municipality's population or one-half of the amount remitted to the municipality under this subsection. The municipalities shall use the remaining funds received under this subsection only for tourism-related expenditures in the county.

The county shall remit to the Stanly County Tourism Development Authority the greater of twenty-five thousand dollars (\$25,000) a year or one-half of the remaining net proceeds of the occupancy tax.

The Authority shall use the funds remitted to it under this subsection only to promote travel and tourism in Stanly County.

Stanly County shall use the remainder of the net proceeds only for tourism-related expenditures in the county.

SECTION 6.(d) Definitions. - The following definitions apply in this section:

- (1) Net proceeds. - Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed an amount equal to three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. - Expenditures that, in the judgment of the entity making the expenditure, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a county by attracting tourists or business travelers to the county. The term includes tourism-related capital expenditures.

SECTION 6.(e) Effect on Local Act. - Chapter 915 of the 1991 Session Laws is repealed effective on the effective date of a tax levied under this Part by Stanly County.

SECTION 7. Stanly County Tourism Development Authority. - As used in this Part, the term "Stanly County Tourism Development Authority" means a nonprofit corporation established for the purpose of promoting travel, tourism, and conventions in the county, sponsoring tourist-related events and activities in the county, and financing tourist-related capital projects in the county. The county and municipalities shall remit funds to the Authority under this Part only pursuant to a contract that requires the Authority to expend the funds to promote travel and tourism in Stanly County. The contract must also require the Authority to report quarterly

and at the close of the fiscal year to the board of commissioners and annually to each municipality in the county on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

PART V. BEECH MOUNTAIN

SECTION 8. Chapter 376 of the 1987 Session Laws, as amended by Part XV of Senate Bill 92, 2001 Regular Session, reads as rewritten:

"AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Section 1. Occupancy Tax. The Town Council of Beech Mountain may levy a room occupancy and tourism development ~~tax~~.

~~The occupancy and tourism development tax that may be levied under this act shall be tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation in the Town of Beech Mountain that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. The tax does tax or room occupancy tax. The tax does not apply to sleeping rooms or lodgings furnished by charitable, educational, or religious institutions or nonprofit organizations.~~

Sec. 2. Administration of Tax. -(a) A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this ~~section-act~~.

(c) All persons, firms, corporations, and associations who rent either their own dwelling or dwellings or rooms for other persons are required to submit to the town a list of all rental properties. This list shall include the owner's name, current address, and location of rental property. The list shall be submitted semi-annually on or before November 30 and May 30.

Failure to file this listing shall subject the person, firm, corporation or association to a civil penalty.

Sec. 5. Distribution and Use of Tax Revenue. - The Town of Beech Mountain shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Beech Mountain Tourism Development Authority. The Beech Mountain Tourism Development Authority shall use at least two thirds of the funds remitted to it under this subsection segregate the funds received under this act into two separate accounts based on the county from which the proceeds were collected. Net proceeds collected under this act from accommodations located in Watauga County shall be credited to a Watauga Proceeds Account, and net proceeds collected under this act from accommodations located in Avery County shall be credited to an Avery Proceeds Account. The Beech Mountain Tourism Development Authority shall segregate the tax proceeds it receives from Beech Mountain District W

into a third separate account, the District W Account. The Beech Mountain Tourism Development Authority shall use at least two-thirds of the funds in the Avery Proceeds Account to promote travel and tourism in Beech Mountain and shall use the remainder for tourism-related expenditures.

For the first seven years that funds are remitted to the Beech Mountain Tourism Development Authority under this section, the Authority shall use at least one-third of the funds in the Watauga Proceeds Account to promote travel and tourism in Beech Mountain and shall use the remainder for tourism-related expenditures. For funds remitted to it thereafter, the Beech Mountain Tourism Development Authority shall use at least two-thirds of the funds in the Watauga Proceeds Account to promote travel and tourism in Beech Mountain and shall use the remainder for tourism-related expenditures.

For the first seven years that funds are remitted to the Beech Mountain Tourism Development Authority from Beech Mountain District W, the Authority shall use at least one-third of the funds in the District W Account to promote travel and tourism in Beech Mountain District W and shall use the remainder for tourism-related expenditures for the direct benefit of Beech Mountain District W. For funds remitted to it thereafter, the Beech Mountain Tourism Development Authority shall use at least two-thirds of the funds in the District W Account to promote travel and tourism in Beech Mountain District W and shall use the remainder for tourism-related expenditures for the direct benefit of Beech Mountain District W.

The following definitions apply in this subsection:

- (1) Net proceeds. - Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. - Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

Sec. 5.1. Beech Mountain Tourism Development Authority. (a) Appointment and Membership. - When the Beech Mountain Town Council adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a town Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the town. The town council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Beech Mountain shall be the ex officio finance officer of the Authority.

Sec. 5.2. Duties. The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 5 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

Sec. 5.3. Reports. The Authority shall report quarterly and at the close of the fiscal year to the Beech Mountain Town Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the town council may require.

Sec. 7. This act is effective upon ratification."

PART VI. CITY ADMINISTRATIVE PROVISIONS

SECTION 9. G.S. 160A-215 reads as rewritten:

"§ 160A-215. Uniform provisions for room occupancy taxes.

(a) Scope. - This section applies only to municipalities the General Assembly has authorized to levy room occupancy taxes. For the purpose of this section, the term 'city' means a municipality.

(b) Levy. - A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. - Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing city.

The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing city shall design, print, and furnish to all appropriate businesses and persons in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing city a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. - The taxing city shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the city finance officer in monthly installments on or before the fifteenth day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the fifteenth day of each month, prepare and render a return on a form prescribed by the taxing city. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the city finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. - A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing city has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

(f) Repeal or Reduction. - A room occupancy tax levied by a city may be repealed or reduced by a resolution adopted by the governing body of the city. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

(g) This section applies only to Beech Mountain District W, to the Cities of Goldsboro, Greensboro, Lumberton, Mount Airy, Shelby, and Statesville, to the Towns of Banner Elk, Beech Mountain, Mooresville, and St. Pauls, and to the municipalities in Brunswick County."

PART VII. BEECH MOUNTAIN DISTRICT W

SECTION 10.(a) District W Created. - Beech Mountain District W is created as a taxing district. Its jurisdiction consists of that part of the Town of Beech Mountain that is located in Watauga County. Beech Mountain District W is a body politic and corporate and has the power to

carry out the provisions of this section. The Beech Mountain Town Council shall serve ex officio as the governing body of the district, and the officers of the town council shall serve as the officers of the governing body of the district. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

SECTION 10.(b) Authorization and Scope. - The governing body of Beech Mountain District W may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the district that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales or room occupancy tax. This tax does not apply to accommodations furnished by charitable, educational, or religious institutions or nonprofit organizations when furnished in furtherance of their nonprofit purpose.

SECTION 10.(c) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215 as if Beech Mountain District W were a town. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

All persons, firms, corporations, and associations who rent either their own dwelling or dwellings or rooms for other persons are required to submit to the district a list of all rental properties. This list must include the owner's name, current address, and location of rental property. The list must be submitted semiannually on or before November 30 and May 30. Failure to file this list subjects the person, firm, corporation, or association to a civil penalty.

SECTION 10.(d) Distribution and Use of Tax Revenue. - Beech Mountain District W shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Beech Mountain Tourism Development Authority created in Chapter 376 of the 1987 Session Laws, as amended. The Beech Mountain Tourism Development Authority shall use the tax proceeds remitted to it under this act for the purposes provided in Chapter 376 of the 1987 Session Laws, as amended. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the jurisdiction of Beech Mountain District W.

For the purposes of this section, "net proceeds" means gross proceeds less the cost to the district of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.

PART VIII. EFFECTIVE DATE

SECTION 11. Parts V and VII of this act become effective the first day of the fourth month after this act becomes law. The remainder of this act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 917**

H917-CCS-LBx-2, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%.

The General Assembly of North Carolina enacts:

PART I. DURHAM CHARTER CLEANUP

SECTION 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is further amended by repealing the following sections:

Section 2.5, entitled "Use of property lines as annexation boundaries", as added by Chapter 342 of the 1993 Session Laws;

Section 13.1, entitled "Council to judge elections", as added by Chapter 852 of the 1979 Session Laws;

Section 23, entitled "Authority of city manager";

Section 24, entitled "Special police";

Section 28, entitled "Political campaign activity prohibited";

Section 29, entitled "Director of public safety";

Section 33, entitled "Protection of the public water supply";

Section 41, entitled "Fiscal year and annual estimate";

Section 42, entitled "Revenue";

Section 46, entitled "Authority to impose";

Section 48, entitled "License transfer";

Section 50, entitled "Investigation of city affairs";

Section 53, entitled "Opening under the streets; obstructions";

Section 58, entitled "Regulation of the use of public property";

Section 59, entitled "Suppression of nuisances";

Section 61, entitled "Sunday observance";

Section 62, entitled "Regulation of Amusements";

Section 64, entitled "Regulation of bondsmen";

Section 65, entitled "Protection of businesses from fraud";

Section 66, entitled "Licensing of plumbers and electricians";

Section 83, entitled "Public buildings";

Section 84, entitled "Public contracts";

Section 98, entitled "Dedication or reservation of recreation areas";
 Section 99, entitled "Building inspections";
 Section 103, entitled "Regulation of parks and squares";
 Section 104, entitled "Public concerts";
 Section 106, entitled "Appropriations for recreational, scientific and cultural activities";
 Section 107, entitled "Advertisement of the city";
 Section 108, entitled "Encouraging location of industry";
 Section 109, entitled "City ice plant";
 Section 110, entitled "City rock quarry";
 Section 113, entitled "Authority to waive governmental immunity";

and

Section 117, entitled "Penalty for failure to turn over city property".

SECTION 2. Section 7 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, reads as rewritten:

"Sec. 7. Oaths of Office. - The Mayor and each Council member, before entering upon the duties of the office to which they have been elected, shall take before some officer authorized to administer oaths an oath that they will fairly and impartially perform the duties of their office. ~~The Mayor and Council members shall hold their respective offices until their respective successors have been duly qualified.~~"

SECTION 3. Section 8 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended by Chapter 370 of the 1983 Session Laws and Chapter 169 of the 1985 Session Laws, reads as rewritten:

"Sec. 8. Powers of the City Council. - The City Council shall have full power and authority, except as otherwise provided for in this Charter, to exercise all of the powers conferred upon and delegated to the City of Durham by this Charter and by the laws of North Carolina. The City Council shall have power to make such ordinances, rules and regulations as it may deem necessary for the proper government of the City and to promote and safeguard the health, morals, safety and general welfare and convenience of the public. The City Council may provide for the proper enforcement of such ordinances, in such manner as it may think best, by fine, imprisonment or otherwise. The City Council may provide for the organization of the offices, departments and divisions of City government, not inconsistent with this Charter: By way of example and not limitation, the City Council, in performing the duties and responsibilities set forth in G.S. 160A-412, may assign all or part of the duties of an inspection department to an existing or newly created department, division or office of the City, may assign all or some of the personnel appointed pursuant to G.S. 160A-411 to an existing or newly created department, division or office of

the City and may designate the job titles and duties of the personnel so assigned.

~~Pursuant to Article V, Section 2(7) of the Constitution of North Carolina, the City Council may contract with and appropriate money to any person, association, or corporation for the accomplishment of any public purpose."~~

SECTION 4. Section 30 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, reads as rewritten:

~~"Sec. 30. Authority to Operate Waterworks. (1) The City Council is authorized to conduct and operate the municipally owned waterworks of the City for the purpose of supplying the purchasers of water of the system with a good and wholesome supply thereof. Persons employed by the City in connection with said system shall be appointed by the City Manager and shall be under his supervision and control.~~

- ~~(2) For the purpose of properly operating and maintaining the system and for making additions and improvements thereto as may be necessary at all times to properly operate the system, the City Council shall have power to acquire by purchase or by condemnation additional property or rights within or without the City.~~
- (3) The City Council, and all persons acting under their authority, shall have the right to use the ground or soil, in, or upon, or under any road, railroad, highway, lane or alley for the purpose of enlarging or improving or maintaining the plant or system of waterworks owned by the City, upon the condition that they shall not permanently injure any such property, and that the same shall be restored to its original condition, or damages done thereto shall be repaired by the City Council.

SECTION 5. In order to recodify a local modification to G.S. 160A-314 applicable to the City of Durham as a part of the Charter, S.L. 1998-50 is repealed and the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, is amended by adding a new section to read:

"Sec. 38. Stationary container collection service.

(a) Where housing units qualify under city ordinances for roll-out cart solid waste collection service, and the housing units instead choose to be served by stationary containers in accordance with city ordinances, a city may provide stationary container collection service without charging fees for such service other than the fees applicable to roll-out cart service.

(b) Nothing in this section shall be construed to impair the authority of a city to charge customers who do not qualify for service under

subsection (a) of this section the fees established by city ordinances for stationary container collection service."

PART II. DURHAM OCCUPANCY TAX LEVY

SECTION 6.(a) Durham Occupancy Tax. (a) Authorization and Scope. - The Durham County Board of Commissioners may levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 6.(b) Authorization of Additional Two Percent (2%) Tax. - In addition to the tax authorized by subsection (a) of this section, the Durham County Board of Commissioners may levy a room occupancy tax of two percent (2%) of the gross receipts derived from the rental of accommodations taxable under subsection (a) of this section. The levy, collection, administration, and repeal of the tax authorized by this act shall be in accordance with the provisions of this section. Durham County may not levy a tax under this subsection unless it also levies the tax authorized under subsection (a) of this section.

SECTION 6.(c) Authorization of Additional One Percent (1%) Tax. - In addition to the tax authorized by subsections (a) and (b) of this section, the Durham County Board of Commissioners may levy a room occupancy tax of one percent (1%) of the gross receipts derived from the rental of accommodations taxable under subsections (a) and (b) of this section. The levy, collection, administration, and repeal of the tax authorized by this act shall be in accordance with the provisions of this section. Durham County may not levy a tax under this subsection unless it also levies the tax authorized under subsections (a) and (b) of this section.

SECTION 6.(d) G.S. 153A-155(a) and G.S. 153A-155(b) apply to Durham County.

SECTION 6.(e) Part III of this act is effective only if Durham County has, prior to February 1, 2002, levied all of the taxes authorized by subsection (a), subsection (b), and subsection (c) of this section.

SECTION 6.(f) The levy of a tax under subsection (a), subsection (b), or subsection (c) of this section applies only if all three such taxes are levied prior to February 1, 2002. Otherwise, the provisions of Chapter 969 of the 1985 Session Laws and Chapter 665 of the 1991 Session Laws (the current three percent (3%) and the current two percent (2%) occupancy taxes) are not affected by this act.

PART III. DURHAM OCCUPANCY TAX PROVISIONS

SECTION 7.(a) If a plan for financing a Performing Arts Theater has not been approved by the Durham City Council and has been

disapproved by the Durham County Commissioners within 42 months after the levy of the one percent (1%) tax authorized under Section 6(c) of this act, the county's authority to levy the one percent (1%) tax described under Section 6(c) of this act and the levy of the one percent (1%) tax described in this subsection are repealed on the first day of the second month following the 42-month period.

If construction on the Performing Arts Theater has not begun within 42 months after the levy of the one percent (1%) tax authorized under Section 6(c) of this act, the county's authority to levy the one percent (1%) tax described in Section 6(c) of this act and the levy of the one percent (1%) tax described in Section 6(c) of this act are repealed on the first day of the second month following the 42-month period.

It is the goal of the General Assembly that a plan for financing the Performing Arts Theater shall be adopted within 12 months after the levy of the one percent (1%) tax authorized under Section 6(c) of this act, and construction of the Performing Arts Theater shall begin within 24 months of the levy of the one percent (1%) tax described in Section 6(c) of this act.

Any funds collected but not spent before the repeal date shall be redistributed to the Durham Tourism Development Authority to promote travel and tourism.

SECTION 7.(b) This section does not affect the rights or liabilities of the county, a taxpayer, or another person arising under a law amended or repealed by this section before the effective date of its amendment or repeal; nor does it affect the right to any refund or credit of a tax that accrued under the amended or repealed law before the effective date of its amendment or repeal.

SECTION 8. Administration. - A tax levied under Section 6 of this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under that section.

SECTION 9.(a) Distribution and Use of Tax Revenue. - Durham County shall distribute and use the net proceeds of the tax collected under this act as provided in this section. As used in this section, "net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, but not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year. For the purpose of calculating the threshold in the previous section, all three taxes levied under Section 6 of this act shall be considered together.

SECTION 9.(b) Use of Proceeds From First Three Percent (3%) Tax. - Durham County shall retain fifty-seven and one-half percent (57½%) of the net proceeds collected from the tax levied under Section 6(a) of this act and shall distribute the remaining forty-two and one-half percent

(42½%) of the net proceeds collected from the tax levied under Section 6(a) of this act to the City of Durham. Funds retained by the county or distributed to the City of Durham pursuant to this subsection may be used for any purpose authorized by law.

SECTION 9.(c) Use of Proceeds From Additional Two Percent (2%) Tax. - Durham County shall, on a monthly basis, remit the net proceeds of the tax levied under Section 6(b) of this act to the Durham Tourism Development Authority created by Section 10 of this act.

The Authority may use the funds remitted to it under this subsection only to promote travel, tourism, and conventions in Durham County.

SECTION 9.(d) Use of Proceeds From Additional One Percent (1%) Tax During First 24 Months. - Durham County shall, on a monthly basis, remit the net proceeds of the occupancy tax levied under Section 6(c) of this act to the Durham Tourism Development Authority created by Section 10 of this act. During the first 24 months that the tax is levied under Section 6(c) of this act, the Authority shall distribute and use these net proceeds in the following priority order:

- (1) To Durham County, up to the first two hundred thousand dollars (\$200,000) collected to fund the development of a Cultural Arts Master Plan.
- (2) The Authority shall use the next seven hundred thousand dollars (\$700,000) collected to promote travel, tourism, and conventions in Durham County.
- (3) To the City of Durham, the next two hundred forty-eight thousand dollars (\$248,000) collected. The city shall use these funds for the design and engineering costs associated with the construction of a Performing Arts Theater.
- (4) To Durham County, the next four hundred thousand dollars (\$400,000) collected for improvements to the Museum of Life and Science. This may include the financing of debt service.
- (5) To Durham County, the next five hundred thousand dollars (\$500,000) collected. These funds shall be credited into an Arts Reserve Fund and used to implement the Cultural Arts Master Plan developed under subdivision (1) of this subsection.
- (6) The Authority shall use any net proceeds collected in excess of two million forty-eight thousand dollars (\$2,048,000) to promote travel, tourism, and conventions in Durham County.

SECTION 9.(e) Use of Proceeds From Additional One Percent (1%) Tax After First 24 Months. - The net proceeds of the tax collected under Section 6(c) of this act after the first 24 months that the tax is levied

shall be remitted monthly to the Durham Tourism Development Authority created by Section 10 of this act. The Authority shall use and distribute these net proceeds in the following priority order:

- (1) To the City of Durham, the first one million four hundred thousand dollars (\$1,400,000) collected annually to finance the debt service associated with the construction of the Performing Arts Theater. Until those funds are distributed to the City of Durham for that purpose, they shall be held by the Durham Tourism Development Authority in a capital reserve fund as provided by Part 2 of Article 3 of Chapter 159 of the General Statutes except they may be expended as provided by the last sentence of Section 7(a) of this act if the tax is repealed as provided by Section 7(a) of this act. Any interest earned by that fund shall be credited to the fund.
- (2) Thirty-two years after the levy of the tax authorized under Section 6(c) of this act, instead of the allocation under subdivision (1) of this subsection, the first one million four hundred thousand dollars (\$1,400,000) collected annually shall be used by the Authority to promote travel and tourism or for tourism related expenditures.
- (3) To Durham County, the next five hundred thousand dollars (\$500,000) collected annually to be used for improvements to the Museum of Life and Science. This may include the financing of debt service. Any of these funds that are not needed for this purpose shall be returned to the Authority and used to promote travel and tourism.
- (4) The Authority shall use any net proceeds in excess of that provided by subdivisions (1), (2), and (3) of this subsection to promote travel, tourism, and conventions in Durham County.

As used in this subsection, "annually" means the 12-month period beginning after the first 24 months that the tax authorized under Section 6(c) of this act is levied.

SECTION 9.(f) Definitions. - For the purpose of this Part:

- (1) "Promote travel and tourism" means to advertise or market an area or activity, to publish and distribute pamphlets and other materials, to conduct market research, and to engage in similar promotional activities that attract tourists or business travelers to the area, and also includes administrative expenses incurred in engaging in these activities.
- (2) "Promote travel, tourism, and conventions" means to advertise or market an area or activity, to publish and

distribute pamphlets and other materials, to conduct market research, and to engage in similar promotional activities that attract tourists, business travelers, or conventioners to the area, and also includes administrative expenses incurred in engaging in these activities.

- (3) "Tourism related expenditures" are those that, in the judgment of the Durham Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in the county by attracting tourists or business travelers to the county, and includes capital expenditures related to that purpose.

SECTION 10.(a) Establishment and Membership of Durham Tourism Development Authority. - There is created the Durham Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act.

SECTION 10.(b) From March 1, 2002, through June 30, 2004, the members of the board of directors of the Durham Convention and Visitors Bureau and the members of the advisory board of the Durham Convention and Visitors Bureau shall together be ex officio the board of directors of the Authority.

SECTION 10.(c) Beginning July 1, 2004, the membership of the Durham Tourism Development Authority shall be as specified in an interlocal cooperation agreement between Durham County and the City of Durham. The agreement shall provide for the number of members, terms of office, who shall appoint the membership, and such other provisions as may reasonably be necessary. The interlocal agreement must be entered into prior to May 1, 2002, but may thereafter be amended as provided by its terms.

At least three-fourths of the membership of the Durham Tourism Development Authority must be, at the time of appointment, active in the promotion of travel, tourism, or conventions in Durham County. One-third of the membership must be affiliated with organizations that collect the tax imposed by Section 6 of this act.

SECTION 10.(d) Duties. - The Authority shall expend the net proceeds of the taxes levied under Section 6 of this act only for the purposes provided in this act. The Authority shall promote travel, tourism, and conventions in the county.

SECTION 10.(e) Reports. - The Authority shall report quarterly and at the close of the fiscal year to the county board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

SECTION 11. Section 3 of Chapter 969 of the 1985 Session Laws reads as rewritten:

"Sec. 3. This act applies only to the following counties: Graham, Clay, Jackson, ~~Durham~~, Macon, Polk, and Transylvania."

SECTION 12. Chapter 665 of the 1991 Session Laws is repealed.

SECTION 13. The purpose of Parts II and III of this act is to consolidate the acts relating to Durham County's authority to levy an occupancy tax and to authorize Durham County to levy an additional one percent (1%) occupancy tax. It is intended that those provisions of prior acts that are expressly consolidated into this act continue without interruption so that all rights and liabilities that have accrued are preserved and may be enforced.

SECTION 14. G.S. 153A-155(g), as amended by S.L. 2001-162, S.L. 2001-305, S.L. 2001-321, S.L. 2001-381, S.L. 2001-434, S.L. 2001-439, and S.L. 2001-468, reads as rewritten:

"(g)This section applies only to Anson, Avery, Brunswick, Buncombe, Cabarrus, Carteret, Craven, Currituck, Dare, Davie, Durham, Granville, Madison, Montgomery, Nash, Pender, Person, Randolph, Richmond, Rowan, Scotland, Stanly, Transylvania, Tyrrell, Vance, and Washington Counties, and to the Township of Averagesboro in Harnett County."

PART IV. EFFECTIVE DATE

SECTION 15. Part II of this act is effective when it becomes law, except that any taxes levied under that Part become effective March 1, 2002. The remainder of this act is effective when it becomes law.

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL 969

H969-CCSRTx-3, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-183.7 reads as rewritten:

"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker on a vehicle; use of civil penalties.

(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance of an inspection sticker, the fee must be collected. The

following fees apply to an inspection of a vehicle and the issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only	\$ 8.25	\$1.00 1.05
Emissions and Safety	17.00 23.50	2.40 6.50.

The fee for performing an inspection of a vehicle applies when an inspection is performed, regardless of whether the vehicle passes the inspection. The fee for an inspection sticker applies when an inspection sticker is put on a vehicle. The fee for inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies only to an inspection performed with a light meter after a safety inspection mechanic determined that the window had after-factory tint. A safety inspection mechanic shall not inspect an after-factory tinted window of a vehicle for which the Division has issued a medical exception permit pursuant to G.S. 20-127(f).

A vehicle that is inspected at an inspection station and fails the inspection is entitled to be reinspected at the same station at any time within 30 days of the failed inspection without paying another inspection fee.

The inspection fee for an emissions and safety inspection set out in this subsection is the maximum amount that an inspection station or an inspection mechanic may charge for an emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic may charge the maximum amount or any lesser amount for an emissions and safety inspection of a vehicle. The inspection fee for a safety only inspection set out in this subsection may not be increased or decreased. The sticker fees set out in this subsection may not be increased or decreased.

(b) Self-Inspector. – The fee for an inspection does not apply to an inspection performed by a self-inspector. The fee for putting an inspection sticker on a vehicle applies to an inspection performed by a self-inspector.

(c) Fee Distribution. – Fees collected for inspection stickers are payable to the Division of Motor Vehicles. The amount of each fee listed in the table below shall be credited to the Highway Fund, the Emissions Program Account established in subsection (d) of this section, the Telecommunications Account established in subsection (d1) of this section, the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the Division of Air Quality of the Department of Environment and Natural Resources:

<u>Recipient</u>	<u>Safety Only Sticker</u>	<u>Emissions and Safety Sticker</u>
Highway Fund	.75	.00
Emissions Program Account	.00	1.80 3.80

<u>Telecommunications Account</u>	<u>.00</u>	<u>1.75</u>
Volunteer Rescue/EMS Fund	<u>-15.18</u>	<u>-15.18</u>
Rescue Squad Workers' Relief		
Fund	<u>-10.12</u>	<u>-10.12</u>
Division of Air Quality	<u>.00</u>	<u>-35.65.</u>

(d) Emissions Program Account. – The Emissions Program Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to fund the vehicle emissions inspection and maintenance program.

(d1) Telecommunications Account. – The Telecommunications Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to provide equipment and telecommunications services associated with the vehicle emissions inspection and maintenance program.

(e) Civil Penalties. – Civil penalties collected under this Part shall be credited to the Highway Fund as nontax revenue.

(f) Inspection Stations Required to Post Fee Information. – The Division shall approve the form and style of one or more standard signs to be used to display the information required by this subsection. The Division shall require that one or more of the standard signs be conspicuously posted at each inspection station in a manner reasonably calculated to make the information on the sign readily available to each person who presents a motor vehicle to the station for inspection. The sign shall include the following information:

- (1) The maximum and minimum amounts of the inspection fee authorized by this section.
- (2) The amount of the inspection fee charged by the inspection station and a statement that clearly indicates that the amount of the inspection fee is determined by the inspection station, that the inspection fee is retained by the inspection station to compensate the station for performing the inspection, and that the inspection fee is not paid to the State.
- (3) The amount of the sticker fee, if the motor vehicle passes the inspection, a statement that the sticker fee is paid to the State, and a brief summary of the purposes for which the sticker fee is collected.
- (4) The total fee to be charged if the motor vehicle passes the inspection.
- (5) A statement that a vehicle that fails an inspection may be reinspected at the same station within 30 days of the inspection without payment of another inspection fee.

(g) Information on Receipt. – The information set out in subdivisions (1) through (5) of subsection (f) of this section shall be set out in not smaller than 12 point type and shall be shown graphically in the form of a pie chart on the inspection receipt.

(h) Subsections (f) and (g) of this section apply only to inspection stations that perform both emissions and safety inspections."

SECTION 2. G.S. 20-183.7, as amended by Section 1 of this act, reads as rewritten:

"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker on a vehicle; use of civil penalties.

(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance of an inspection sticker, the fee must be collected. The following fees apply to an inspection of a vehicle and the issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only	\$ 8.25	\$ 4.05 <u>.85</u>
Emissions and Safety	23.50	6.50.

The fee for performing an inspection of a vehicle applies when an inspection is performed, regardless of whether the vehicle passes the inspection. The fee for an inspection sticker applies when an inspection sticker is put on a vehicle. The fee for inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies only to an inspection performed with a light meter after a safety inspection mechanic determined that the window had after-factory tint. A safety inspection mechanic shall not inspect an after-factory tinted window of a vehicle for which the Division has issued a medical exception permit pursuant to G.S. 20-127(f).

A vehicle that is inspected at an inspection station and fails the inspection is entitled to be reinspected at the same station at any time within 30 days of the failed inspection without paying another inspection fee.

The inspection fee for an emissions and safety inspection set out in this subsection is the maximum amount that an inspection station or an inspection mechanic may charge for an emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic may charge the maximum amount or any lesser amount for an emissions and safety inspection of a vehicle. The inspection fee for a safety only inspection set out in this subsection may not be increased or decreased. The sticker fees set out in this subsection may not be increased or decreased.

(b) Self-Inspector. – The fee for an inspection does not apply to an inspection performed by a self-inspector. The fee for putting an inspection sticker on a vehicle applies to an inspection performed by a self-inspector.

(c) Fee Distribution. – Fees collected for inspection stickers are payable to the Division of Motor Vehicles. The amount of each fee listed in the table below shall be credited to the Highway Fund, the Emissions Program Account established in subsection (d) of this section, the Telecommunications Account established in subsection (d1) of this section, the Highway Trust Fund Repayment Fee established in subsection (d2) of this section, the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the Division of Air Quality of the Department of Environment and Natural Resources:

<u>Recipient</u>	<u>Safety Only Sticker</u>	<u>Emissions and Safety Sticker</u>
Highway Fund	<u>75.55</u>	<u>00.55</u>
Emissions Program Account	.00	<u>3.803.00</u>
Telecommunications Account	.00	1.75
Volunteer Rescue/EMS Fund	.18	.18
Rescue Squad Workers' Relief Fund	.12	.12
Division of Air Quality	.00	<u>65.65</u>
<u>Highway Trust Fund Repayment Fee</u>	<u>.00</u>	<u>.25.</u>

(d) Emissions Program Account. – The Emissions Program Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to fund the vehicle emissions inspection and maintenance program.

(d1) Telecommunications Account. – The Telecommunications Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to provide equipment and telecommunications services associated with the vehicle emissions inspection and maintenance program.

(d2) Highway Trust Fund Repayment Fee. – The Highway Trust Fund Repayment Fee shall be credited to the Highway Trust Fund on a quarterly basis in order to repay certain funds allocated from the Highway Trust Fund to the Division for the implementation of the vehicle emissions and maintenance program.

(e) Civil Penalties. – Civil penalties collected under this Part shall be credited to the Highway Fund as nontax revenue.

(f) Inspection Stations Required to Post Fee Information. – The Division shall approve the form and style of one or more standard signs to be used to display the information required by this subsection. The Division shall require that one or more of the standard signs be conspicuously posted at each inspection station in a manner reasonably calculated to make the

information on the sign readily available to each person who presents a motor vehicle to the station for inspection. The sign shall include the following information:

- (1) The maximum and minimum amounts of the inspection fee authorized by this section.
- (2) The amount of the inspection fee charged by the inspection station and a statement that clearly indicates that the amount of the inspection fee is determined by the inspection station, that the inspection fee is retained by the inspection station to compensate the station for performing the inspection, and that the inspection fee is not paid to the State.
- (3) The amount of the sticker fee, if the motor vehicle passes the inspection, a statement that the sticker fee is paid to the State, and a brief summary of the purposes for which the sticker fee is collected.
- (4) The total fee to be charged if the motor vehicle passes the inspection.
- (5) A statement that a vehicle that fails an inspection may be reinspected at the same station within 30 days of the inspection without payment of another inspection fee.

(g) Information on Receipt. – The information set out in subdivisions (1) through (5) of subsection (f) of this section shall be set out in not smaller than 12 point type and shall be shown graphically in the form of a pie chart on the inspection receipt.

(h) Subsections (f) and (g) of this section apply only to inspection stations that perform both emissions and safety inspections."

SECTION 3. G.S. 20-183.7, as amended by Sections 1 and 2 of this act, reads as rewritten:

"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker on a vehicle; use of civil penalties.

(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance of an inspection sticker, the fee must be collected. The following fees apply to an inspection of a vehicle and the issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only	\$ 8.25	\$.85
Emissions and Safety	23.50 <u>23.75</u>	6.50 <u>6.25</u> .

The fee for performing an inspection of a vehicle applies when an inspection is performed, regardless of whether the vehicle passes the inspection. The fee for an inspection sticker applies when an inspection sticker is put on a

vehicle. The fee for inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies only to an inspection performed with a light meter after a safety inspection mechanic determined that the window had after-factory tint. A safety inspection mechanic shall not inspect an after-factory tinted window of a vehicle for which the Division has issued a medical exception permit pursuant to G.S. 20-127(f).

A vehicle that is inspected at an inspection station and fails the inspection is entitled to be reinspected at the same station at any time within 30 days of the failed inspection without paying another inspection fee.

The inspection fee for an emissions and safety inspection set out in this subsection is the maximum amount that an inspection station or an inspection mechanic may charge for an emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic may charge the maximum amount or any lesser amount for an emissions and safety inspection of a vehicle. The inspection fee for a safety only inspection set out in this subsection may not be increased or decreased. The sticker fees set out in this subsection may not be increased or decreased.

(b) Self-Inspector. – The fee for an inspection does not apply to an inspection performed by a self-inspector. The fee for putting an inspection sticker on a vehicle applies to an inspection performed by a self-inspector.

(c) Fee Distribution. – Fees collected for inspection stickers are payable to the Division of Motor Vehicles. The amount of each fee listed in the table below shall be credited to the Highway Fund, the Emissions Program Account established in subsection (d) of this section, the Telecommunications Account established in subsection (d1) of this section, ~~the Highway Trust Fund Repayment Fee established in subsection (d2) of this section,~~ the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the Division of Air Quality of the Department of Environment and Natural Resources:

<u>Recipient</u>	<u>Safety Only Sticker</u>	<u>Emissions and Safety Sticker</u>
Highway Fund	.55	.55
Emissions Program Account	.00	3.00
Telecommunications Account	.00	1.75
Volunteer Rescue/EMS Fund	.18	.18
Rescue Squad Workers' Relief Fund	.12	.12
Division of Air Quality	.00	65.65.
Highway Trust Fund Repayment Fee	.00	.25.

(d) Emissions Program Account. – The Emissions Program Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to fund the vehicle emissions inspection and maintenance program.

(d1) Telecommunications Account. – The Telecommunications Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to provide equipment and telecommunications services associated with the vehicle emissions inspection and maintenance program.

~~(d2) Highway Trust Fund Repayment Fee. – The Highway Trust Fund Repayment Fee shall be credited to the Highway Trust Fund on a quarterly basis in order to repay certain funds allocated from the Highway Trust Fund to the Division for the implementation of the vehicle emissions and maintenance program.~~

(e) Civil Penalties. – Civil penalties collected under this Part shall be credited to the Highway Fund as nontax revenue.

(f) Inspection Stations Required to Post Fee Information. – The Division shall approve the form and style of one or more standard signs to be used to display the information required by this subsection. The Division shall require that one or more of the standard signs be conspicuously posted at each inspection station in a manner reasonably calculated to make the information on the sign readily available to each person who presents a motor vehicle to the station for inspection. The sign shall include the following information:

- (1) The maximum and minimum amounts of the inspection fee authorized by this section.
- (2) The amount of the inspection fee charged by the inspection station and a statement that clearly indicates that the amount of the inspection fee is determined by the inspection station, that the inspection fee is retained by the inspection station to compensate the station for performing the inspection, and that the inspection fee is not paid to the State.
- (3) The amount of the sticker fee, if the motor vehicle passes the inspection, a statement that the sticker fee is paid to the State, and a brief summary of the purposes for which the sticker fee is collected.
- (4) The total fee to be charged if the motor vehicle passes the inspection.
- (5) A statement that a vehicle that fails an inspection may be reinspected at the same station within 30 days of the inspection without payment of another inspection fee.

(g) Information on Receipt. – The information set out in subdivisions (1) through (5) of subsection (f) of this section shall be set out in not smaller

than 12 point type and shall be shown graphically in the form of a pie chart on the inspection receipt.

(h) Subsections (f) and (g) of this section apply only to inspection stations that perform both emissions and safety inspections."

SECTION 4. G.S. 20-183.2(b)(3) reads as rewritten:

"(3) It is a ~~1975 or later model~~ fewer than 25 model years old."

SECTION 5. G.S. 20-183.2(b)(3) reads as rewritten:

"(3) ~~It is fewer than 25 model years old.~~ Except as provided in G.S. 20-183.3(b), it is a 1996 or later model."

SECTION 6. Section 9 of S.L. 2000-134 is repealed.

SECTION 7. G.S. 20-183.3(b), as amended by Section 8 of S.L. 2000-134, reads as rewritten:

"(b) Emissions. – An emissions inspection of a motor vehicle consists of a visual inspection of the vehicle's emissions control devices to determine if the devices are present, are properly connected, and are the correct type for the vehicle and, if the vehicle is a ~~1975 through 1995~~ fewer than 25 model years old and not a 1996 or later model, an analysis of the exhaust emissions of the vehicle to determine if the exhaust emissions meet the standards for the model year of the vehicle set by the Environmental Management Commission or, if the vehicle is a 1996 or later model, an analysis of data provided by the on-board diagnostic (OBD) equipment installed by the vehicle manufacturer to identify any deterioration or malfunction in the operation of the vehicle that violates standards for the model year of the vehicle set by the Environmental Management Commission. To pass an emissions inspection a vehicle must pass both the visual inspection and, if the vehicle is a ~~1975 through 1995~~ fewer than 25 model years old and not a 1996 or later model, the exhaust emissions analysis or, if the vehicle is a 1996 or later model, the OBD analysis. When an emissions inspection is performed on a vehicle, a safety inspection must be performed on the vehicle as well."

SECTION 8. Section 20 of S.L. 2000-134 reads as rewritten:

"Section 20. During the period 1 July 2002 through 31 December 2005, in the counties of Cabarrus, Durham, Forsyth, Gaston, Guilford, Mecklenburg, Orange, Union, and Wake, an emissions inspection station, an emissions inspection mechanic, and an emissions self-inspector, as those terms are used in G.S. 20-183.4A, may elect to perform emissions inspections: (i) only on ~~1975 through 1995~~ and older model vehicles that are fewer than 25 model years old using an emissions analyzer; (ii) only on 1996 or later model vehicles using equipment to analyze data provided by the on-board diagnostic (OBD) equipment, or (iii) both on ~~1975 through 1995~~ and older model vehicles that are fewer than 25 model years old using an emissions analyzer and on 1996 or later model vehicles using equipment to analyze data provided by the on-board diagnostic (OBD) equipment. This section shall not be construed to authorize an emissions inspection station or an

emissions self-inspector to perform an emissions inspection on a vehicle of a model year for which the emissions inspection station or emissions self-inspector does not have the equipment necessary to perform an emissions inspection of vehicles of that model year. This section shall not be construed to authorize an emissions inspection mechanic to perform an emissions inspection on a vehicle unless the emissions inspection mechanic has successfully completed a course, as required by G.S. 20-183.4A(2) or G.S. 20-183.4A(2a), that includes training on the use of the equipment necessary to perform an emissions inspection on vehicles of that model year."

SECTION 9. Part 2 of Article 3A of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-183.5A. When a vehicle that fails a safety inspection because of missing emissions control devices may obtain a waiver.

(a) Requirements. – The Division may issue a waiver for a vehicle that meets all of the following requirements:

(1) Fails a safety inspection because it does not have one or more emissions control devices.

(2) Has documented repairs within the previous calendar year to replace missing emissions control devices costing at least the waiver amount made to the vehicle to correct the cause of the failure. The waiver amount is seventy-five dollars (\$75.00) if the vehicle is a pre-1981 model and is two hundred dollars (\$200.00) if the vehicle is a 1981 or newer model.

(b) Procedure. – To obtain a waiver, a person must contact a local enforcement office of the Division. Before issuing a waiver, an employee of the Division must review the inspection receipts issued for the inspections of the vehicle, review the documents establishing what repairs were made to the vehicle and at what cost, review any statement denying warranty coverage of the repairs made, and do a visual inspection of the vehicle, if appropriate, to determine if the documented repairs were made. The Division must issue a waiver if it determines that the vehicle qualifies for a waiver. A person to whom a waiver is issued must present the waiver to the self-inspector or inspection station performing the inspection to obtain an inspection sticker.

(c) Repairs. – The following repairs and their costs cannot be considered in determining whether the cost of repairs made to a vehicle equals or exceeds the waiver amount:

(1) Repairs covered by a warranty that applies to the vehicle.

(2) Repairs needed as a result of tampering with an emission control device of the vehicle.

- (3) If the vehicle is a 1981 or newer model, repairs made by an individual who is not engaged in the business of repairing vehicles.

(d) Sticker Expiration. – An inspection sticker put on a vehicle after the vehicle receives a waiver from the requirement of passing the safety inspection expires at the same time it would if the vehicle had passed the safety inspection."

SECTION 10. G.S. 20-183.2(b) is amended by adding a new subdivision to read:

- "(8) It is not a privately owned, nonfleet motor home or house car, as defined in G.S. 20-4.01(27)d2., that is built on a single chassis, has a gross vehicle weight of more than 10,000 pounds, and is designed primarily for recreational use."

SECTION 11. G.S. 20-183.4C(a) is amended by adding a new subdivision to read:

- "(5a) If the registration of a vehicle is transferred from a county that is not an emissions county to an emissions county, the vehicle must be inspected in accordance with this Part within 60 days of the transfer of registration."

SECTION 12. Part 1 of Article 3A of Chapter 20 of the General Statutes is amended by adding two new sections to read:

"§ 20-183.7A. Penalties applicable to license holders and suspension or revocation of license for safety violations.

(a) Kinds of Violations. – The civil penalty schedule established in this section applies to safety self-inspectors, safety inspection stations, and safety inspection mechanics. The schedule categorizes safety violations into serious (Type I), minor (Type II), and technical (Type III) violations. A serious violation is a violation of this Part or a rule adopted to implement this Part that directly affects the safety or emissions reduction benefits of the safety inspection program. A minor violation is a violation of this Part or a rule adopted to implement this Part that reflects negligence or carelessness in conducting a safety inspection or complying with the safety inspection requirements but does not directly affect the safety benefits or emission reduction benefits of the safety inspection program. A technical violation is a violation that is not a serious violation, a minor violation, or another type of offense under this Part.

(b) Penalty Schedule. – The Division must take the following action for a violation:

- (1) Type I. – For a first or second Type I violation within three years by a safety self-inspector or a safety inspection station, assess a civil penalty of two hundred fifty dollars (\$250.00) and suspend the license of the business for six months. For a third or subsequent Type I violation within

three years by a safety self-inspector or a safety inspection station, assess a civil penalty of one thousand dollars (\$1,000) and revoke the license of the business for two years. For a first or second Type I violation within seven years by a safety inspection mechanic, assess a civil penalty of one hundred dollars (\$100.00) and suspend the mechanic's license for six months. For a third or subsequent Type I violation within seven years by a safety inspection mechanic, assess a civil penalty of two hundred fifty dollars (\$250.00) and revoke the mechanic's license for two years.

- (2) Type II. – For a first or second Type II violation within three years by a safety self-inspector or a safety inspection station, assess a civil penalty of one hundred dollars (\$100.00). For a third or subsequent Type II violation within three years by a safety self-inspector or a safety inspection station, assess a civil penalty of two hundred fifty dollars (\$250.00) and suspend the license of the business for 90 days. For a first or second Type II violation within seven years by a safety inspection mechanic, assess a civil penalty of fifty dollars (\$50.00). For a third or subsequent Type II violation within seven years by a safety inspection mechanic, assess a civil penalty of one hundred dollars (\$100.00) and suspend the mechanic's license for 90 days.

- (3) Type III. – For a first or second Type III violation within seven years by a safety self-inspector, a safety inspection station, or a safety inspection mechanic, send a warning letter. For a third or subsequent Type III violation within seven years by the same safety license holder, assess a civil penalty of twenty-five dollars (\$25.00).

(c) Station or Self-Inspector Responsibility. – It is the responsibility of a safety inspection station and a safety self-inspector to supervise the safety inspection mechanics it employs. A violation by a safety inspection mechanic is considered a violation by the station or self-inspector for whom the mechanic is employed.

(d) Multiple Violations. – If a safety self-inspector, a safety inspection station, or a safety inspection mechanic commits two or more violations in the course of a single safety inspection, the Division shall take only the action specified for the most significant violation.

(e) Mechanic Training. – A safety inspection mechanic whose license has been suspended or revoked must retake the course required under G.S. 20-183.4 and successfully complete the course before the mechanic's

license can be reinstated. Failure to successfully complete this course continues the period of suspension or revocation until the course is completed successfully.

"§ 20-183.7B. Acts that are Type I, II, or III safety violations.

(a) Type I. – It is a Type I violation for a safety self-inspector, a safety inspection station, or a safety inspection mechanic to do any of the following:

- (1) Put a safety inspection sticker on a vehicle without performing a safety inspection of the vehicle.
- (2) Put a safety inspection sticker on a vehicle after performing a safety inspection of the vehicle and determining that the vehicle did not pass the inspection.
- (3) Allow a person who is not licensed as a safety inspection mechanic to perform a safety inspection for a self-inspector or at a safety inspection station.
- (4) Sell or otherwise give an inspection sticker to another, other than as the result of a vehicle inspection in which the vehicle passed the inspection.
- (5) Be unable to account for five or more inspection stickers at any one time upon the request of an officer of the Division.
- (6) Perform a safety-only inspection on a vehicle that is subject to both a safety and an emissions inspection.
- (7) Transfer an inspection sticker from one vehicle to another.
- (8) Conduct a safety inspection of a vehicle without driving the vehicle and without raising the vehicle and without opening the hood of the vehicle to check equipment located therein.
- (9) Solicit or accept anything of value to pass a vehicle other than as provided in this Part.

(b) Type II. – It is a Type II violation for a safety self-inspector, a safety inspection station, or a safety inspection mechanic to do any of the following:

- (1) Put a safety inspection sticker on a vehicle without driving the vehicle and checking the vehicle's braking reaction, foot brake pedal reserve, and steering free play.
- (2) Put a safety inspection sticker on a vehicle without raising the vehicle to free each wheel and checking the vehicle's tires, brake lines, parking brake cables, wheel drums, exhaust system, and the emissions equipment.
- (3) Put a safety inspection sticker on a vehicle without raising the hood and checking the master cylinder, horn mounting, power steering, and emissions equipment.

- (4) Conduct a safety inspection of a vehicle outside the designated inspection area.
- (5) Put a safety inspection sticker on a vehicle with inoperative equipment, or with equipment that does not conform to the vehicle's original equipment or design specifications, or with equipment that is prohibited by any provision of law.
- (6) Put a safety inspection sticker on a vehicle without performing a visual inspection of the vehicle's exhaust system.
- (7) Put a safety inspection sticker on a vehicle without checking the exhaust system for leaks.
- (8) Put a safety inspection sticker on a vehicle that is required to have any of the following emissions control devices but does not have the device:
 - a. Catalytic converter.
 - b. PCV valve.
 - c. Thermostatic air control.
 - d. Oxygen sensor.
 - e. Unleaded gas restrictor.
 - f. Gasoline tank cap.
 - g. Air injection system.
 - h. Evaporative emissions system.
 - i. Exhaust gas recirculation (EGR) valve.
- (9) Put a safety inspection sticker on a vehicle after failing to inspect four or more of the following:
 - a. Emergency brake.
 - b. Horn.
 - c. Headlight high beam indicator.
 - d. Inside rearview mirror.
 - e. Outside rearview mirror.
 - f. Turn signals.
 - g. Parking lights.
 - h. Headlights – operation and lens.
 - i. Headlights – aim.
 - j. Stoplights.
 - k. Taillights.
 - l. License plate lights.
 - m. Windshield wiper.
 - n. Windshield wiper blades.
 - o. Window tint.
- (10) Impose no fee for a safety inspection of a vehicle or the issuance of a safety inspection sticker or impose a fee for

one of these actions in an amount that differs from the amount set in G.S. 20-183.7.

(c) Type III. – It is a Type III violation for a safety self-inspector, a safety inspection station, or a safety inspection mechanic to do any of the following:

- (1) Fail to post a safety inspection station license issued by the Division.
- (2) Fail to send information on safety inspections to the Division at the time or in the form required by the Division.
- (3) Fail to post all safety information required by federal law and by the Division.
- (4) Fail to put the required information on an inspection sticker or inspection receipt in a legible manner using ink.
- (5) Issue a receipt that is signed by a person other than the safety inspection mechanic.
- (6) Place an incorrect expiration date on an inspection sticker.
- (7) Put a safety inspection sticker on a vehicle after having failed to inspect three or fewer of the following:
 - a. Emergency brake.
 - b. Horn.
 - c. Headlight high beam indicator.
 - d. Inside rearview mirror.
 - e. Outside rearview mirror.
 - f. Turn signals.
 - g. Parking lights.
 - h. Headlights – operation and lens.
 - i. Headlights – aim.
 - j. Stoplights.
 - k. Taillights.
 - l. License plate lights.
 - m. Windshield wiper.
 - n. Windshield wiper blades.
 - o. Window tint.

(d) Other Acts. – The lists in this section of the acts that are Type I, Type II, or Type III violations are not the only acts that are one of these types of violations. The Division may designate other acts that are a Type I, Type II, or Type III violation."

SECTION 13. G.S. 20-183.8 reads as rewritten:

"§ 20-183.8. Infractions and criminal offenses for violations of inspection requirements.

(a) **Infractions. – A person who does any of the following commits an infraction and, if found responsible, is liable for a penalty of up to fifty dollars (\$50.00):**

- (1) Operates a motor vehicle that is subject to inspection under this Part on a highway or public vehicular area in the State when the vehicle has not been inspected in accordance with this Part, as evidenced by the vehicle's lack of a current inspection sticker or otherwise.
 - (2) Allows an inspection sticker to be put on a vehicle owned or operated by that person, knowing that the vehicle was not inspected before the sticker was attached or was not inspected properly.
 - (3) Puts an inspection sticker on a vehicle, knowing or having reasonable grounds to know that an inspection of the vehicle was not performed or was performed improperly. A person who is cited for a civil penalty under G.S. 20-183.8B for an emissions violation involving the inspection of a vehicle may not be charged with an infraction under this subdivision based on that same vehicle.
 - (4) Alters the original certified configuration or data link connectors of a vehicle in such a way as to make an emissions inspection by analysis of data provided by on-board diagnostic (OBD) equipment inaccurate or impossible.
- (b) Defenses to Infractions. – Any of the following is a defense to a violation under subsection (a) of this section:
- (1) The vehicle was continuously out of State for at least the 30 days preceding the date the inspection sticker expired and a current inspection sticker was obtained within 10 days after the vehicle came back to the State.
 - (2) The vehicle displays a dealer license plate or a transporter plate, the dealer repossessed the vehicle or otherwise acquired the vehicle within the last 10 days, and the vehicle is being driven from its place of acquisition to the dealer's place of business or to an inspection station.
 - (3) Repealed by Session Laws 1997-29, s. 5.
 - (4) The charged infraction is described in subdivision (a)(1) of this section, the vehicle is subject to a safety inspection or an emissions inspection and the vehicle owner establishes in court that the vehicle was inspected after the citation was issued and within 30 days of the expiration date of the inspection sticker that was on the vehicle when the citation was issued.
- (c) Felony. – A person who does any of the following commits a Class I felony:
- (1) Forges an inspection sticker.
 - (2) Buys, sells, or possesses a forged inspection sticker.

- (3) Buys, sells, or possesses an inspection sticker other than as the result of either of the following:
 - a. Having a license as an inspection station, a self-inspector, or an inspection mechanic and obtaining the inspection sticker from the Division in the course of business.
 - b. A vehicle inspection in which the vehicle passed the inspection or for which the vehicle received a waiver.
- (4) Solicits or accepts anything of value in order to pass a vehicle that fails a safety or emissions inspection.
- (5) Fails a vehicle for any reason not authorized by law."

SECTION 14. G.S. 20-183.8B(d) reads as rewritten:

"(d) Missing Stickers. – The Division must assess a civil penalty against an emissions inspection ~~station~~station, a windshield replacement station, or an emissions self-inspector that cannot account for an emissions inspection sticker issued to it. A station or a self-inspector cannot account for a sticker when the sticker is missing and the station or self-inspector cannot establish reasonable grounds for believing the sticker was stolen or destroyed by fire or another accident.

(d1) Penalty for Missing Stickers. – The amount of the penalty is twenty-five dollars (\$25.00) for each missing sticker. If a penalty is imposed under subsection (b) of this section as the result of missing stickers, the monetary penalty that applies is the higher of the penalties required under this subsection and subsection (b); the Division may not assess a monetary penalty as a result of missing stickers under both this subsection and subsection ~~(b)~~(b) of this section. Imposition of a monetary penalty under this subsection does not affect suspension or revocation of a license required under subsection ~~(b)~~(b) of this section."

SECTION 15. G.S. 20-183.8C(a) reads as rewritten:

"(a) Type I. – It is a Type I violation for an emissions self-inspector, an emissions inspection station, or an emissions inspection mechanic to do any of the following:

- (1) Put an emissions inspection sticker on a vehicle without performing an emissions inspection of the vehicle.
- (1a) Put an emissions inspection sticker on a vehicle after performing an emissions inspection of the vehicle and determining that the vehicle did not pass the inspection.
- (2) Use a test-defeating strategy when conducting an emissions inspection, such as holding the accelerator pedal down slightly during an idle test, disconnecting or crimping a vacuum hose to effect a passing result, ~~or~~ changing the emission standards for a vehicle by incorrectly entering the vehicle type or model ~~year~~year.

or using data provided by the on-board diagnostic (OBD) equipment of another vehicle to achieve a passing result.

- (3) Allow a person who is not licensed as an emissions inspection mechanic to perform an emissions inspection for a self-inspector or at an emissions station.
- (4) Sell or otherwise give an inspection sticker to another other than as the result of a vehicle inspection in which the vehicle passed the inspection or for which the vehicle received a waiver.
- (5) Be unable to account for five or more inspection stickers at any one time upon the request of an auditor of the Division.
- (6) Perform a safety-only inspection on a vehicle that is subject to both a safety and an emissions inspection.
- (7) Transfer an inspection sticker from one vehicle to another."

SECTION 16. G.S. 20-183.8C(b) reads as rewritten:

"(b) Type II. – It is a Type II violation for an emissions self-inspector, an emissions inspection station, or an emissions inspection mechanic to do any of the following:

- (1) Use the identification code of another to gain access to an emissions analyzer or to equipment to analyze data provided by on-board diagnostic (OBD) equipment.
- (2) Keep inspection stickers and other compliance documents in a manner that makes them easily accessible to individuals who are not inspection mechanics.
- (3) Put a safety inspection sticker or an emissions inspection sticker on a vehicle that is required to have one of the following emissions control devices but does not have it:
 - a. Catalytic converter.
 - b. PCV valve.
 - c. Thermostatic air control.
 - d. Oxygen sensor.
 - e. Unleaded gas restrictor.
 - f. Gasoline tank cap.
 - g. Air injection system.
 - h. Evaporative emissions system.
 - i. Exhaust gas recirculation (EGR) valve.
- (4) Put a safety inspection sticker or an emissions inspection sticker on a vehicle without performing a visual inspection of the vehicle's exhaust system and checking the exhaust system for leaks.
- (5) Impose no fee for an emissions inspection of a vehicle or the issuance of an emissions inspection sticker or impose

a fee for one of these actions in an amount that differs from the amount set in G.S. 20-183.7."

SECTION 17. G.S. 20-183.8F reads as rewritten:

"§ 20-183.8F. Requirements for giving license holders notice of violations and for taking summary action.

(a) Finding of Violation. – When an auditor of the Division finds that a violation has occurred that could result in the suspension or revocation of an inspection station license, a self-inspector license, ~~or a mechanic license,~~a mechanic license, or the registration of a person engaged in the business of replacing windshields, the auditor must give the affected license holder written notice of the finding. The notice must be given within five business days after the ~~violation occurred.~~completion of the investigation that resulted in the discovery of the violation. The notice must state the period of suspension or revocation that could apply to the violation and any monetary penalty that could apply to the violation. The notice must also inform the license holder of the right to a hearing if the Division charges the license holder with the violation.

(b) Notice of Charges. – When the Division decides to charge an inspection station, a self-inspector, ~~or a mechanic~~a mechanic, or a person who is engaged in the business of replacing windshields with a violation that could result in the suspension or revocation of the person's license, an auditor of the Division must deliver a written statement of the charges to the affected license holder. The statement of charges must inform the license holder of this right, instruct the person on how to obtain a hearing, and inform the license holder of the effect of not requesting a hearing. The license holder has the right to a hearing before the license is suspended or revoked. G.S. 20-183.8E sets out the procedure for obtaining a hearing.

(c) Exception for Summary Action. – The right granted by subsection (b) of this section to have a hearing before a license is suspended or revoked does not apply if the Division summarily suspends or revokes the license after a judge has reviewed and authorized the proposed action. A license issued to an inspection station, a self-inspector, or a mechanic is a substantial property interest that cannot be summarily suspended or revoked without judicial review.

(d) A notice or statement prepared pursuant to this section or an order of the Division that is directed to a mechanic may be served on the mechanic by delivering a copy of the notice, statement, or order to the station or to the place of business of the self-inspector where the mechanic is employed."

SECTION 18. In order to detect and remedy any deficiency in the equipment, computer software, or procedures used to analyze the data provided by on-board diagnostic (OBD) equipment in connection with an emissions inspection, the Division of Motor Vehicles of the Department of Transportation and the Division of Air Quality of the Department of

Environment and Natural Resources may conduct field trials of the equipment, computer software, and procedures to be used during the six-month period immediately prior to the implementation of OBD-based emissions testing in any county. Field trials shall be conducted in accordance with Part 2 of Article 3A of Chapter 20 of the General Statutes, as amended to provide for the use of OBD equipment, at emissions inspection stations or by emissions self-inspectors that have volunteered to conduct field trials and that have been approved by the Division of Motor Vehicles to conduct the trials. A vehicle that passes a field trial emissions inspection and a safety inspection shall be deemed to have met the requirements of Part 2 of Article 3A of Chapter 20 of the General Statutes in effect at the time the vehicle is inspected and shall be issued an inspection sticker unless the vehicle improperly passes the emissions inspection as a result of a defect in equipment, computer software, or procedures, and the emissions inspection mechanic is aware of the defect.

SECTION 19. This act constitutes a recent act of the General Assembly within the meaning of G.S. 150B-21.1. Notwithstanding G.S. 150B-21.1(a)(2) and 26 NCAC 2C.0102(11), the Environmental Management Commission and the Division of Motor Vehicles of the Department of Transportation may adopt temporary rules to implement the provisions of this act. This section shall continue in effect until all rules necessary to implement the provisions of this act have become effective as either temporary rules or permanent rules.

SECTION 20. The Environmental Review Commission shall review the motor vehicle emissions inspection and maintenance program to determine ways in which the cost of the program to vehicle owners could be reduced. In particular, the Commission shall consider the advantages and disadvantages of requiring that vehicles undergo an emissions inspection no more frequently than once every two years. The Commission may report its findings and recommendations to the 2002 Regular Session of the 2001 General Assembly and shall report its findings and recommendations to the 2003 General Assembly.

SECTION 21. The Joint Legislative Transportation Oversight Committee shall study the motor vehicle safety inspection program administered pursuant to Part 2 of Article 3A of Chapter 20 of the General Statutes. The Committee shall evaluate the current implementation of the safety inspection program and its effectiveness in reducing the operation of unsafe vehicles and in preventing motor vehicle accidents and resulting property loss, personal injury, and death. The Committee shall determine the cost and benefits of the safety program to the public and to the State. As a part of its study of the motor vehicle safety inspection program, the Committee shall review the policies and experience of other states; evaluate other studies of this topic; evaluate the impact of the safety inspection programs on insurance rates in this and other states; evaluate the impact on

the expansion of the emissions inspection program to additional counties, including the impact on the Telecommunications Fund, if the current safety inspection program were reduced or eliminated; determine the impact on the Highway Fund, the Volunteer Rescue/EMS Fund, and the Rescue Squad Workers' Relief Fund if the current safety inspection program were reduced or eliminated; evaluate the advantages and disadvantages of the use of an online data system if the safety inspection program is retained; and investigate other considerations that may be relevant. The Committee may present an interim report of its findings and recommendations to the 2002 Regular Session of the 2001 General Assembly and shall present a final report of its findings and recommendations to the 2003 General Assembly.

SECTION 22. The Department of Transportation may transfer up to two million seven hundred thousand dollars (\$2,700,000) from the Highway Trust Fund to the Division of Motor Vehicles. The Division of Motor Vehicles shall use these funds only to pay the charges for telecommunications services associated with the emissions inspection and maintenance program that have accrued during the 2001 calendar year. These funds shall be repaid to the Highway Trust Fund with fees collected pursuant to the Highway Trust Fund Repayment Fee established in G.S. 20-183.7, as amended by Sections 1, 2, and 3 of this act. Interest shall accrue on any unpaid balance owed to the Highway Trust Fund at a rate equal to the average annual yield that the State Treasurer obtains on investment of funds in the Highway Trust Fund pursuant to G.S. 147-69.1. Any funds collected pursuant to the Highway Trust Fund Repayment Fee prior to the effective date of Sections 3 and 4 of this act that are not required to repay the Highway Trust Fund as provided in this section shall be credited to the Emissions Program Account established by G.S. 20-183.7(c).

SECTION 23. Sections 1, 4, 9,10, 11, 12, 13, 14, 15, 16, 17, and 18 of this act become effective 1 January 2002. Section 7 of this act becomes effective 1 July 2002. Section 2 of this act becomes effective 1 January 2003. Sections 5 and 6 of this act become effective 1 July 2003. Section 3 of this act becomes effective 1 July 2007. Sections 8, 19, 20, 21, 22, and 23, of this act are effective when this act becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1061**

H1061-CSSB-SB-3, AN ACT TO CLARIFY THE PROCEDURE UNDER WHICH A LESSOR, IN ORDER TO ENCOURAGE WATER CONSERVATION, MAY ALLOCATE THE COST OF PROVIDING WATER AND SEWER SERVICE AS RENT ON A METERED USE BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62-110(g) reads as rewritten:

"(g) ~~In addition to the authority to issue a certificate of public convenience and necessity and establish rates otherwise granted in this Chapter, the Commission shall be authorized, For the purpose of encouraging water conservation, the Commission may, consistent with the public interest, to adopt procedures for the purpose of allowing resale of water and sewer service provided that allow a lessor, pursuant to a written rental agreement, to allocate the costs for providing water and sewer service on a metered use basis to persons who occupy the same contiguous premises (as such term shall be defined by the Commission) premises. A written rental agreement shall specify a monthly rent that shall be the sum of the base rent plus additional rent at a rate or charge which that does not exceed the actual purchase price of such the water and sewer service to the provider plus a reasonable administrative fee. The Commission shall issue rules to define contiguous premises and to implement the services authorized by this subsection and, this subsection, notwithstanding Notwithstanding any other provision of this Chapter, the Commission shall determine the extent to which such the services shall be regulated and, to the extent necessary to protect the public interest, regulate the terms, conditions, and rates charged that may be allocated for such the services. Nothing in this subsection shall be construed to alter the rights, obligations, or remedies of persons providing such water and sewer services and their customers under any other provision of law.~~"

SECTION 2. G.S. 42-3 reads as rewritten:

"§ 42-3. **Term forfeited for nonpayment of rent.**

In all verbal or written leases of real property of any kind in which is fixed a definite time for the payment of the rent reserved therein, there shall be implied a forfeiture of the term upon failure to pay the rent within 10 days after a demand is made by the lessor or his agent on said lessee for all past-due rent, and the lessor may forthwith enter and dispossess the tenant without having declared such forfeiture or reserved the right of reentry in the lease. Where a written lease establishes a monthly rent that includes water and sewer services under G.S. 62-110(g), the terms 'rent' and 'rental payment', as used in this Chapter, mean base rent only."

SECTION 3. G.S. 42-26 reads as rewritten:

"§ 42-26. **Tenant holding over may be dispossessed in certain cases.**

(a) Any tenant or lessee of any house or land, and the assigns under the tenant or legal representatives of such tenant or lessee, who holds over and continues in the possession of the demised premises, or any part thereof, without the permission of the landlord, and after demand made for its surrender, may be removed from such premises in the manner hereinafter prescribed in any of the following cases:

- (1) When a tenant in possession of real estate holds over after his term has expired.
- (2) When the tenant or lessee, or other person under him, has done or omitted any act by which, according to the stipulations of the lease, his estate has ceased.
- (3) When any tenant or lessee of lands or tenements, who is in arrear for rent or has agreed to cultivate the demised premises and to pay a part of the crop to be made thereon as rent, or who has given to the lessor a lien on such crop as a security for the rent, deserts the demised premises, and leaves them unoccupied and uncultivated.

(b) An arrearage in additional rent owed by a tenant for water and sewer services pursuant to G.S. 62-110(g) shall not be used as a basis for termination of a lease. Any partial payment of monthly rent shall be applied first to the base rent."

SECTION 4. G.S. 42-46 is amended by adding a new subsection to read:

"(d) A lessor shall not charge a late fee to a lessee because of the lessee's failure to pay additional rent for water and sewer services provided pursuant to G.S. 62-110(g)."

SECTION 5. G.S. 42-51 reads as rewritten:

"§ 42-51. Permitted uses of the deposit.

Security deposits for residential dwelling units shall be permitted only for the tenant's possible nonpayment of ~~rent, base rent and additional rent~~ for water and sewer services provided pursuant to G.S. 62-110(g), damage to the premises, nonfulfillment of rental period, any unpaid bills which become a lien against the demised property due to the tenant's occupancy, costs of re-renting the premises after breach by the tenant, costs of removal and storage of tenant's property after a summary ejectment proceeding or court costs in connection with terminating a tenancy. ~~Such~~ The security deposit shall not exceed an amount equal to two weeks' rent if a tenancy is week to week, one and one-half months' rent if a tenancy is month to month, and two months' rent for terms greater than month to month. These deposits must be fully accounted for by the landlord as set forth in G.S. 42-52."

SECTION 6. G.S. 130A-315(d) reads as rewritten:

"(d) When a person that receives water from a public water system is authorized by the Utilities Commission, pursuant to G.S. 62-110(g), to install sub-meters and ~~resell water~~ allocate the costs for providing water service to persons who occupy the same contiguous premises, that person shall be regulated as a consecutive water system. The monitoring, analysis, and record-keeping requirements applicable to consecutive water systems under this section shall be satisfied by the monitoring, analysis, and record keeping performed by the supplying water system and submitted to the Department in compliance with this section. The supplying water system

shall perform the same level of monitoring, analysis, and record keeping that the supplying system would perform if the person that receives the water had not been authorized to ~~resell water~~ allocate the costs for providing water service under G.S. 62-110(g), but the supplying water system shall not be required to perform additional monitoring, analysis, and record keeping. A supplying water system is not responsible for operation, maintenance, or repair of the consecutive water system."

SECTION 7. This act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1246**

H1246-CCSSF-5, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Board of Governors of The University of North Carolina, in cooperation with the State Board of Education and the State Board of Community Colleges, shall study the measures used by the constituent institutions to make admissions, placement, and advanced placement decisions regarding incoming freshmen and shall assess the various uses made of those measures and the validity of those measures with regard to a student's academic performance and as predictors of a student's future academic performance. They shall also assess whether other alternative measures may be equally valid or more accurate as indicators of a student's academic performance. In the study, particular consideration should be given to whether or not to eliminate, continue, or change the emphasis placed on the Scholastic Aptitude Test (SAT) and ACT Assessment for North Carolina students as a mandatory university admissions measure. The study should review incorporating the State's testing program into admissions, placement, and advanced placement decisions. Based on its findings, the Board of Governors of The University of North Carolina, in cooperation with the State Board of Education and the State Board of Community Colleges, may develop recommendations to improve the measures used to assess a student's academic performance, to

adopt alternative measures, or to use various combinations of both to determine more accurately a student's academic knowledge and performance.

SECTION 1.(b) The study required by subsection 1(a) of this act may address all of the following:

- (1) Admissions. – The Board of Governors may examine the key elements used for making admissions decisions in the State's University System. Included in the factors to be studied are grade point average, class rank, and the SAT and ACT Assessment. Each element may be studied for reliability and validity independently and as used together. The Board of Governors may also compare the State's end-of-course testing with the SAT and ACT Assessment, assess how each reflects a student's academic performance, and consider shifting the emphasis currently placed on the SAT and ACT Assessment as an admissions measure to the State's end-of-course tests or other available tests as an admissions measure. In its study, the Board of Governors may consider eliminating, continuing, or changing the emphasis placed on the SAT and ACT Assessment as an admissions measure for North Carolina students applying to the State's constituent institutions. The Board of Governors may also consider methods for accurately comparing the academic performance of applicants who do not have the benefit of the State's end-of-course testing program with applicants who do have the State's testing program.

Recommendations should be made to improve the consistency and fairness of each measure independently and as used together for admissions decisions. These recommendations may include the use of North Carolina end-of-course tests as an element in admissions decisions alone or in combination with a change of the weight of emphasis on the SAT and ACT Assessment. The recommendations may also include maintaining the current process.

The Board of Governors may review with the State Board of Education recommendations that incorporate end-of-course testing as part of the admissions process. The State Board of Education may develop recommendations to improve the alignment of end-of-course tests and secondary coursework with the expectations of the constituent institutions and the State Board of Community Colleges.

- (2) Placement. – The Board of Governors may consider reviewing the assessment methods currently used by constituent institutions for remediation placement decisions. Recommendations may be developed to provide greater consistency, reliability, and validity for remediation decisions. North Carolina end-of-course tests may be considered for use in these decisions.
- (3) Advanced placement testing. - The Board of Governors may review the use of test scores in granting college-level course credit by constituent institutions.
- (4) Other relevant issues. - The Board of Governors may study any other issues relevant to college and university admissions, placement, and advanced placement measures.

SECTION 1.(c) The Board of Governors may make an interim report regarding its studies and plans to the Joint Legislative Education Oversight Committee no later than March 1, 2002, and shall submit a final report to that Committee by December 1, 2003. It is recommended that the study continue beyond the final report date. Interim and final reports of the Committee may include recommended legislation.

SECTION 2. Article 1 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"§ 115D-1.1. Discretion in admissions.

(a) Notwithstanding G.S. 115D-1, a student under the age of 16 may enroll in a community college if the following conditions are met:

- (1) The president of the community college or the president's designee finds, based on criteria established by the State Board of Community Colleges, that the student is intellectually gifted and that the student has the maturity to justify admission to the community college; and
- (2) One of the following persons approves the student's enrollment in a community college:
 - a. The local board of education, or the board's designee, for the public school administrative unit in which the student is enrolled.
 - b. The administrator, or the administrator's designee, of the nonpublic school in which the student is enrolled.
 - c. The person who provides the academic instruction in the home school in which the student is enrolled.
 - d. The designee of the board of directors of the charter school in which the student is enrolled.

(b) The State Board of Community Colleges, in consultation with the Department of Public Instruction, shall adopt rules to implement this section."

SECTION 3. G.S. 95-25.5 is amended by adding a new subsection to read:

"(m) Notwithstanding any other provision of this section, youths who are enrolled at an institution of higher education may be employed by the institution provided the employment is not hazardous. As used in this subsection, "institution of higher education" means any constituent institution of The University of North Carolina, any North Carolina community college, or any college or university that awards postsecondary degrees."

SECTION 4. Section 2 of this act is effective when it becomes law, and shall apply to the 2001-2002 academic year. Section 2 of this act expires September 1, 2004. The remainder of this act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1468**

H1468-CCSSA-1, A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 14 of the General Statutes is amended by adding a new Article to read:

"Article 36B.

"Nuclear, Biological, or Chemical Weapons of Mass Destruction.

"§ 14-288.21. Unlawful manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of a nuclear, biological, or chemical weapon of mass destruction; exceptions; punishment.

(a) Except as otherwise provided in this section, it is unlawful for any person to knowingly manufacture, assemble, possess, store, transport,

sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire a nuclear, biological, or chemical weapon of mass destruction.

(b) This section does not apply to:

- (1) Persons listed in G.S. 14-269(b) with respect to any activities lawfully engaged in while carrying out their duties.
- (2) Persons under contract with, or working under the direction of, the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts or pursuant to lawful direction.
- (3) Persons lawfully engaged in the development, production, manufacture, assembly, possession, transport, sale, purchase, delivery or acquisition of any biological agent, disease organism, toxic or poisonous chemical, radioactive substance or their immediate precursors, for preventive, protective, or other peaceful purposes.
- (4) Persons lawfully engaged in accepted agricultural, horticultural, or forestry practices; aquatic weed control; or structural pest and rodent control, in a manner approved by the federal, State, county, or local agency charged with authority over such activities.

(c) The term 'nuclear, biological, or chemical weapon of mass destruction', as used in this Article, means any of the following:

- (1) Any weapon, device, or method that is designed or has the capability to cause death or serious injury through the release, dissemination, or impact of:
 - a. Radiation or radioactivity;
 - b. A disease organism; or
 - c. Toxic or poisonous chemicals or their immediate precursors.
- (2) Any substance that is designed or has the capability to cause death or serious injury and:
 - a. Contains radiation or radioactivity;
 - b. Is or contains toxic or poisonous chemicals or their immediate precursors; or
 - c. Is or contains one or more of the following:
 1. Any select agent that is a micro-organism, virus, bacterium, fungus, rickettsia, or toxin listed in Appendix A of Part 72 of Title 42 of the Code of Federal Regulations.
 2. Any genetically modified micro-organisms or genetic elements from an organism on Appendix A of Part 72 of Title 42 of the Code

- of Federal Regulations, shown to produce or encode for a factor associated with a disease.
3. Any genetically modified micro-organisms or genetic elements that contain nucleic acid sequences coding for any of the toxins listed on Appendix A of Part 72 of Title 42 of the Code of Federal Regulations, or their toxic submits.

The term 'nuclear, biological, or chemical weapon of mass destruction' also includes any combination of parts or substances either designed or intended for use in converting any device or substance into any nuclear, biological, or chemical weapon of mass destruction or from which a nuclear, biological, or chemical weapon of mass destruction may be readily assembled or created.

(d) Any person who violates any provision of this section is guilty of a Class B1 felony.

"§ 14-288.22. Unlawful use of a nuclear, biological, or chemical weapon of mass destruction; punishment.

(a) Any person who unlawfully and willfully injures another by the use of a nuclear, biological, or chemical weapon of mass destruction is guilty of a Class A felony and shall be sentenced to life imprisonment without parole.

(b) Any person who attempts, solicits another, or conspires to injure another by the use of a nuclear, biological, or chemical weapon of mass destruction is guilty of a Class B1 felony.

(c) Any person who for the purpose of violating any provision of this Article, deposits for delivery or attempts to have delivered, a nuclear, biological, or chemical weapon of mass destruction by the United States Postal Service or other public or private business engaged in the delivery of mail, packages, or parcels is guilty of a Class B1 felony.

"§ 14-288.23. Making a false report concerning a nuclear, biological, or chemical weapon of mass destruction; punishment; restitution.

(a) Any person who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that causes any person to reasonably believe that there is located at any place or structure whatsoever any nuclear, biological, or chemical weapon of mass destruction is guilty of a Class D felony.

(b) The court may order a person convicted under this section to pay restitution, including costs and consequential damages resulting from disruption of the normal activity that would have otherwise occurred but for the false report, pursuant to Article 81C of Chapter 15A of the General Statutes.

(c) For purposes of this section, the term 'report' shall include making accessible to another person by computer.

"§ 14-288.24. Perpetrating hoax by use of false nuclear, biological, or chemical weapon of mass destruction; punishment; restitution.

(a) Any person who, with intent to perpetrate a hoax, conceals, places, or displays any device, object, machine, instrument, or artifact, so as to cause any person reasonably to believe the same to be a nuclear, biological, or chemical weapon of mass destruction is guilty of a Class D felony.

(b) The court may order a person convicted under this section to pay restitution, including costs and consequential damages resulting from disruption of the normal activity that would have otherwise occurred but for the hoax, pursuant to Article 81C of Chapter 15A of the General Statutes."

SECTION 2. G.S. 14-17 reads as rewritten:

"§ 14-17. Murder in the first and second degree defined; punishment.

A murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except that any such person who was under 17 years of age at the time of the murder shall be punished with imprisonment in the State's prison for life without parole. Provided, however, any person under the age of 17 who commits murder in the first degree while serving a prison sentence imposed for a prior murder or while on escape from a prison sentence imposed for a prior murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000. All other kinds of murder, including that which shall be proximately caused by the unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or cocaine or other substance described in G.S. 90-90(1)d., when the ingestion of such substance causes the death of the user, shall be deemed murder in the second degree, and any person who commits such murder shall be punished as a Class B2 felon."

SECTION 3. G.S. 14-288.8(c) reads as rewritten:

"(c) The term 'weapon of mass death and destruction' includes:

- (1) ~~Any explosive, incendiary, poison gas or radioactive material.~~ explosive or incendiary:
 - a. Bomb; or
 - b. Grenade; or
 - c. Rocket having a propellant charge of more than four ounces; or

- d. Missile having an explosive or incendiary charge of more than one-quarter ounce; or
 - e. Mine; or
 - f. Device similar to any of the devices described above; or
- (2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or
 - (3) Any firearm capable of fully automatic fire, any shotgun with a barrel or barrels of less than 18 inches in length or an overall length of less than 26 inches, any rifle with a barrel or barrels of less than 16 inches in length or an overall length of less than 26 inches, any muffler or silencer for any firearm, whether or not such firearm is included within this definition. For the purposes of this section, rifle is defined as a weapon designed or redesigned, made or remade, and intended to be fired from the ~~shoulder~~shoulder; or
 - (4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be ~~assembled~~assembled.
 - (5) ~~Radioactive material, which means any solid, liquid or gas which emits or may emit ionizing radiation spontaneously or which becomes capable of producing radiation or nuclear particles when controls or triggering mechanisms of any associated device are operable.~~

The term 'weapon of mass death and destruction' does not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes, in accordance with Chapter 44 of Title 18 of the United States Code."

SECTION 4. G.S. 143-34.1(a1) as enacted by S.L. 2001-424, Section 32.19A.(a) reads as rewritten:

"(a1) A department, institution, or other agency of State government may establish new receipt-supported positions only after prior consultation

with the Joint Legislative Commission on Governmental Operations. This subsection shall not apply to work-order funded positions in the Department of Transportation that are created for the purpose of highway ~~construction or construction~~, to positions at The University of North Carolina or its constituent ~~institutions, institutions, or to positions established by the~~ Governor to expand the State's capabilities in dealing with the threat of terrorism in the event of an emergency or other exigent circumstances."

SECTION 5. This act is effective when it becomes law and applies to offenses committed on or after that date. Prosecutions for offenses occurring before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 16**

S16-CCSRR-1, A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 23 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-280.1. Municipal boards of elections abolished.

Municipal boards of elections in all municipalities other than the City of Morganton, the Town of Granite Falls, the Town of Old Fort, and the Town of Rhodhiss, whether created by general statute or by local act, are abolished. The terms of all members of all such municipal boards of elections which are abolished by this section, and all precinct officials appointed by such municipal boards of elections, if those terms have not expired prior to January 1, 2002, expire January 1, 2002."

SECTION 2. G.S. 163-285 reads as rewritten:

"§ 163-285. Administration by county board of elections; optional by municipality. Morganton, Granite Falls, Old Fort, and Rhodhiss.

(a) Any city, town or incorporated village which conducts its elections on a nonpartisan basis. The City of Morganton, the Town of Old Fort, the Town of Granite Falls, and the Town of Rhodhiss may conduct its their own elections, or it-they may request the county board of elections of the county in which it-is-they are located to conduct its-their elections. A county board of elections shall conduct the elections of each city, town or incorporated village municipality so requesting and the city, town or incorporated village municipality shall pay the cost thereof according to a

formula mutually agreed upon by the county board of elections and the ~~city municipal council~~. The elections for any other municipality shall be conducted by the county board of elections, and the municipality shall pay the cost thereof according to a formula mutually agreed upon by the county board of elections and the municipal council. If a mutual agreement cannot be reached, then the State Board of Elections shall prescribe the agreement, to which both parties are bound, ~~or, in its discretion, the State Board of Elections shall have authority to instruct the county board of elections to decline the administration of the elections for such city, town or incorporated village bound.~~

- (1) ~~The elections of cities, towns or incorporated villages~~ municipalities which lie in more than one county shall be conducted either (i) by the county in which the greater number of the ~~city's~~ municipality's citizens reside, according to the most recent federal census of population, or (ii) jointly by the boards of elections of each county in which such ~~city, town or incorporated village~~ municipality is located, as may be mutually agreed upon by the county boards of elections so affected, or (iii) in the case of the City of Morganton or the Towns of Old Fort, Granite Falls, or Rhodhiss, by a municipal board of elections appointed by the governing body of the municipality. The State Board of Elections shall have authority to promulgate regulations for more detailed administration and conduct of municipal elections by county or municipal boards of elections for ~~cities~~ municipalities situated in more than one county.
- (2) Any ~~city, town or incorporated village~~ municipality electing to have its elections conducted by the county board of elections as provided by this section, shall do so no later than January 1, 1973 provided, however, the county board of elections shall be entitled to 90 days' notice prior to the effective date decided upon by the municipality. For efficient administration the State Board of Elections shall have the authority to delay the effective date of all such agreements under this section and shall set a date certain on which such agreements shall commence. The State Board of Elections shall also have the authority to permit any ~~city, town or incorporated village~~ municipality to exercise the options under this Article subsequent to the deadline stated in this section.
- (3) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 63.

(b) The county board of elections shall have authority to require maps or definitive outlines of the boundaries constituting any municipality or special district whose elections that county board administers and shall be immediately advised of any change or relocation of such boundaries.

(c) The term 'special district' includes a sanitary district, fire district, or school administrative unit, notwithstanding the fact that the taxes of the special district may be levied by a municipality."

SECTION 3. G.S. 163-304 reads as rewritten:

"§ 163-304. State Board of Elections to have jurisdiction over municipal elections and election officials, and to advise; emergency and ongoing administration by county board.

(a) Authority and Duty of State Board. - The State Board of Elections shall have the same authority over municipal elections and election officials as it has over county and State elections and election officials. The State Board of Elections shall advise and assist cities, towns, incorporated villages and special districts, municipal boards of elections, their members and legal officers on the conduct and administration of their elections and registration procedure.

The ~~city-municipal~~ council shall provide written notification to the State Board of Elections of the appointment of each member of its municipal board of elections within five days after the appointment. The municipal board of elections and the ~~city-municipal~~ council shall provide such other information about the municipal board of elections as the State Board may require. Members of the municipal board of elections and municipal elections officials shall participate in training provided by the State Board pursuant to G.S. 163-82.24. The State Board shall provide the same training, materials, and assistance to municipal boards of elections that it provides to county boards of elections.

The county and municipal boards of elections shall be governed by the same rules for settling controversies with respect to counting ballots or certification of the returns of the vote in any municipal or special district election as are in effect for settling such controversies in county and State elections.

(b) Emergency Administration if Municipal Board Is Not Appointed. - If a ~~city-municipal~~ council in a ~~city-municipality~~ that has elected pursuant to G.S. 163-285 to conduct its own elections has not appointed a municipal board of elections and reported the appointments to the Executive Secretary-Director by ~~March-June 1~~ in the year in which the ~~city-municipal~~ election is to occur, the Executive Secretary-Director shall notify the ~~city-municipal~~ council that, unless a municipal board of elections is appointed and the Executive Secretary-Director notified of its appointment by ~~April 1~~ June 15 of that year, the county board of elections shall be ordered to conduct that ~~city's~~ municipality's elections that year on an emergency basis. If the ~~city-municipal~~ council does not so appoint and so notify by ~~April 1~~,

June 15, the Executive Secretary-Director shall order the county board of elections to conduct the ~~city's~~ municipality's elections that year on an emergency basis.

(c) Emergency Administration Due to Serious Violations. - If a ~~city~~ municipal council or municipal board of elections has committed violations of the applicable portions of this Chapter prior to a ~~city-municipal~~ election and those violations are of such magnitude as to give rise to reasonable doubt as to the ability of the municipal board of elections to conduct that election with competence and fairness, the Executive Secretary-Director of the State Board, with the approval of at least four members of the State Board, may order the county board of elections to conduct the remainder of that election on an emergency basis. Before an order is made under this subsection, the ~~city-municipal~~ council and municipal board of elections shall be given an opportunity to be heard by the State Board.

(d) Ongoing-Permanent County Administration. - The State Board of Elections may designate the county board of elections as the ~~ongoing permanent~~ agency to conduct a ~~city's~~ municipality's elections if all the following conditions are met:

- (1) In more than one election conducted by that ~~city~~ municipality either (i) the ~~city's~~ municipality's elections have been administered on an emergency basis pursuant to subsection (b) or (c) of this section or (ii) a new election has been ordered because of irregularities in the ~~city's~~ municipality's administration of the election.
- (2) The State Board finds that the interest of the residents of the ~~city-municipality~~ in fair and competent administration of elections requires that the ~~city-municipality~~ not conduct its own elections.
- (3) The ~~city-municipal~~ council and municipal board of elections are given an opportunity to be heard before the State Board.
- (4) The State Board by a vote of at least four of its members designates the county board of elections as the ~~ongoing permanent~~ agency to conduct that ~~city's~~ municipality's elections.

The ~~city-municipal~~ council may not elect to conduct its own elections under G.S. 163-285 until every member of the city council has been elected in a election conducted by the county board of elections after the State Board's designation. if the State Board has designated the county board of elections under this subsection as the permanent agency to conduct the municipality's elections.

(e) Reimbursement. - If the county board of elections administers a ~~city's~~ municipality's elections pursuant to subsection (b), (c), or (d) of this

section, the ~~city-municipality~~ shall reimburse the county board of elections in the manner set forth in G.S. 163-285."

SECTION 4. The State Board of Elections shall inspect the operations of the municipal boards of elections in the City of Morganton, the Town of Granite Falls, the Town of Old Fort, and the Town of Rhodhiss during September, October, or November of 2001. The State Board shall make subsequent inspections as needed. Those municipalities shall cooperate with the State Board fully. If an inspection generates findings that election laws or regulations have been violated, the State Board shall take appropriate action under G.S. 163-304 or other applicable law.

SECTION 5. This act prevails over local acts.

SECTION 6. Sections 1 and 2 of this act become effective January 1, 2002, and apply to all primaries and elections held on and after that date. Section 3 of this act becomes effective when this act becomes law with respect to the City of Morganton, the Town of Granite Falls, the Town of Old Fort, and the Town of Rhodhiss. Section 3 of this act becomes effective January 1, 2002, with respect to all other municipalities. Section 4 of this act is effective when this act becomes law. The remainder of this act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 61**

S61-CCSLT-1, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, FOR IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS, AND FOR KINDERGARTEN CLASS SIZE REDUCTION, FOR HIRING REVENUE PERSONNEL FOR PROJECT COLLECT TAX; TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT;

TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION; AND TO DELAY REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR THE INTANGIBLES TAX.

The General Assembly of North Carolina enacts:

PART I. CONTINUED BUDGET AUTHORITY.

SECTION 1. Section 8 of S.L. 2001-250, as amended by S.L. 2001-287 and Section 1 of S.L. 2001-322, reads as rewritten:

"**SECTION 8.** Except as otherwise provided, this act becomes effective July 1, 2001. This act expires ~~August 29, 2001~~ September 28, 2001."

PART II. HEALTH AND HUMAN SERVICES BLOCK GRANTS.

SECTION 2. Section 2 of S.L. 2001-250 is repealed.

SECTION 2.1.(a) Appropriations from federal block grant funds are made for the fiscal year ending June 30, 2002, according to the following schedule:

COMMUNITY SERVICES BLOCK GRANT

01.	Community Action Agencies	\$ 14,160,375
02.	Limited Purpose Agencies	979,017
03.	Department of Health and Human Services to administer and monitor the activities of the Community Services Block Grant	500,000
TOTAL COMMUNITY SERVICES BLOCK GRANT		\$ 15,639,392

SOCIAL SERVICES BLOCK GRANT

01.	County departments of social services (Transfer from TANF - \$4,500,000)	\$ 27,395,663
02.	Allocation for in-home services provided by county departments of social services	2,101,113

03.	Division of Mental Health, Developmental Disabilities, and Substance Abuse Services	3,234,601
04.	Division of Services for the Blind	3,105,711
05.	Division of Facility Services	426,836
06.	Division of Aging - Home and Community Care Block Grant	1,840,234
07.	Child Care Subsidies	3,000,000
08.	Division of Vocational Rehabilitation - United Cerebral Palsy	71,484
09.	State administration	1,693,368
10.	Child Medical Evaluation Program	238,321
11.	Adult day care services	2,155,301
12.	Comprehensive Treatment Services Program	750,000
13.	Transfer to Preventive Health Services Block Grant for emergency medical services	213,128
14.	Transfer to Preventive Health Services Block Grant for HIV/AIDS Prevention Activities	395,789
15.	Department of Administration for the N.C. State Commission of Indian Affairs In-Home Services Program for the Elderly	203,198
16.	Division of Vocational Rehabilitation - Easter Seals Society	116,779
17.	UNC-CH CARES Program for training and consultation services	247,920
18.	Office of the Secretary - Office of Economic Opportunity for N.C. Senior Citizens' Federation for outreach services to low-income elderly persons	41,302

19.	Transfer from TANF Block Grant for Division of Social Services - Child Caring Agencies	1,500,000
20.	Division of Mental Health, Developmental Disabilities, and Substance Abuse Services - Developmentally Disabled Waiting List for services	5,000,000
21.	Transfer to Maternal and Child Health Block Grant for Newborn Screenings	90,611
22.	Transfer to Preventive Health Services Block Grant for HIV/AIDS education, counseling, and testing	66,939
TOTAL SOCIAL SERVICES BLOCK GRANT		\$ 53,888,298

LOW-INCOME ENERGY BLOCK GRANT

01.	Energy Assistance Programs	\$ 8,092,113
02.	Crisis Intervention	5,795,825
03.	Administration	1,984,934
04.	Weatherization Program	2,684,116
05.	Department of Administration - N.C. State Commission of Indian Affairs	39,765
06.	Heating Air Repair and Replacement Program	1,252,588
TOTAL LOW-INCOME ENERGY BLOCK GRANT		\$ 19,849,342

MENTAL HEALTH SERVICES BLOCK GRANT

01.	Provision of community-based services in accordance with the Mental Health Study Commission's Adult Severe and Persistently Mentally Ill Plan	\$ 5,192,826
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02.	Provision of community-based services to children	2,378,540
03.	Establish Child Residential Treatment Services Program	1,500,000
04.	Administration	783,911

TOTAL MENTAL HEALTH SERVICES BLOCK GRANT \$ 9,855,277

**SUBSTANCE ABUSE PREVENTION
AND TREATMENT BLOCK GRANT**

01.	Provision of community-based alcohol and drug abuse services, tuberculosis services, and services provided by the Alcohol and Drug Abuse Treatment Centers	\$ 14,501,711
02.	Continuation of services for pregnant women and women with dependent children	6,007,303
03.	Continuation of services to IV drug abusers and others at risk for HIV diseases	5,209,934
04.	Provision of services to children and adolescents	6,839,190
05.	Juvenile Services - Family Focus	774,414
06.	Child Residential Treatment Services Program	700,000
07.	Administration	2,423,049

TOTAL SUBSTANCE ABUSE PREVENTION
AND TREATMENT BLOCK GRANT \$ 36,455,601

CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT

01.	Child care subsidies	\$148,343,839
02.	Quality and availability initiatives	17,259,661

03.	Administrative expenses	6,550,000
04.	Transfer from TANF Block Grant for child care subsidies	76,675,000
TOTAL CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT		\$248,828,500
TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) BLOCK GRANT		
01.	Work First Cash Assistance	\$114,181,958
02.	Work First County Block Grants	92,018,855
03.	Transfer to the Child Care and Development Fund Block Grant for child care subsidies	76,675,000
04.	Allocation to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services for Work First substance abuse screening, diagnostic, and support treatment services and drug testing	3,500,000
05.	Cash Assistance Reserve	11,876,624
06.	Allocation to the Division of Social Services for staff development	500,000
07.	Reduction of out-of-wedlock births	1,440,000
08.	Substance Abuse Services for Juveniles	1,182,280
09.	Special Children Adoption Fund	2,811,687
10.	Business Process Reengineering Project Reserve	3,000,000
11.	Work First Job Retention – NC Rural Center (\$270,000) Work Central Career Advancement Center (\$180,000)	450,000

12.	Allocation to the Division of Public Health for teen pregnancy prevention	2,015,335
13.	Transfer to Social Services Block Grant for Child Caring Agencies	1,500,000
14.	Child Care Subsidies for TANF Recipients	26,621,241
15.	Work First Housing Initiative - Existing programs (\$1,800,000) - New programs (\$900,000)	2,700,000
16.	Allocation to the Division of Social Services for Domestic Violence Prevention and Awareness	900,000
17.	County Child Protective Services, Foster Care, and Adoption Workers	2,727,550
18.	Intensive Family Preservation Program	1,800,000
19.	Work First/Boys and Girls Clubs	900,000
20.	Transfer to Social Services Block Grant for County Departments of Social Services for Children's Services	4,500,000
21.	Support Our Students – Department of Juvenile Justice and Delinquency Prevention	2,475,607
22.	Residential Substance Abuse Services for Women With Children	4,500,000
23.	Domestic Violence Services for Work First Families	1,800,000
24.	After-School Services for At-Risk Children	2,700,000
25.	Division of Social Services - Administration	500,000

26.	Child Welfare workers and services for local departments of social services	7,654,841
27.	Child Welfare Training	2,000,000
28.	Individual Development Accounts	180,000
TOTAL TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) BLOCK GRANT		\$373,110,978

MATERNAL AND CHILD HEALTH BLOCK GRANT

01.	Healthy Mothers/Healthy Children Block Grants to Local Health Departments	\$9,838,074
02.	High-Risk Maternity Clinic Services, Perinatal Education and Training, Childhood Injury Prevention, Public Information and Education, and Technical Assistance to Local Health Departments	2,012,102
03.	Services to Children With Special Health Care Needs	5,078,647
04.	Transfer from Social Services Block Grant for Newborn Screenings	90,611
TOTAL MATERNAL AND CHILD HEALTH BLOCK GRANT		\$ 17,019,434

PREVENTIVE HEALTH SERVICES BLOCK GRANT

01.	Statewide Health Promotion Programs	\$3,061,182
02.	Dental Services/Fluoridation	100,800
03.	Rape Crisis/Victims' Services Program - Council for Women	190,134
04.	Rape Prevention and Education Program - Division of Public Health and Council for Women	1,139,869

05.	Transfer from Social Services Block Grant - HIV/AIDS Prevention Activities	395,789
06.	Transfer from Social Services Block Grant - Emergency Medical Services	213,128
07.	Transfer from Social Services Block Grant – HIV/AIDS education, counseling, and testing	66,939
08.	Office of Minority Health	159,459
09.	Administrative Costs	108,546
TOTAL PREVENTIVE HEALTH SERVICES BLOCK GRANT		\$5,435,846

SECTION 2.1.(b) Decreases in Federal Fund Availability. – If the United States Congress reduces federal fund availability in the Social Services Block Grant below the amounts appropriated in this section, then the Department of Health and Human Services shall allocate these decreases giving priority first to those direct services mandated by State or federal law, then to those programs providing direct services that have demonstrated effectiveness in meeting the federally and State-mandated services goals established for the Social Services Block Grant. The Department shall not include transfers from TANF for specified purposes in any calculations of reductions to the Social Services Block Grant.

If the United States Congress reduces the amount of TANF funds below the amounts appropriated in this section after the effective date of this act, then the Department shall allocate the decrease in funds after considering any underutilization of the budget and the effectiveness of the current level of services. Any TANF Block Grant fund changes shall be reported to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

Decreases in federal fund availability shall be allocated for the Maternal and Child Health and Preventive Health Services federal block grants by the Department of Health and Human Services after considering the effectiveness of the current level of services.

SECTION 2.1.(c) Increases in Federal Fund Availability. – Any block grant funds appropriated by the United States Congress in addition to the funds specified in this act shall be expended by the Department of Health and Human Services, with the approval of the Office of State Budget and Management, provided the resultant increases are in accordance with federal block grant requirements and are within the scope of the block grant plan approved by the General Assembly.

SECTION 2.1.(d) Changes to the budgeted allocations to the block grants appropriated in this act and new allocations from the block grants not specified in this act shall be submitted to the Joint Legislative Commission on Governmental Operations for review prior to the change and shall be reported immediately to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(e) The Department of Health and Human Services may allow no-cost contract extensions for up to six months for nongovernmental grant recipients under the TANF Block Grant.

SECTION 2.1.(f) Limitations on Preventive Health Services Block Grant Funds. – Twenty-five percent (25%) of funds allocated for Rape Prevention and Rape Education shall be allocated as grants to nonprofit organizations to provide rape prevention and education programs targeted for middle, junior high, and high school students.

If federal funds are received under the Maternal and Child Health Block Grant for abstinence education, pursuant to section 912 of Public Law 104-193 (42 U.S.C. § 710), for the 2001-2002 fiscal year, then those funds shall be transferred to the State Board of Education to be administered by the Department of Public Instruction. The Department of Public Instruction shall use the funds to establish an Abstinence Until Marriage Education Program and shall delegate to one or more persons the responsibility of implementing the program and G.S. 115C-81(e1)(4). The Department of Public Instruction shall carefully and strictly follow federal guidelines in implementing and administering the abstinence education grant funds.

SECTION 2.1.(g) The Department of Health and Human Services, Division of Social Services, shall do the following:

- (1) Continue the current evaluation of the Work First Program to assess former recipients' earnings, barriers to advancement to economic self-sufficiency, utilization of community support services, and other longitudinal employment data. Assessment periods shall include six and 18 months following closure of the case.
- (2) Continue the current evaluation of the Work First Program to profile the State's child-only caseload to include indicators of

economic and social well-being, academic and behavioral performance, demographic data, description of living arrangements including length of placement out of the home, social and other human services provided to families, and other information needed to assess the needs of the child-only Work First Family Assistance clients and families.

The Division of Social Services may use up to seven hundred fifty thousand dollars (\$750,000) in TANF funds to complete the evaluation of Work First.

The Department of Health and Human Services shall make a report on its progress in complying with this subsection to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division no later than September 30, 2001, and shall make a final report no later than September 30, 2002.

SECTION 2.1.(h) The sum of two million eight hundred eleven thousand six hundred eighty-seven dollars (\$2,811,687) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Special Children Adoption Fund, for the 2001-2002 fiscal year shall be used to implement this subsection. The Division of Social Services, in consultation with the North Carolina Association of County Directors of Social Services and representatives of licensed private adoption agencies, shall develop guidelines for the awarding of funds to licensed public and private adoption agencies upon the adoption of children described in G.S. 108A-50 and in foster care. Payments received from the Special Children Adoption Fund by participating agencies shall be used exclusively to enhance the adoption services program. No local match shall be required as a condition for receipt of these funds.

SECTION 2.1.(i) The sum of one million five hundred thousand dollars (\$1,500,000) appropriated in this act in the TANF Block Grant and transferred to the Social Services Block Grant to the Department of Health and Human Services, Division of Social Services, for child caring agencies for the 2001-2002 fiscal year shall be allocated to the State Private Child Caring Agencies Fund. These funds shall be combined with all other funds allocated to the State Private Child Caring Agencies Fund for the reimbursement of the State's portion of the cost of care for the placement of certain children by the county departments of social services who are not eligible for federal IV-E funds. These funds shall not be used to match other federal funds.

SECTION 2.1.(j) The sum of three hundred thousand dollars (\$300,000) appropriated in this section to the Department of Health and Human Services in the Child Care and Development Fund Block Grant

shall be used to develop and implement a Medical Child Care Pilot open to children throughout the State.

SECTION 2.1.(k) The sum of nine hundred thousand dollars (\$900,000) appropriated in this section to the Department of Health and Human Services in the TANF Block Grant for Boys and Girls Clubs shall be used to make grants for approved programs. The Department of Health and Human Services, in accordance with federal regulations for the use of TANF Block Grant funds, shall administer a grant program to award funds to the Boys and Girls Clubs across the State in order to implement programs that improve the motivation, performance, and self-esteem of youths and to implement other initiatives that would be expected to reduce school dropout and teen pregnancy rates. The Department shall encourage and facilitate collaboration between the Boys and Girls Clubs and Support Our Students, Communities in Schools, and similar programs to submit joint applications for the funds if appropriate.

SECTION 2.1.(l) Payment for subsidized child care services provided with federal TANF funds shall comply with all regulations and policies issued by the Division of Child Development for the subsidized child care program.

SECTION 2.1.(m) The sum of two million seven hundred thousand dollars (\$2,700,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the Work First Housing Initiative shall be used to provide direct housing support to Work First clients. Direct housing support includes using funds for rental assistance, loans, moving expenses, and other financial assistance. No more than ten percent (10%) of these funds may be used for administration. These funds may be used for counseling or similar services only if it is demonstrated that those services are not otherwise available in the community.

SECTION 2.1.(n) The sum of five hundred thousand dollars (\$500,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2001-2002 fiscal year shall be used to support administration of TANF-funded programs.

SECTION 2.1.(o) The sum of four million five hundred thousand dollars (\$4,500,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year shall be used to provide regional residential substance abuse treatment and services for women with children. The Department of Health and Human Services, the Division of Social Services, and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, in consultation with local departments of social services, area mental health programs, and other State and local agencies or

organizations, shall coordinate this effort in order to facilitate the expansion of regionally based substance abuse services for women with children. These services shall be culturally appropriate and designed for the unique needs of TANF women with children.

In order to expedite the expansion of these services, the Secretary of the Department of Health and Human Services may enter into contracts with service providers.

The Department of Health and Human Services, the Division of Social Services, and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, shall report on their progress in complying with this subsection no later than October 1, 2001, and March 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division. These reports shall include all of the following:

- (1) The number and location of additional beds created.
- (2) The types of facilities established.
- (3) The delineation of roles and responsibilities at the State and local levels.
- (4) Demographics of the women served, the number of women served, and the cost per client.
- (5) Demographics of the children served, the number of children served, and the services provided.
- (6) Job placement services provided to women.
- (7) A plan for follow-up and evaluation of services provided with an emphasis on outcomes.
- (8) Barriers identified to the successful implementation of the expansion.
- (9) Identification of other resources needed to appropriately and efficiently provide services to Work First recipients.
- (10) Other information as requested.

SECTION 2.1.(p) The sum of two million four hundred seventy-five thousand six hundred seven dollars (\$2,475,607) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services and transferred to the Department of Juvenile Justice and Delinquency Prevention for the 2001-2002 fiscal year shall be used to support the existing Support Our Students Program and to expand the Program statewide, focusing on low-income communities in unserved areas. These funds shall not be used for administration of the program.

SECTION 2.1.(q) The sum of one million eight hundred thousand dollars (\$1,800,000) appropriated under this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2001-2002 fiscal year shall be used to provide domestic violence services to Work First recipients. These funds shall be used to

provide domestic violence counseling, support, and other direct services to clients. These funds shall not be used to establish new domestic violence shelters or to facilitate lobbying efforts. The Division of Social Services may use up to seventy-five thousand dollars (\$75,000) in TANF funds to establish one administrative position within the Division of Social Services to implement this subsection.

Each county department of social services and the local domestic violence shelter program serving the county shall jointly develop a plan for utilizing these funds. The plan shall include the services to be provided and the manner in which the services shall be delivered. The county plan shall be signed by the county social services director or the director's designee and the domestic violence program director or the director's designee and submitted to the Division of Social Services by December 1, 2001. The Division of Social Services, in consultation with the Council for Women, shall review the county plans and shall provide consultation and technical assistance to the departments of social services and local domestic violence shelter programs, if needed.

The Division of Social Services shall allocate these funds to county departments of social services according to the following formula: (i) each county shall receive a base allocation of ten thousand dollars (\$10,000) and (ii) each county shall receive an allocation of the remaining funds based on the county's proportion of the statewide total of the Work First caseload as of July 1, 2001, and the county's proportion of the statewide total of the individuals receiving domestic violence services from programs funded by the Council for Women as of July 1, 2001. The Division of Social Services may reallocate unspent funds to counties that submit a written request for additional funds.

The Department of Health and Human Services shall report on the uses of these funds no later than March 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(r) The sum of two million seven hundred thousand dollars (\$2,700,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, shall be used to expand after-school programs and services for at-risk children. The Department shall develop and implement a grant program to award grants to community-based programs that demonstrate the ability to reach children at risk of teen pregnancy and school dropout. The Department shall award grants to community-based organizations that demonstrate the ability to develop and implement linkages with local departments of social services, area mental health programs, schools, and other human services programs in order to provide support services and assistance to the child and family. These funds may be used to establish one

position within the Division of Social Services to coordinate at-risk after-school programs and shall not be used for other State administration. The Department shall report no later than March 1, 2002, on its progress in complying with this section to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(s) The sum of seven million six hundred fifty-four thousand eight hundred forty-one dollars (\$7,654,841) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2001-2002 fiscal year for Child Welfare Improvements shall be allocated to the county departments of social services for hiring or contracting staff to investigate and provide services in Child Protective Services cases; to provide foster care and support services; to recruit, train, license, and support prospective foster and adoptive families; and to provide interstate and post-adoption services for eligible families.

SECTION 2.1.(t) The sum of one million five hundred thousand dollars (\$1,500,000) appropriated in this section in the Mental Health Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year and the sum of seven hundred thousand dollars (\$700,000) appropriated in this section in the Substance Abuse Prevention and Treatment Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year shall be used to continue a Comprehensive Treatment Services Program in accordance with Section 21.60 of Senate Bill 1005, 2001 Session, 5th Edition engrossed, the text of which is incorporated by reference.

SECTION 2.1.(u) The sum of two million dollars (\$2,000,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for fiscal year 2001-2002 shall be used to support various child welfare training projects as follows:

- (1) Provide a regional training center in southeastern North Carolina.
- (2) Support the Masters Degree in Social Work/Baccalaureate Degree in Social Work Collaborative.
- (3) Provide training for residential child care facilities.
- (4) Provide for various other child welfare training initiatives.

SECTION 2.1.(v) The sum of nine million three hundred forty-seven thousand six hundred thirty-one dollars (\$9,347,631) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services for a Cash Assistance Reserve may only be used for cash assistance payment if the funds appropriated in this act for cash assistance

payments are not sufficient to pay Work First cash assistance in the 2001-2002 fiscal year. Prior to the use of these funds, the Office of State Budget and Management shall review all proposals for expenditure of these funds in order to ensure compliance with this subsection.

The sum of two million five hundred twenty-eight thousand nine hundred ninety-three dollars (\$2,528,993) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services for a Cash Assistance Reserve shall be held in the Cash Assistance Reserve until the Department of Health and Human Services and the Office of State Budget and Management can certify that these funds are not needed to ensure the continuation of the Work First Family Assistance payments to recipients during the 2001-2002 fiscal year. These funds may be used only for the payment of Work First Family Assistance and the allocations listed in this subsection. If the Department of Health and Human Services and the Office of State Budget and Management certify that these funds are not needed to ensure the continuation of Work First Family Assistance payments, the Department may make the following transfers from the Cash Assistance Reserve:

- | | | |
|------|--|-----------|
| (1) | Reduction of out-of-wedlock births. | \$160,000 |
| (2) | Work First Job Retention –
Rural Center (\$30,000)
Work Central Career Center (\$20,000) | \$50,000 |
| (3) | Teen Pregnancy Prevention | \$223,926 |
| (4) | Work First Housing Initiative | \$300,000 |
| (5) | Domestic Violence Prevention and
Awareness | \$100,000 |
| (6) | Intensive Family Preservation Program | \$200,000 |
| (7) | Work First Boys and Girls Clubs | \$100,000 |
| (8) | Support our Students | \$275,674 |
| (9) | Residential Substance Abuse Services
for Women with Children | \$500,000 |
| (10) | Domestic Violence Services for
Work First Families | \$200,000 |
| (11) | After School Services for At-Risk Children | \$300,000 |
| (12) | Individual Development Accounts | \$20,000 |

SECTION 2.1.(w) The sum of three million dollars (\$3,000,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services for a Business Process Reengineering Project Reserve may only be used for the project if funds appropriated in this act for Business Process Reengineering are not sufficient to continue the project through the 2001-2002 fiscal year. Prior to the use of these funds, the Office of State Budget and Management shall review all proposals for expenditure of these funds in order to ensure compliance with this subsection.

SECTION 2.1.(x) If funds appropriated through the Child Care and Development Fund Block Grant for any program cannot be obligated or spent in that program within the obligation or liquidation periods allowed by the federal grants, the Department may move funds to child care subsidies unless otherwise prohibited by federal requirements of the grant, in order to use the federal funds fully.

SECTION 2.1.(y) The sum of nine hundred thousand dollars (\$900,000) appropriated under this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2001-2002 fiscal year for Domestic Violence Prevention and Awareness shall be used for grants to support initiatives by local domestic violence programs to prevent domestic violence. Prevention activities shall include efforts to reach under-served populations and shall be culturally sensitive and multilingual. The Department shall award grants to community-based organizations that demonstrate the ability to collaborate and coordinate services with other local human services agencies and organizations in order to serve children and families where domestic violence has occurred or is occurring. The Department shall report on the use of these funds no later than May 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(z) The sum of three hundred ninety-five thousand seven hundred eighty-nine dollars (\$395,789) appropriated in this section in the Social Services Block Grant and transferred to the Preventive Health Service Block Grant to the Department of Health and Human Services for the 2001-2002 fiscal year for HIV/AIDS Prevention Activities shall be used to create a position in the Office of the Secretary and to enhance activities for HIV/AIDS awareness and education. The position shall be responsible for all planning, programming, and budgeting for compliance with this subsection. These prevention activities shall be targeted to the general public and programs identified in this subsection and shall not be used to augment the current grant programs that target high-risk populations through the community-based organizations.

It is the intention of the General Assembly to focus current resources and activities to strengthen and enhance prevention and intervention programs directed at the reduction of HIV/AIDS. The Department shall coordinate efforts to enhance awareness, education, and outreach with the North Carolina AIDS Advisory Council, North Carolina Minority Health Advisory Council, representatives of faith communities, representatives of nonprofit agencies, and other State agencies.

The Department of Health and Human Services shall coordinate and ensure the implementation of developmentally appropriate education, awareness, and outreach campaigns to comply with this subsection in the following programs and services:

- (1) Division of Social Services programs and services:
 - a. Domestic Violence Prevention and Awareness.
 - b. Domestic Violence Services for Work First Families.
 - c. After School Services for At Risk Children.
 - d. Work First Boys/Girls Clubs.
- (2) Division of Mental Health, Developmental Disabilities, and Substance Abuse Services programs and services:
 - a. Substance Abuse Services for Juveniles.
 - b. Residential Substance Abuse Services for Women and Children.
- (3) Division of Public Health programs and services:
 - a. Teen Pregnancy Prevention Activities.
 - b. Out-of-Wedlock Births.
 - c. School Health Program.
 - d. High-Risk Maternity Clinic Services.
 - e. Perinatal Education and Training.
 - f. Public Information and Education.
 - g. Technical Assistance to Local Health Departments.
- (4) Other divisions, services, and programs:
 - a. Family Support Services.
 - b. Family Resource Centers.
 - c. Independent Living Services.
 - d. Residential schools and facilities.
 - e. Other programs, services, or contracts that provide education and awareness services to children and families.

Other State agencies, including the Department of Public Instruction, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Administration, shall ensure the incorporation of developmentally appropriate HIV/AIDS education, awareness, and outreach information into their programs.

The Department shall report on the implementation of this subsection on March 15, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(aa) The sum of one hundred eighty thousand dollars (\$180,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services for the 2001-2002 fiscal year shall be used for Individual Development Accounts (IDA) for TANF-eligible individuals. The Social Services Commission shall adopt rules for the implementation of this subsection.

PART III. MEDICAID COST-CONTAINMENT AND GROWTH REDUCTION.

SECTION 3.(a) The Department of Health and Human Services, Division of Medical Assistance, shall contain Medicaid Program costs by reducing the rate of growth of the Medicaid Program, except for the rate of growth in the number of persons eligible for Medicaid. The Department shall develop and implement a plan to reduce the rate of growth in total expenditures for payments for medical services for fiscal year 2002-2003 to eight percent (8%) or less of the total expenditures for the 2001-2002 fiscal year, excluding the rate of growth associated with eligibles.

SECTION 3.(b) In addition to findings and recommendations in the "North Carolina Medicaid Benefit Study", May 1, 2001, the Department of Health and Human Services may also consider the following actions to reduce the rate of growth in the Medicaid Program:

- (1) Changes in methods of reimbursement;
- (2) Changes in the method of determining or limiting inflation factors, or both;
- (3) Recalibration of existing methods of reimbursement; and
- (4) Contracting for services.

SECTION 3.(c) As part of any efforts to contain Medicaid Program costs, the Department of Health and Human Services, Division of Medical Assistance, shall establish reimbursement rates that will allow efficient Medicaid providers to comply with certification requirements, licensure rules, or other mandated quality or safety standards.

SECTION 3.(d) The Department shall report on its plans to reduce the rate of growth in the State Medicaid Program not later than December 1, 2001. The Department shall submit the report to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 3.(e) The Department shall not change medical policy affecting the amount, sufficiency, duration, and scope of health care services and who may provide services until the Division of Medical Assistance has prepared a five-year fiscal analysis documenting the increased cost of the proposed change in medical policy and submitted it for departmental review. If the fiscal impact indicated by the fiscal analysis for any proposed medical policy change exceeds three million dollars (\$3,000,000) in total requirements for a given fiscal year, then the Department shall submit the proposed policy change with the fiscal analysis to the Office of State Budget and Management and the Fiscal Research Division.

PART IV. MEDICAID COST-CONTAINMENT ACTIVITIES.

SECTION 4. The Department of Health and Human Services may use not more than three million dollars (\$3,000,000) in each year of the

2001-2003 fiscal biennium in Medicaid funds budgeted for program services to support the cost of administrative activities when cost effectiveness and savings are demonstrated. The funds shall be used to support activities that will contain the cost of the Medicaid Program, including contracting for services or hiring additional staff. Medicaid cost-containment activities may include prospective reimbursement methods, incentive-based reimbursement methods, service limits, prior authorization of services, periodic medical necessity reviews, revised medical necessity criteria, service provision in the least costly settings, and other cost-containment activities. Funds may be expended under this section only after the Office of State Budget and Management has approved a proposal for the expenditure submitted by the Department. Proposals for expenditure of funds under this section shall include the cost of implementing the cost-containment activity and documentation of the amount of savings expected to be realized from the cost-containment activity. The Department shall provide a copy of proposals for expenditures under this section to the Fiscal Research Division.

PART V. MEDICAID PROGRAM MANAGEMENT.

SECTION 5.(a) The Department of Health and Human Services shall consider the findings and recommendations in the "North Carolina Medicaid Benefit Study", May 1, 2001, and shall target the following in considering whether and to what extent to implement recommendations:

- (1) Reduction in the fragmentation in the medical benefit policy-making process.
- (2) Improvement in the use of data and medical literature in the decision-making process.
- (3) Improvement in the coordination of care and utilization review process.
- (4) Strengthening of program integrity controls.

SECTION 5.(b) The Department shall implement a pharmacy management plan considering the recommendations of the "North Carolina Medicaid Benefit Study" to achieve anticipated cost savings. The pharmacy management plan may include the following activities:

- (1) Establishing a prior authorization program to manage utilization of high-cost brand name drugs. In determining drugs to be included in the prior authorization program, the Department shall consider whether inclusion of these drugs is likely to:
 - a. Increase utilization of more expensive services;
 - b. Reduce quality of treatment;
 - c. Result in a lower level of compliance with appropriate drug therapy; and
 - d. Have a differential impact upon racial and ethnic minorities and the elderly.

The Department shall conduct a review at least annually of the drugs included in the prior authorization program to determine whether any of the factors listed in this subdivision or other factors with similar results have occurred.

- (2) Limiting prescription drugs to a 34-day supply for some or all drugs.
- (3) Developing physician prescribing practice profiles and other educational tools to enable physicians to better manage their prescriptions.
- (4) Establishing therapeutic limits based on appropriate dosage or usage standards.
- (5) Encouraging use of generic drugs.
- (6) Using maximum allowable pricing.
- (7) Contracting with a pharmacy benefits manager to implement more extensive drug utilization review.
- (8) Studying the impact of eliminating the six prescription drug monthly limit combined with a more rigorous prior authorization program to ensure cost decisions are made based on evidenced-based clinical guidelines.
- (9) Expanding disease management initiatives.
- (10) Working with ACCESS physicians to develop and implement drug utilization management initiatives.
- (11) If cost-effective, expanding Medicaid drug coverage to include selected over-the-counter medications.

SECTION 5.(c) The Department shall report on all of the activities conducted under this section to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division not later than January 1, 2002.

PART VI. ADOPTION OF MEDICAL COVERAGE POLICY UNDER STATE MEDICAID PROGRAM; MEDICAL COVERAGE POLICY EXEMPT FROM RULE MAKING UNDER THE APA.

SECTION 6.(a) In order to promote consistency among providers and to ensure that medical coverage criteria are uniformly applied to Medicaid recipients throughout the State, the Department of Health and Human Services shall adopt medical coverage policies for the State Medicaid Program that are consistent with national standards or Department-defined standards. If the Department determines that application of a national standard would likely cause significant deterioration in the quality of or access to appropriate medical care, then the Department shall substitute for that national standard an evidence-based, best-practice standard that will not compromise quality of or access to appropriate medical care. The adoption of new or amended medical coverage policies under the State Medicaid

Program are exempt from the rule-making requirements of Chapter 150B of the General Statutes.

SECTION 6.(b) The Department shall develop, amend, and adopt medical coverage policy in accordance with the following:

- (1) During the development of new medical coverage policy or amendment to existing medical coverage policy, consult with and seek the advice of the Physician Advisory Group of the North Carolina Medical Society and other organizations the Secretary deems appropriate.
- (2) At least 45 days prior to the adoption of new or amended medical coverage policy, the Department shall:
 - a. Publish the proposed new or amended medical coverage policy on the Department's website;
 - b. Notify all Medicaid providers of the proposed, new, or amended policy; and
 - c. Upon request, provide persons copies of the proposed medical coverage policy.
- (3) During the 45-day period immediately following publication of the proposed new or amended medical coverage policy, accept oral and written comments on the proposed new or amended policy.
- (4) If, following the comment period, the proposed new or amended medical coverage policy is modified, then the Department shall, at least 15 days prior to its adoption:
 - a. Notify all Medicaid providers of the proposed policy;
 - b. Upon request, provide persons notice of amendments to the proposed policy; and
 - c. Accept additional oral or written comments during this 15-day period.

SECTION 6.(c) G.S. 150B-1(d), as amended by S.L. 2001-299, reads as rewritten:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

- (1) The Commission.
- (2) Repealed by Session Laws 2000-189, s. 14, effective July 1, 2000.
- (3) The North Carolina Hazardous Waste Management Commission in administering the provisions of G.S. 130B-13 and G.S. 130B-14.
- (4) The Department of Revenue, with respect to the notice and hearing requirements contained in Part 2 of Article 2A.

- (5) The North Carolina Global TransPark Authority with respect to the acquisition, construction, operation, or use, including fees or charges, of any portion of a cargo airport complex.
- (6) The Department of Correction, with respect to matters relating solely to persons in its custody or under its supervision, including prisoners, probationers, and parolees.
- (7) The North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan in administering the provisions of Parts 2 and 3 of Article 3 of Chapter 135 of the General Statutes.
- (8) The North Carolina Federal Tax Reform Allocation Committee, with respect to the adoption of the annual qualified allocation plan required by 26 U.S.C. § 42(m), and any agency designated by the Committee to the extent necessary to administer the annual qualified allocation plan.
- (9) The Department of Health and Human Services in adopting new or amending existing medical coverage policies under the State Medicaid Program."

PART VII. TANF STATE PLAN.

SECTION 7.(a) The General Assembly approves the plan titled "North Carolina Temporary Assistance for Needy Families State Plan FY 2001-2003", prepared by the Department of Health and Human Services and presented to the General Assembly on May 15, 2001, as revised in accordance with subsection (b) of this section. The North Carolina Temporary Assistance for Needy Families State Plan covers the period October 1, 2001, through September 30, 2003. The Department shall submit the State Plan, as revised in accordance with subsection (b) of this section, to the United States Department of Health and Human Services as amended by this act or any other act of the 2001 General Assembly.

SECTION 7.(b) The Department of Health and Human Services shall revise the North Carolina Temporary Assistance for Needy Families State Plan FY 2001-2003, submitted to the General Assembly for approval on May 15, 2001. The revisions shall be made to the following Plan components:

- (1) Enhanced Employee Assistance Program to reflect changes in funding.
- (2) Services for Families to remove reference to start-up activities.
- (3) Work Responsibility to remove reference to start-up activities.
- (4) Cabarrus County Waiver to reflect changes in the law made by the 2001 General Assembly.
- (5) Goal #8 to provide that caseload reduction goals are subject to economic conditions in the county.

SECTION 7.(c) The counties approved as Electing Counties in North Carolina's Temporary Assistance for Needy Families State Plan FY 2001-2003 as approved by this section are: Caldwell, Caswell, Davie, Henderson, Iredell, Lenoir, Lincoln, Macon, McDowell, Randolph, Sampson, Surry, and Wilkes.

SECTION 7.(d) Counties designated as electing counties pursuant to SECTION 12.27A of S.L. 1998-212 and who submitted the letter of intent to be redesignated as a standard county and the accompanying county plan for FY 2001-2003, pursuant to G.S. 108A-27(e), shall operate under the standard county budget requirements effective July 1, 2001. Counties that submitted the letter of intent to remain as an electing county or to be redesignated as an electing county and the accompanying county plan for FY 2001-2003, pursuant to G.S. 108A-27(e), shall operate under the electing county budget requirements effective July 1, 2001. For programmatic purposes, all counties referred to in this subsection shall remain under their current county designation through September 30, 2001.

PART VIII. NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS.

SECTION 8.(a) Appropriations from federal block grant funds are made for the fiscal year ending June 30, 2002, according to the following schedule:

COMMUNITY DEVELOPMENT BLOCK GRANT

01.	State Administration	\$1,000,000
02.	Urgent Needs and Contingency	1,000,000
03.	Scattered Site Housing	13,200,000
04.	Economic Development	8,710,000
05.	Community Revitalization	13,500,000
06.	State Technical Assistance	450,000
07.	Housing Development	2,000,000
08.	Infrastructure	5,140,000
TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT - 2002 Program Year		\$45,000,000

SECTION 8.(b) Decreases in Federal Fund Availability. – If federal funds are reduced below the amounts specified above after the effective date of this act, then every program in each of these federal block grants shall be reduced by the same percentage as the reduction in federal funds.

SECTION 8.(c) Increases in Federal Fund Availability for Community Development Block Grant. – Any block grant funds appropriated by the Congress of the United States in addition to the funds specified in this section shall be expended as follows: Each program category under the Community Development Block Grant shall be increased by the same percentage as the increase in federal funds.

SECTION 8.(d) Limitations on Community Development Block Grant Funds. – Of the funds appropriated in this section for the Community Development Block Grant, the following shall be allocated in each category for each program year: up to one million dollars (\$1,000,000) may be used for State administration; up to one million dollars (\$1,000,000) may be used for Urgent Needs and Contingency; up to thirteen million two hundred thousand dollars (\$13,200,000) may be used for Scattered Site Housing; up to eight million seven hundred ten thousand dollars (\$8,710,000) may be used for Economic Development; not less than thirteen million five hundred thousand dollars (\$13,500,000) shall be used for Community Revitalization; up to four hundred fifty thousand dollars (\$450,000) may be used for State Technical Assistance; up to two million dollars (\$2,000,000) may be used for Housing Development; up to five million one hundred forty thousand dollars (\$5,140,000) may be used for Infrastructure. If federal block grant funds are reduced or increased by the Congress of the United States after the effective date of this act, then these reductions or increases shall be allocated in accordance with subsection (b) or (c) of this section, as applicable.

SECTION 8.(e) Increase Capacity for Nonprofit Organizations. – Assistance to nonprofit organizations to increase their capacity to carry out CDBG-eligible activities in partnership with units of local government is an eligible activity under any program category in accordance with federal regulations. Capacity building grants may be made from funds available within program categories, program income, or unobligated funds.

SECTION 8.(f) Study. – The Department of Commerce shall study the development of a training program designed to provide a minimum level of knowledge and skills for Community Development Block Grant administrators. In conducting the study, the Department shall consult the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, the North Carolina Community Development Association, and the Institute of Government at the University of North Carolina at Chapel Hill. The Department may use unencumbered and unspent State Technical Assistance funds from previous program years to

conduct the study. The Department shall report its findings to the House and Senate Appropriations Subcommittees on Natural and Economic Resources and the Fiscal Research Division by February 1, 2002.

PART IX. ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS EXTENDED.

SECTION 9. Section 2 of S.L. 2001-253, as amended by Section 3 of S.L. 2001-322, reads as rewritten:

"**SECTION 2.** Notwithstanding G.S. 97-26, payment for medical treatment and services rendered to workers' compensation patients by a hospital on or after July 1, 2001, and before ~~September 1, 2001~~, September 15, 2001, shall be equal to the payment the hospital would have received for such treatment and services on June 30, 2001."

PART X. COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENT AND COMMUNITY COLLEGE AND UNIVERSITY TUITION INCREASES.

SECTION 10.(a) Beginning with the Fall 2001 academic semester, the State Board of Community Colleges shall increase the tuition charged to students enrolled in curriculum programs by three dollars and fifty cents (\$3.50) per student credit hour up to 16 credit hours per semester.

SECTION 10.(b) There is appropriated from tuition receipts received by the Community Colleges System Office pursuant to subsection (a) of this section to the Community Colleges System Office the sum of ten million dollars (\$10,000,000) for the 2001-2002 fiscal year to fully fund enrollment.

SECTION 10.(c) Beginning with the Fall 2001 academic semester, the Board of Governors of The University of North Carolina shall increase tuition for all students by nine percent (9%) per year above the rates charged for the 2000-2001 academic year. In addition, the differentials for graduate and professional schools adopted by the Board of Governors for the 2001-2002 academic year shall remain in effect. The campus-initiated tuition increases approved by the Board of Governors for the 2001-2002 academic year shall also remain in effect. The receipts in this subsection are appropriated for the purpose of funding regular term and distance education enrollment, including the enrollment hold harmless as requested by the Board of Governors as provided in subsection (e) of this section.

SECTION 10.(d) There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of nine million six hundred seventy-two thousand one hundred six dollars (\$9,672,106) for the 2001-2002 fiscal year for the purpose of fully funding

regular term and distance education enrollment, including the enrollment hold harmless as requested by the Board of Governors.

SECTION 10.(e) Of the funds and receipts appropriated by this section, the Board of Governors may expend up to forty million five hundred thirty-six thousand nine hundred sixty-three dollars (\$40,536,963) for the purpose of funding enrollment.

SECTION 10.(f) There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of three million two hundred twenty-six thousand two hundred ten dollars (\$3,226,210) for the 2001-2002 fiscal year to be allocated to the University Board of Governors Related Educational Programs to be used to provide funds for the Legislative Tuition Grant program and the State Contractual Scholarship program enrollment increases.

PART XI. STATE EMPLOYEE HEALTH PLAN FUNDING.

SECTION 11.(a) There is appropriated from the General Fund to the Reserve for State Health Plan the sum of one hundred fourteen million dollars (\$114,000,000) for the 2001-2002 fiscal year.

SECTION 11.(b) There is appropriated from the Highway Fund to the Reserve for State Health Plan the sum of seven million dollars (\$7,000,000) for the 2001-2002 fiscal year.

PART XII. BOND DEBT SERVICE.

SECTION 12. There is appropriated from the General Fund to the Department of State Treasurer the sum of twelve million three hundred thousand dollars (\$12,300,000) for the 2001-2002 fiscal year to pay the debt service for bonds.

PART XIII. PROJECT COLLECT TAX.

SECTION 13. There is appropriated from the General Fund to the Department of Revenue the sum of one million nine hundred forty-seven thousand three hundred twenty-three dollars (\$1,947,323) for the 2001-2002 fiscal year to implement Project Collect Tax. These funds shall be used to fill 39 personnel positions, effective October 1, 2001.

PART XIV. REPLACE OPTICAL IMAGING SYSTEM IN RETIREMENT SYSTEMS DIVISION.

SECTION 14. There is appropriated to the Department of State Treasurer departmental receipts in the amount of two million four hundred sixty-five thousand dollars (\$2,465,000) for the 2001-2002 fiscal year to replace the optical imaging system used by the Retirement Systems Division.

PART XV. IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS.

SECTION 15.(a) There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of eight million sixty-two thousand six hundred three dollars (\$8,062,603) for the 2001-2002 fiscal year. These funds shall be used to provide the State's lowest-performing elementary schools with the tools needed to dramatically improve student achievement.

These funds shall be used to reduce class size at the 37 elementary schools at which, for the 1999-2000 school year, over eighty percent (80%) of the students qualified for free or reduced-price lunches and no more than fifty-five percent (55%) of the students performed at or above grade level. For the 2001-2002 school year, class size at each of these schools shall be reduced to ensure that no class in kindergarten through third grade has more than 15 students. No funds from the teacher assistant allotment category may be allotted to the local school administrative units for students assigned to these schools. Any teacher assistants displaced from jobs in these highest priority elementary schools shall be given preferential consideration for vacant teacher assistant positions at other schools in the local school administrative unit, provided their job performance has been satisfactory. Nothing in this section prevents the local school administrative unit from placing teacher assistants in these schools.

SECTION 15.(b) In order for the high priority schools identified in subsection (a) of this section to remain eligible for the additional resources provided in this section, the schools must meet the expected growth for each year and must achieve high growth for at least two out of three years, based on the State Board of Education's annual performance standards set for each school. No adjustment in the allotment of resources based on performance shall be made until the 2004-2005 school year.

SECTION 15.(c) All teaching positions allotted for students in high priority schools in those grades targeted for smaller class sizes shall be assigned to and teach in those grades and in those schools. In grades K-3 in high priority schools the maximum class size for the 2001-2002 school year shall be no more than two students above the allotment ratio in that grade. The maximum class size for subsequent school years shall be no more than one student above the allotment ratio in that grade. The Department of Public Instruction shall monitor class sizes at these schools at the end of the fourth month of school and report to the State Board of Education on the actual class sizes in these schools. If the local school administrative unit notifies the State Board of Education that they do not have sufficient resources to adhere to the maximum class size requirements, the State Board of Education

may allocate additional teaching positions to the unit from the Reserve for Average Daily Membership Adjustments.

PART XVI. REDUCE KINDERGARTEN CLASS SIZE.

SECTION 16. There is appropriated from the General Fund to the State Aid to Local School Administrative Units the sum of twelve million forty-five thousand one hundred seventy-nine dollars (\$12,045,179) for the 2001-2002 fiscal year to reduce the class-size allotment in kindergarten to one teacher for every 19 students. The maximum class size limits for kindergarten established by the State Board of Education for the 2001-2002 school year shall be reduced by one. Local school administrative units shall use teacher positions allocated to reduce class size in kindergarten only to hire classroom teachers for kindergarten.

PART XVII. REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR INTANGIBLES TAX REPEAL DELAYED.

SECTION 17. Notwithstanding G.S. 105-275.2, the Secretary of Revenue shall not make any distributions to local governments pursuant to that statute for the 2001-2002 fiscal year before the date the Current Operations and Capital Improvements Appropriations Act of 2001 becomes law.

PART XVIII. EFFECTIVE DATE.

SECTION 18. This act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 92**

S92-CCS-SVx-2, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES.

The General Assembly of North Carolina enacts:

PART I. CITY OF GASTONIA.

SECTION 1.1. Occupancy tax. – (a) Authorization and Scope. – The Gastonia City Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 1.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 1.1.(c) Distribution and Use of Tax Revenue. – The City of Gastonia shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Gastonia Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection for tourism-related expenditures and shall use the remainder to promote travel and tourism in Gastonia.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a city by attracting tourists or business travelers to the city. The term includes tourism-related capital expenditures.

SECTION 1.2. Gastonia Tourism Development Authority. – (a) Appointment and Membership. – When the Gastonia City Council adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a city Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the city, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the city. The city council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the City of Gastonia shall be the ex officio finance officer of the Authority.

SECTION 1.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

SECTION 1.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the city council on its receipts and expenditures for the preceding quarter and for the year in such detail as the city council may require.

PART II. CITY OF KINGS MOUNTAIN.

SECTION 2.1. Occupancy tax. – (a) Authorization and Scope. – The Kings Mountain City Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 2.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 2.1.(c) Distribution and Use of Tax Revenue. – Kings Mountain shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Kings Mountain Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Kings Mountain and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business

travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.

- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

SECTION 2.2. Kings Mountain Tourism Development Authority. –

(a) Appointment and Membership. – When the Kings Mountain City Council adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a city Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the city, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the city. The city council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Kings Mountain shall be the ex officio finance officer of the Authority.

SECTION 2.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

SECTION 2.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Kings Mountain City Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the city council may require.

PART III. CITY OF LINCOLNTON.

SECTION 3.1. Occupancy tax. – (a) Authorization and Scope. –

The Lincolnton City Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 3.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 3.1.(c) Distribution and Use of Tax Revenue. – The City of Lincolnton shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Lincolnton Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Lincolnton and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

SECTION 3.2. Lincolnton Tourism Development Authority. – (a) Appointment and Membership. - When the Lincolnton City Council adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a city Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the city, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the city. The city council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Lincolnton shall be the ex officio finance officer of the Authority.

SECTION 3.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

SECTION 3.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Lincolnton City Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the city council may require.

PART IV. MONROE.

SECTION 4.1. Occupancy tax. – (a) Authorization and Scope. – The Monroe City Council may levy a room occupancy tax of up to five percent (5%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 4.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

The tax collector may collect any unpaid taxes levied under this act through the use of attachment and garnishment proceedings as provided in G.S. 105-368 for collection of property taxes. The tax collector has the same enforcement powers concerning the tax authorized by this act as the Secretary of Revenue in enforcing the State sales tax under G.S. 105-164.30.

SECTION 4.1.(c) Distribution and Use of Tax Revenue. – The City of Monroe shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Monroe Tourism Development Authority. For the first 10 years that funds are remitted to the Authority under this section, the Authority shall use at least two-thirds of the funds remitted to it under this subsection for tourism-related expenditures and shall use the remainder to promote travel and tourism in Monroe. For funds remitted to it under this section thereafter, the Authority shall use at least two-thirds of the funds remitted to it under this section to promote travel and tourism and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

SECTION 4.2. Monroe Tourism Development Authority. – (a) Appointment and Membership. – When the Monroe City Council adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a city Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the city, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the city. The city council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the City of Monroe shall be the ex officio finance officer of the Authority.

SECTION 4.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

SECTION 4.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the city council on its receipts and

expenditures for the preceding quarter and for the year in such detail as the city council may require.

PART V. NORTH TOPSAIL BEACH.

SECTION 5.1. Occupancy tax. – (a) Authorization and Scope. – The North Topsail Beach Board of Aldermen may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 5.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 5.1.(c) Distribution and Use of Tax Revenue. – North Topsail Beach shall spend the net proceeds of the occupancy tax levied for beach nourishment.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Beach nourishment. – The placement of sand, from other sand sources, on a beach or dune by mechanical means and other associated activities that are in conformity with the North Carolina Coastal Management Program along the North Carolina shorelines and connecting inlets for the purpose of widening the beach to benefit public recreational use and mitigating damage and erosion from storms to inland property. The term includes expenditures for the following:
 - a. Costs directly associated with qualifying for projects either contracted through the U.S. Army Corps of Engineers or otherwise permitted by all appropriate federal and State agencies;
 - b. The nonfederal share of the cost required to construct these projects;
 - c. The costs associated with providing enhanced public beach access; and

- d. The costs of associated nonhardening activities such as the planting of vegetation, the building of dunes, and the placement of sand fences.

PART VI. PENDER COUNTY.

SECTION 6.1. Pender County's authority to levy a tax under Chapter 970 of the 1987 Session Laws is repealed effective on the effective date of a tax levied under this Part. Repeal of a tax levied under this Part does not revive Pender County's authority to levy a tax under Chapter 970 of the 1987 Session Laws.

SECTION 6.2. Occupancy Tax. – (a) Authorization and Scope. – The Pender County Board of Commissioners may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3) and from the rental of private residences and cottages, whether or not the residence or cottage is rented for fewer than 15 days. This tax is in addition to any State or local sales tax.

SECTION 6.2.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

SECTION 6.2.(c) Distribution and Use of Tax Revenue. – Pender County shall, on a quarterly basis, remit to Surf City the net proceeds of the occupancy tax derived from accommodations in Surf City and shall remit to Topsail Beach the net proceeds of the occupancy tax derived from accommodations in Topsail Beach. Surf City and Topsail Beach shall spend the net proceeds of the occupancy tax levied under this Part for beach nourishment. The remainder of the net proceeds derived from accommodations in Pender County shall, on a quarterly basis, be remitted to the Pender Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Pender County and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and

other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.

- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a county by attracting tourists or business travelers to the county. The term includes tourism-related capital expenditures.
- (4) Beach nourishment. – The placement of sand, from other sand sources, on a beach or dune by mechanical means and other associated activities that are in conformity with the North Carolina Coastal Management Program along the North Carolina shorelines and connecting inlets for the purpose of widening the beach to benefit public recreational use and mitigating damage and erosion from storms to inland property. The term includes expenditures for the following:
 - a. Costs directly associated with qualifying for projects either contracted through the U.S. Army Corps of Engineers or otherwise permitted by all appropriate federal and State agencies;
 - b. The nonfederal share of the costs required to construct these projects;
 - c. The costs associated with providing enhanced public beach access; and
 - d. The costs of associated nonhardening activities such as the planting of vegetation, the building of dunes, and the placement of sand fences.

SECTION 6.3. Pender Tourism Development Authority. – (a) Appointment and Membership. – When the board of commissioners adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the county, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the county. The board of commissioners shall designate one member of the Authority as

chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Pender County shall be the ex officio finance officer of the Authority.

SECTION 6.3.(b) Duties. – The Authority shall expend the net proceeds of the tax remitted to it under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

SECTION 6.3.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

PART VII. DARE COUNTY.

SECTION 7.1. Section 1(a) of Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, reads as rewritten:

"Section 1. Occupancy Tax. (a) Authorization and Scope. The Dare County Board of Commissioners may ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of the following in Dare County:

- (1) Any room, lodging, or similar accommodation subject to sales tax under G.S. 105-164.4(a)(3); and
- (2) A campsite.

This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose. This tax is in addition to any State or local sales tax."

SECTION 7.2. Section 1(b) of Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, reads as rewritten:

"(b) Administration. – A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this act. ~~Collection. Every operator of a business subject to the tax levied under this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of Dare County. The tax shall be added to the sales price and shall be passed on to the purchaser instead of~~

~~being borne by the operator of the business. The Dare County Tax Collector shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax."~~

SECTION 7.3. Section 1(c) of Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, is repealed.

SECTION 7.4. Section 1(f) of Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, is repealed.

SECTION 7.5. Section 2 of Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, reads as rewritten:

"Sec. 2. Definitions. The definitions in G.S. 105-164.3 apply in this act. In addition, the following definitions apply in this act:

- (1) Net proceeds. Gross proceeds less the cost to the county of administering and collecting the tax.
- (2) Prepared food and beverages. Meals, food, and beverages which a retailer has added value to or whose state has been altered (other than solely by cooling) by preparing, combining, dividing, heating, or serving, in order to make them available for immediate consumption.
- (3) Beach nourishment. The placement of sand, from other sand sources, on a beach or dune by mechanical means and other associated activities that are in conformity with the North Carolina Coastal Management Program, or which have otherwise been authorized by the General Assembly, along the North Carolina shorelines and connecting inlets for the purpose of widening the beach to benefit public recreational use and mitigating damage and erosion from storms to inland property and transportation routes. The term includes expenditures for the following:
 - a. Costs directly associated with qualifying for projects either contracted through the U.S. Army Corps of Engineers or otherwise permitted by all appropriate federal and State agencies;
 - b. The nonfederal share of the costs required to construct these projects;
 - c. The costs associated with providing enhanced public beach access; and
 - d. The costs of associated nonhardening activities such as the planting of vegetation, the building of dunes, and the placement of sand fences."

SECTION 7.6. Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, is amended by adding a new section to read:

"Sec. 3.1. Supplemental Occupancy Tax. In addition to the taxes authorized by Sections 1 and 3 of this act, the Dare County Board of Commissioners may levy a room occupancy tax of one percent (1%) of the gross receipts derived from the rental of accommodations taxable under Section 1 of this act. The county may not levy a tax under this section unless it also levies the taxes under Sections 1 and 3 of this act. The levy, collection, administration, and repeal of the tax authorized by this section shall be in accordance with Section 1 of this act. The county shall use the net proceeds of the tax authorized by this section for beach nourishment."

SECTION 7.7. Section 5 of Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, is repealed.

PART VIII. ROWAN ADMINISTRATIVE CHANGES.

SECTION 8.1. Section 1 of Chapter 379 of the 1987 Session Laws, as amended by Chapter 882 of the 1991 Session Laws, reads as rewritten:

"Section 1. Occupancy tax. (a) Authorization and scope. – The Rowan County Board of Commissioners may ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county that is subject to sales tax imposed by the State under G.S. ~~405-164.4(3)-105-164.4(a)(3).~~ This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations.

(b) ~~Collection. — Every operator of a business subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects the occupancy tax levied under this section may deduct from the amount remitted to the county a discount of three percent (3%) of the amount collected.~~

(c) ~~Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section. The county shall administer a tax levied under this section. A tax levied under this section is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. The board of commissioners shall appoint a board to oversee the operations of the Rowan County Convention and Visitors Bureau. Appointments to the board shall be made by the board of commissioners for specified terms as outlined in the bylaws of the Bureau.~~

A return filed with the county finance officer under this section is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.

(d) ~~Penalties. – A person, firm, corporation, or association who fails or refuses to file the return required by this section shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in addition to any other penalty, with an additional tax of five percent (5%) for each additional month or fraction thereof until the tax is paid.~~

~~Any person who willfully attempts in any manner to evade a tax imposed under this section or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. The board of commissioners may, for good cause shown, compromise or forgive the penalties imposed by this subsection.~~

(e) ~~Distribution and use of tax revenue. – Rowan County shall apply the net proceeds of the occupancy tax to the purposes provided in this subsection. The county shall, on a quarterly~~ monthly ~~basis, remit the net proceeds of the occupancy tax to the Rowan County Convention and Visitors Bureau. Tourism Development Authority. The Bureau Authority shall spend funds remitted to it under this subsection only to promote travel, tourism, and conventions in Rowan County and to sponsor tourist-oriented events and activities in Rowan County. The Bureau Authority may not spend any of the funds for construction, improvement, or maintenance of real property or for any other capital project. The Bureau Authority shall~~

report ~~quarterly and~~ at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the ~~preceding quarter and for the year~~ in such detail as the board may require.

As used in this subsection, 'net proceeds' means gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer.

~~(f) Effective date of levy.— A tax levied under this section shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.~~

~~(g) Repeal.— A tax levied under this section may be repealed by a resolution adopted by the Rowan County Board of Commissioners. Repeal of a tax levied under this section shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this section does not affect a liability for a tax that was attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal."~~

SECTION 8.2. Chapter 379 of the 1987 Session Laws, as amended by Chapter 882 of the 1991 Session Laws, is amended by adding a new section to read:

"Section 1.1. Establishment, Appointment, and Duties of Tourism Authority. (a) The board of commissioners shall adopt a resolution establishing and creating the Rowan County Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act and shall be composed of the following 11 members appointed by the board of commissioners:

- (1) A county commissioner or his or her designee.
- (2) A member of the Salisbury City Council or his or her designee.
- (3) Two owners, operators, or representatives of hotels, motels, or other taxable tourist accommodations.
- (4) Two individuals to represent all bona fide Rowan County sites and attractions, to be selected from those sites and attractions.
- (5) One individual to represent the Rowan County Chamber of Commerce, either the chair of the board or the chair's designee.
- (6) Four individuals who have an interest in tourism development and do not own or operate hotels, motels, or other taxable tourist accommodations.

The board of commissioners shall appoint all members of the Tourism Development Authority, except for the City of Salisbury appointee, who

shall be appointed directly by the Salisbury City Council from its council members. The term of office of each member of the Authority shall be two years. Members may serve no more than two consecutive terms. All members of the Authority shall serve without compensation.

(b) In addition to any other powers and duties of the Authority otherwise conferred by law, the Authority may contract with any person, firm, or agency to advise and assist it in the promotion of travel and tourism and to carry out the purposes identified in Section 1 of this act. The Authority may accept contributions from any source to be used for the purposes stated in Section 1 of this act."

PART IX. TOWN OF WILKESBORO.

SECTION 9.1. Occupancy tax. – (a) Authorization and Scope. – The Wilkesboro Board of Town Commissioners may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 9.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 9.1.(c) Distribution and Use of Tax Revenue. – The Town of Wilkesboro shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Wilkesboro Tourism Development, Convention, and Visitors Bureau. The Bureau shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Wilkesboro and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area, including the operation of a

visitors' center. The term includes administrative expenses incurred in engaging in the listed activities.

- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Bureau, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 9.2. Wilkesboro Tourism Development, Convention, and Visitors Bureau. – (a) Appointment and Membership. – When the Wilkesboro Board of Town Commissioners adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating the Wilkesboro Tourism Development, Convention, and Visitors Bureau, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide that the board of town commissioners shall appoint members of the Bureau for one-year terms and shall provide for the filling of vacancies on the Bureau. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the town. The board of town commissioners shall designate one member of the Bureau as chair and shall determine the compensation, if any, to be paid to members of the Bureau.

The Bureau shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the Town of Wilkesboro shall be the ex officio finance officer of the Bureau.

SECTION 9.2.(b) Duties. – The Bureau shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Bureau shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 9.2.(c) Reports. – The Bureau shall report quarterly and at the close of the fiscal year to the board of town commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board of town commissioners may require.

PART X. TOWN OF SELMA.

SECTION 10.1. Occupancy tax. – (a) Authorization and Scope. – The Town Council of the Town of Selma may levy a room occupancy tax of one percent (1%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by

nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 10.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 10.1.(c) Distribution and Use of Tax Revenue. – The Town of Selma shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Johnston County Tourism Authority created in Chapter 647 of the 1987 Session Laws. The Johnston County Tourism Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Selma and shall use the remainder for tourism-related expenditures in Selma. The net proceeds of the occupancy tax levied under this Part shall supplement rather than supplant any proceeds being used in the Town of Selma derived from the occupancy tax levied by Johnston County pursuant to Chapter 647 of the 1987 Session Laws.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a town by attracting tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 10.2. A tax levied under this Part expires five years after the effective date of its levy. The town's authority to levy a tax under this Part expires five years after the effective date of its levy of a tax under this Part. The expiration of a tax pursuant to this Part does not affect the rights or liabilities of the town, a taxpayer, or another person arising under the expired tax before the effective date of its expiration; nor does it affect the right to any refund or credit of a tax that would otherwise have been available under the expired tax before the effective date of its expiration.

PART XI. TOWN OF SMITHFIELD.

SECTION 11.1. Occupancy tax. – (a) Authorization and Scope. – The Town Council of the Town of Smithfield may levy a room occupancy tax of one percent (1%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 11.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 11.1.(c) Distribution and Use of Tax Revenue. – The Town of Smithfield shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Johnston County Tourism Authority created in Chapter 647 of the 1987 Session Laws. The Johnston County Tourism Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Smithfield and shall use the remainder for tourism-related expenditures in Smithfield. The net proceeds of the occupancy tax levied under this Part shall supplement rather than supplant any proceeds being used in the Town of Smithfield derived from the occupancy tax levied by Johnston County pursuant to Chapter 647 of the 1987 Session Laws.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a town by attracting tourists or

business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 11.2. A tax levied under this Part expires five years after the effective date of its levy. The town's authority to levy a tax under this Part expires five years after the effective date of its levy of a tax under this Part. The expiration of a tax pursuant to this Part does not affect the rights or liabilities of the town, a taxpayer, or another person arising under the expired tax before the effective date of its expiration; nor does it affect the right to any refund or credit of a tax that would otherwise have been available under the expired tax before the effective date of its expiration.

PART XII. AVERASBORO TOWNSHIP IN HARNETT COUNTY.

SECTION 12.1. Section 1 of Chapter 142 of the 1987 Session Laws reads as rewritten:

"Section 1. Occupancy Tax. – (a) Authorization and Scope. – The Harnett County Board of Commissioners may ~~by resolution, after not less than ten (10) days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy tax in an amount not to exceed three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within Averasboro Township that is subject to sales tax imposed by the State under ~~G.S. 105-164.4(3), 105-164.4(a)(3).~~ This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious institutions or organizations.

(a) Additional Occupancy Tax. – In addition to the tax authorized by subsection (a) of this section, the Harnett County Board of Commissioners may levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of accommodations taxable under that subsection. The county may not levy a tax under this section unless it also levies the tax under subsection (a) of this section. A tax levied under this section may not become effective before the first day of the second month after the resolution levying the tax is adopted. The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with this section.

~~(b) Collection. Every operator of a business subject to the tax levied under this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the township. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. As compensation for collecting a tax levied under this act, the operator of a business subject to~~

~~the tax may retain three percent (3%) of the total tax collected by the operator each month.~~

(c) Administration. ~~—~~ For the purpose of levying and administering the tax authorized by this act, Averasboro Township shall be a body politic and corporate and shall have the power to carry out the provisions of this act. The Harnett County Board of Commissioners shall serve, ex officio, as the governing body of the Township, and the officers of the board of commissioners shall serve as the officers of the governing body of the township. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

The Harnett County Board of Commissioners, as the governing body of Averasboro Township, shall administer a tax levied under this act. A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155 as if Averasboro Township were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this act.~~A tax levied under this act is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. The township shall design, print, and furnish to all appropriate businesses and persons in the township the necessary forms for filing returns and instructions to ensure the full collection of the tax. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the township. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.~~

~~A return filed with the county finance officer under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.~~

(d) Penalties. ~~A person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of thirty (30) days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due for each additional month or fraction thereof until the tax is paid.~~

~~Any person who willfully attempts in any manner to evade a tax imposed under this act or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. The board of commissioners may, for good cause shown, compromise or forgive the penalties imposed by this subsection.~~

(e) ~~Distribution and use of tax revenue.~~ Use of Tax Revenue. – The township shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Averasboro Township Tourism Development Authority. The Authority ~~may spend funds remitted to it under this subsection only to develop, promote, and advertise travel and tourism in Averasboro Township, to sponsor tourist oriented events and activities for Averasboro Township, to operate and maintain museums and historic sites throughout Averasboro Township, and to purchase, operate, and maintain a convention facility for Averasboro Township.~~ As used in this subsection, "net proceeds" means gross proceeds less the cost to the township of administering and collecting the tax, as determined by the finance officer. shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Averasboro Township and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the township of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a township or to attract tourists or business travelers to the township. The term includes tourism-related capital expenditures.

(f) ~~Effective date of levy.~~ A tax levied under this act shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(g) ~~Repeal.~~ A tax levied under this act may be repealed by a resolution adopted by the Harnett County Board of Commissioners. Repeal of a tax levied under this act does not affect a liability for a tax that attached

~~before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal."~~

PART XIII. RICHMOND COUNTY.

SECTION 13.1. Chapter 969 of the 1987 Session Laws reads as rewritten:

"Section 1. Levy of Tax. = (a) The Board of Commissioners of Richmond County may by resolution levy a room occupancy and tourism development tax:

~~(b) Collection of the tax and liability therefor, shall begin and continue only on and after the first day of a calendar month set by the board of county commissioners in the resolution levying the tax, which in no case may be earlier than the first day of the succeeding calendar month after the date of adoption of the resolution.~~

~~Sec. 2. Occupancy Tax. The county room occupancy and tourism development tax that may be levied under this act shall be tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp or other similar place within the county now subject to the three percent (3%) sales tax imposed by the State under G.S. 105-164(3)-G.S. 105-164.4(a)(3). This tax is in addition to any local sales tax. This tax does not apply to gross receipts derived by the following entities from accommodations furnished by them:~~

- ~~(1) Religious organizations;~~
- ~~(2) Educational organizations;~~
- ~~(3) Any business that offers to rent fewer than five units; and~~
- ~~(4) Summer camps.~~

~~Sec. 2. Additional Occupancy Tax. – In addition to the tax authorized by Section 1 of this act, the Richmond County Board of Commissioners may levy a room occupancy and tourism development tax of three percent (3%) of the gross receipts derived from the rental of accommodations taxable under that section. The levy, collection, administration, use, and repeal of the tax authorized by this section shall be in accordance with this act. Richmond County may not levy a tax under this section unless it also levies a tax under Section 1 of this act.~~

~~Sec. 3. Administration of Tax. – A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this act. (a) ~~Any tax levied under this act is due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.~~~~

~~(b) Any person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission.~~

~~(c) In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in addition to the penalty prescribed in subsection (b), with an additional tax of five percent (5%) for each additional month or fraction thereof until the occupancy tax is paid.~~

~~(d) Any person who willfully attempts in any manner to evade the occupancy tax imposed under this act or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both.~~

~~Sec. 4. Collection of Tax. Every operator of a business subject to a tax levied under this act shall, on and after the effective date of the levy of the tax, collect the three percent (3%) room occupancy tax. This tax shall be collected as part of the charge for the furnishing of any taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of Richmond County. The room occupancy tax levied pursuant to this act shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses in Richmond County the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

~~An operator of a business who collects the occupancy tax levied under this act may deduct from the amount remitted to the county a discount of three percent (3%) of the amount collected.~~

~~Sec. 5. Disposition of Taxes Collected. (a) Richmond County shall remit the net proceeds of the occupancy tax to the county Richmond County Tourism Development Authority in Richmond County. Authority. "Net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax, which may not exceed three percent (3%) of the collected tax.~~

~~(b) The Tourism Development Authority shall use fifty percent (50%) of the funds remitted to it under this section to promote travel and tourism in Richmond County and shall use the remaining fifty percent (50%) for tourism-related expenditures in the City of Rockingham that are mutually agreed upon by the Richmond County Tourism Development Authority and the Rockingham City Council. may expend any funds distributed to it pursuant to subsection (a) only to further the development of travel, tourism, and conventions in the county through State, national,~~

~~and international advertising and promotion.~~ The Authority may not use more than ~~twenty five percent (25%)~~ fifteen percent (15%) of the funds distributed to it ~~pursuant to subsection (a)~~ for administrative expenses of the Authority.

(c) The following definitions apply in this act:

- (1) Net proceeds. – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

Sec. 6. Appointment, Duties of Tourism Development Authority. – (a) When the board of county commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act and shall be composed of the following ~~five~~ seven members:

- (1) A county commissioner appointed by the board of county commissioners;
- (2) One owner or operator of hotels, motels, or other taxable tourist accommodations, who shall be appointed by the board of county commissioners;
- (3) The Executive Director of the Richmond County Area Chamber of Commerce; and
- (4) Two individuals interested in the tourist business who have demonstrated an interest in tourist development, but do not own or operate a hotel, motel, or other taxable tourist accommodation, who shall be appointed by the board of county commissioners.
- (5) Two individuals appointed by the Rockingham City Council. At least one of these individuals must be an owner or

operator of a hotel, motel, or other taxable tourist accommodation in the City of Rockingham.

All members of the Authority shall serve without compensation.

Vacancies in the Authority shall be filled in the same manner as the initial appointments. Members appointed to fill vacancies shall serve for the remainder of the unexpired term which they are appointed to fill. Members shall serve terms as provided in the rules of procedures and bylaws of the Authority.

The members shall elect a chairman. The Authority shall meet at the call of the chairman and shall adopt rules of procedure and bylaws to govern its meetings and activities. The finance officer for Richmond County shall be the ex officio finance officer of the Authority.

(b) The Tourism Development Authority may contract with any person, firm, or agency to advise and assist it in the promotion of travel, tourism, and conventions.

(c) The Tourism Development Authority shall report quarterly and at the close of the fiscal year to the board of county commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

~~Sec. 7. Repeal of Levy. (a) The board of county commissioners may by resolution repeal the levy of the room occupancy tax in Richmond County, but no repeal of taxes levied under this Part shall be effective until the end of the fiscal year in which the repeal resolution was adopted.~~

~~(b) No liability for any tax levied under this Part that attached prior to the date on which a levy is repealed shall be discharged as a result of the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed shall be denied as a result of the repeal.~~

Sec. 8. This act is effective upon ratification."

PART XIV. TOWN OF CARRBORO.

SECTION 14.1. Occupancy tax. – (a) Authorization and Scope. –

The governing body of the Town of Carrboro may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 14.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 14.1.(c) Distribution and Use of Tax Revenue. – The Town of Carrboro shall, on a quarterly basis, remit the net proceeds of

the occupancy tax to the Carrboro Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Carrboro and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a town by attracting tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 14.2. Carrboro Tourism Development Authority. –

(a) Appointment and Membership. – When the governing body of the Town of Carrboro adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the town. The governing body of the Town of Carrboro shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the Town of Carrboro shall be the ex officio finance officer of the Authority.

SECTION 14.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in

the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 14.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the governing body of the Town of Carrboro its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

PART XV. BEECH MOUNTAIN ADMINISTRATIVE PROVISIONS.

SECTION 15.1. Chapter 376 of the 1987 Session Laws reads as rewritten:

"AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Section 1. Occupancy Tax. The Town Council of Beech Mountain may by resolution, ~~after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy and tourism development tax. ~~Collection of the tax, and liability therefor shall begin and continue only on and after the first day of a calendar month set by the Town Council of Beech Mountain in the resolution levying the tax, which in no case may be earlier than the first day of the second succeeding calendar month after the date of adoption of the resolution.~~

The occupancy and tourism development tax that may be levied under this act shall be three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation in the Town of Beech Mountain that is subject to sales tax imposed by the State under G.S. ~~105-164.4(3).~~ 105-164.4(a)(3). This tax is in addition to any State or local sales tax. The tax ~~shall~~ does not apply to any room, lodging, or accommodations supplied to the same person for a period of 90 continuous days or more. The tax ~~shall also not apply to~~ sleeping rooms or lodgings furnished by charitable, educational, or religious institutions or ~~non-profit~~ nonprofit organizations.

Sec. 2. Administration of Tax. (a) A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section. The Town of Beech Mountain shall administer a tax levied under this act. A tax levied under this act is due and payable to the Town in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, and association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the Town. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A return filed with the Town under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.

~~(b) Any person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission.~~

~~In case of failure or refusal to file the return or pay the tax for a period of 30 days or more after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the total tax due, for each additional month or fraction thereof until the occupancy tax is paid.~~

~~Any person who willfully attempts in any manner to evade the occupancy tax levied under this act or to make a return and who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or both. The Town Council may, for good cause shown, compromise or forgive the penalties imposed by this subsection.~~

(c) All persons, firms, corporations, and associations who rent either their own dwelling or dwellings or rooms for other persons are required to submit to the ~~Town~~town a list of all rental properties. This list shall include the owner's name, current address, and location of rental property. The list shall be submitted semi-annually on or before November 30 and May 30.

Failure to file ~~said~~ this listing shall subject the person, firm, corporation or association to a civil penalty.

~~Sec. 3. Collection of Tax. (a) Every operator of a business and every individual renting his or her own property subject to the tax levied pursuant to this act shall, on and after the effective date of the levy of the tax, collect the three percent (3%) room occupancy tax.~~

~~This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the Town of Beech Mountain. It is the intent of this act that the room occupancy tax levied by the Town of Beech Mountain shall be added to the sales price and that the tax shall be passed on to the purchaser instead of being borne by the operator of the business. The Town shall design, print, and furnish to all appropriate businesses in the Town, the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

~~(b) Collection of the tax shall be the responsibility of the Beech Mountain Tax Administrator. In his/her discretion, the Tax Administrator may proceed against an operator whose occupancy tax is delinquent, employing all remedies for collection of tax as set out in G.S. 105-367, 105-368, 105-374, and 105-375. The Tax Administrator may audit occupancy tax reports as he/she deems necessary, utilizing information available to him/her in property tax matters.~~

~~Sec. 4. Discount for Payment of Taxes When Due. Every operator who pays the occupancy tax imposed by this Article shall be entitled to deduct from the amount of the tax for which he is liable and which he actually pays a discount of three percent (3%). Provided, however, the Tax Administrator may deny a taxpayer the benefits of this section for failure to pay the full tax when due as well as in cases of fraud, evasion, or failure to keep accurate and clear records as herein required. Provided, further, that in order to receive the discount the taxpayer must deduct the three percent (3%) at the time of making his monthly remittance of tax to the Town.~~

~~Sec. 5. Disposition of Taxes Collected. Distribution and Use of Tax Revenue. The Town of Beech Mountain shall retain from the gross proceeds of the tax collected an amount sufficient to pay its direct costs for administrative and collection expenses. "Net proceeds" shall mean gross proceeds less the direct costs for administrative and collection expenses not to exceed three percent (3%) of the amount collected. The net proceeds shall be distributed to the Town Council. The Town Council may expend the funds distributed to it pursuant to this section only to further the development of travel, tourism, conventions, and convention facilities in the Town. shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Beech Mountain Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Beech Mountain and shall use the remainder for tourism-related expenditures.~~

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

Sec. 5.1. Beech Mountain Tourism Development Authority. (a) Appointment and Membership. – When the Beech Mountain Town Council

adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a town Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the town. The town council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Beech Mountain shall be the ex officio finance officer of the Authority.

Sec. 5.2. Duties. The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 5 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

Sec. 5.3. Reports. The Authority shall report quarterly and at the close of the fiscal year to the Beech Mountain Town Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the town council may require.

Sec. 6. Repeal of Levy. The Beech Mountain Town Council may by resolution repeal the levy of the room occupancy tax in Beech Mountain, but no repeal of taxes levied under this part shall be effective until the end of the fiscal year in which the repeal resolution was adopted. No liability for any tax levied under this part that attached prior to the date on which a levy is repealed shall be discharged as a result of the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed shall be denied as a result of the repeal.

Sec. 7. This act is effective upon ratification."

PART XVI. AVERY COUNTY.

SECTION 16.1. Chapter 472 of the 1993 Session Laws, as amended by Sections 4 and 5 of S.L. 1997-410, is repealed.

SECTION 16.2. Authorization and Scope. – (a) This section applies only to cities in Avery County that are not otherwise authorized to levy a room occupancy tax. The governing body of a city may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to

accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 16.2.(b) Administration. – A tax levied under this section must be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 16.2.(c) Distribution and Use of Tax Revenue. – The taxing city shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the taxing city's Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the taxing city and shall use the remainder for tourism-related expenditures.

SECTION 16.2.(d) Definitions. – The following definitions apply in this section:

- (1) City. – Defined in G.S. 153A-1.
- (2) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (3) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (4) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

SECTION 16.3. Tourism Development Authority. – (a) Appointment and Membership. – When the city council of a taxing city adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the city, and at least three-fourths of the members must be individuals who are

currently active in the promotion of travel and tourism in the city. The city council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to the members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the taxing city shall be the ex officio finance officer of the Authority.

SECTION 16.3.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 16.2(c) of this act. The Authority shall promote travel, tourism, and conventions in the city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

SECTION 16.3.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the taxing city's city council on its receipts and expenditures for the preceding quarter and for the year in such detail as the city council may require.

PART XVII. CABARRUS COUNTY.

SECTION 17.1. Section 1 of Chapter 658 of the 1989 Session Laws reads as rewritten:

"Section 1. Occupancy Tax Levy. (a) **Authorization and Scope.** – The Cabarrus County Board of Commissioners may ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy tax of not less than three percent (3%) nor more than ~~five percent (5%)~~ six percent (6%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county that is subject to sales tax imposed by the State under ~~G.S. 105-164.4(3); G.S. 105-164.4(a)(3).~~ This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations.

(b) Administration. – A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this act. ~~Collection. On and after the effective date of the levy of the tax, every operator of a business subject to the tax levied under this act shall collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately on the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

~~(e) Administration. The county shall administer a tax levied under this act. A tax levied under this act is due and payable to the Cabarrus County Finance Officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the county in the preceding month from rentals upon which the tax is levied.~~

~~A return filed with the county finance officer under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.~~

~~(d) Penalties. A person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of fifty dollars (\$50.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due for each additional month or fraction thereof until the tax is paid.~~

~~Any person who willfully attempts in any manner to evade a tax imposed under this act or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. The board of commissioners may, for good cause shown, compromise or forgive the penalties imposed by this subsection.~~

~~(e) Use and Disposition of Revenue. — Cabarrus County shall remit one hundred percent (100%) of the net proceeds of the occupancy tax to the Cabarrus County Tourism Authority established under Section 2 of this act. As used in this act, "net proceeds" means gross proceeds less the direct cost to the county of administering and collecting the tax, not to exceed five percent (5%) of the amount collected.~~

~~The Authority may expend occupancy tax revenue remitted to it by the county during a fiscal year, and any other revenue it receives, only to develop or promote tourism, tourist-related support services and facilities, tourist-related events, tourist-related activities, or tourist attractions. The Cabarrus County Finance Officer shall distribute the amounts due the Authority at least monthly.~~

~~(f) Effective Date of Levy. A tax levied under this act shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.~~

~~(g) Repeal. A tax levied under this act may be repealed by a resolution adopted by the Cabarrus County Board of Commissioners.~~

~~Repeal of a tax levied under this act shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this act does not affect a liability for a tax that attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal."~~

PART XVIII. UNIFORM PROVISIONS.

SECTION 18.1. City administrative provisions. – G.S. 160A-215 reads as rewritten:

"§ 160A-215. Uniform provisions for room occupancy taxes.

(a) Scope. – This section applies only to municipalities the General Assembly has authorized to levy room occupancy taxes. For the purpose of this section, the term "city" means a municipality.

(b) Levy. – A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. – Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing city. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing city shall design, print, and furnish to all appropriate businesses and persons in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing city a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. – The taxing city shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the city finance officer in monthly installments on or before the fifteenth day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the fifteenth day of each month, prepare and render a return on a form prescribed by the taxing city. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the city finance officer is not a public record

and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. – A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing city has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

(f) Repeal or Reduction. – A room occupancy tax levied by a city may be repealed or reduced by a resolution adopted by the governing body of the city. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

(g) This section applies only to the Cities of Gastonia, Goldsboro, Greensboro, Kings Mountain, Lincolnton, Lumberton, Monroe, Mount Airy, Shelby, and Statesville, to the Towns of ~~Banner Elk~~, Carrboro, Mooresville, North Topsail Beach, Selma, Smithfield, St. Pauls, and Wilkesboro, and to the municipalities in Avery and Brunswick County-Counties."

SECTION 18.2. County administrative provisions. – G.S. 153A-155 reads as rewritten:

"§ 153A-155. Uniform provisions for room occupancy taxes.

(a) Scope. – This section applies only to counties the General Assembly has authorized to levy room occupancy taxes.

(b) Levy. – A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. – Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing county shall design,

print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing county a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. – The taxing county shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the taxing county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the county finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. – A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing county has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

(f) Repeal or Reduction. – A room occupancy tax levied by a county may be repealed or reduced by a resolution adopted by the governing body of the county. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

(g) This section applies only to Avery, Brunswick, Cabarrus, Craven, Currituck, Dare, Davie, Granville, Madison, Nash, Pender, Person, Randolph, Richmond, Rowan, Scotland, and Transylvania ~~Counties~~. Counties, and to the Township of Averagesboro in Harnett County."

PART XIX. EFFECTIVE DATE.

SECTION 19.1. Part XV of this act becomes effective the first day of the fourth month after this act becomes law. The remainder of this act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 137**

S137-CCSRO-1, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Correctional officers and security supervisors employed at private correctional facilities pursuant to a contract between their employer and the Federal Bureau of Prisons may, in the course of their employment as correctional officers or security supervisors, use necessary force and make arrests consistent with the laws applicable to the North Carolina Department of Correction, which force shall not exceed that authorized to Department of Correction officers, provided that the Department of Correction determines that as of the effective date of this act, the employment policies of such private corporations meet the same minimum standards and practices followed by the Department of Correction in employing its correctional personnel, and if:

- (1) Those correctional officers and security supervisors have been certified as correctional officers as provided under Chapter 17C of the General Statutes; or
- (2) Those correctional officers and security supervisors employed by the private corporation at the facility have completed a training curriculum that the Department of Correction has determined meets or exceeds the standards required by the North Carolina Criminal Justice Education and Training Standards Commission for correctional personnel. The Department may require that it be notified of the names and positions of such persons prior to such persons beginning duties at the correctional facility, and the names and positions of those persons already employed at the correctional facility on the effective date of this act and that the Department be notified when any such person is no longer employed in such duties at the correctional facility.

SECTION 2. Any private corporation described in Section 1 of this act shall without limit defend, indemnify, and hold harmless the State, its officers, employees, and agents from any claims arising out of the operation of the private correctional facility, or the granting of the powers authorized under this act, including any attorneys' fees or other legal costs incurred by the State, its officers, employees, or agents as a result of such claims.

SECTION 2.1. Any private corporation described in Section 1 of this act shall reimburse the State and any county or other law enforcement agency for the full cost of any additional expenses incurred by the State or the county or other law enforcement agency in connection with the pursuit and apprehension of an escaped inmate from the facility.

In the event of an escape from the facility, any private corporation described in Section 1 of this act shall immediately notify the sheriff in the county in which the facility is located and shall notify the Department of Correction which shall cause an immediate entry into the State Bureau of Investigation Division of Criminal Information network. The sheriff of the county in which the facility is located shall be the lead law enforcement officer in connection with the pursuit and apprehension of an escaped inmate from the facility.

SECTION 3. Any private corporation described in Section 1 of this act must maintain in force liability insurance to satisfy any final judgment rendered against the private corporation or the State, its officers, employees, and agents that arises out of the operation of the correctional facility or the indemnification requirements in Section 2 of this act. The minimum amount of liability insurance that will be required under this section is ten million dollars (\$10,000,000) per occurrence, and twenty-five million dollars (\$25,000,000) aggregate per occurrence. The private corporation shall ensure that its insurance company shall provide the Department of Correction with a current Certificate of Insurance evidencing compliance with the requirements of this section within 10 days of the effective date of this act and annually thereafter.

SECTION 4. The Department of Correction shall adopt rules to implement the provisions of this act.

SECTION 5. The authority set forth in this act to use necessary force and make arrests shall be in addition to any existing authority set forth in the statutory or common law of the State, but shall not exceed the authority to use necessary force and make arrests set out in Section 1 of this act.

SECTION 6. A private corporation described in Section 1 of this act shall bear the reasonable costs of services provided by the Department of Correction for the corporation. The amount of the costs shall be determined by the Secretary of the Department.

SECTION 7. This act is effective when it becomes law, applies to private correctional facilities and the employees of those correctional facilities constructed and contracted to be operated by the effective date of this act, and expires two years after the effective date.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 199**

S199-CSLN-3, A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSURED OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS.

The General Assembly of North Carolina enacts:

PART I. PATIENT ACCESS TO MEDICAL ADVICE AND CARE

Subpart A. Continuity of Care in HMOs

SECTION 1. Article 67 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-67-88. Continuity of care.

- (a) Definitions. – As used in this section:
 - (1) 'Ongoing special condition' means:
 - a. In the case of an acute illness, a condition that is serious enough to require medical care or treatment to avoid a reasonable possibility of death or permanent harm.
 - b. In the case of a chronic illness or condition, a disease or condition that is life-threatening, degenerative,

or disabling, and requires medical care or treatment over a prolonged period of time.

c. In the case of pregnancy, pregnancy from the start of the second trimester.

d. In the case of a terminal illness, an individual has a medical prognosis that the individual's life expectancy is six months or less.

(2) 'Terminated or termination'. – Includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract by an HMO for failure to meet applicable quality standards or for fraud.

(b) Termination of Provider. – If a contract between an HMO benefit plan that is not a point-of-service plan and a health care provider is terminated by the provider or by the HMO, or benefits or coverage provided by the HMO are terminated because of a change in the terms of provider participation in a health benefit plan of an HMO that is not a point-of-service plan, and an individual is covered by the plan and is undergoing treatment from the provider for an ongoing special condition on the date of the termination, then, the HMO shall:

(1) Upon termination of the contract by the HMO or upon receipt by the HMO of written notification of termination by the provider, notify the individual on a timely basis of the termination and of the right to elect continuation of coverage of treatment by the provider under this section if the individual has filed a claim with the HMO for services provided by the terminated provider or the individual is otherwise known by the HMO to be a patient of the provider.

(2) Subject to subsection (h) of this section, permit the individual to elect to continue to be covered with respect to the treatment by the provider of the ongoing special condition during a transitional period provided under this section.

(c) Newly Covered Insured. – Each health benefit plan offered by an HMO that is not a point-of-service plan shall provide transition coverage to individuals who are undergoing treatment from a provider for an ongoing special condition and are newly covered under the health benefit plan because the individual's employer has changed health benefit plans, and the HMO shall:

(1) Notify the individual on the date of enrollment of the right to elect continuation of coverage of treatment by the provider under this section.

(2) Subject to subsection (h) of this section, permit the individual to elect to continue to be covered with respect to the treatment

by the provider of the ongoing special condition during a transitional period provided under this section.

(d) Transitional Period: In General. – Except as otherwise provided in subsections (e), (f), and (g) of this section, the transitional period under this subsection shall extend up to 90 days, as determined by the treating health care provider, after the date of the notice to the individual described in subdivision (b)(1) of this section or the date of enrollment in a new plan described in subdivision (c)(1) of this section.

(e) Transitional Period: Scheduled Surgery, Organ Transplantation, or Inpatient Care. – If surgery, organ transplantation, or other inpatient care was scheduled for an individual before the date of the notice required under subdivision (b)(1) of this section, or the date of enrollment in a new plan described in subdivision (c)(1) of this section, or if the individual on that date was on an established waiting list or otherwise scheduled to have the surgery, transplantation, or other inpatient care, the transitional period under this subsection with respect to the surgery, transplantation, or other inpatient care shall extend beyond the period under subsection (d) of this section through the date of discharge of the individual after completion of the surgery, transplantation, or other inpatient care, and through postdischarge follow-up care related to the surgery, transplantation, or other inpatient care occurring within 90 days after the date of discharge.

(f) Transitional Period: Pregnancy. – If an insured has entered the second trimester of pregnancy on the date of the notice required under subdivision (b)(1) of this section, or the date of enrollment in a new plan described in subdivision (c)(1) of this section, and the provider was treating the pregnancy before the date of the notice, or the date of enrollment in the new plan, the transitional period with respect to the provider's treatment of the pregnancy shall extend through the provision of 60 days of postpartum care.

(g) Transitional Period: Terminal Illness. – If an insured was determined to be terminally ill at the time of a provider's termination of participation under subsection (b) of this section, or at the time of enrollment in the new plan under subdivision (c)(1) of this section, and the provider was treating the terminal illness before the date of the termination or enrollment in the new plan, the transitional period shall extend for the remainder of the individual's life with respect to care directly related to the treatment of the terminal illness or its medical manifestations.

(h) Permissible Terms and Conditions. – An HMO may condition coverage of continued treatment by a provider under subdivision (b)(2) or (c)(2) of this section upon the following terms and conditions:

(1) When care is provided pursuant to subdivision (b)(2) of this section, the provider agrees to accept reimbursement from the HMO and individual involved, with respect to cost-sharing, at the rates applicable before the start of the transitional period as payment in full. When care is provided

- pursuant to subdivision (c)(2) of this section, the provider agrees to accept the prevailing rate based on contracts the insurer has with the same or similar providers in the same or similar geographic area, plus the applicable copayment, as reimbursement in full from the HMO and the insured for all covered services.
- (2) The provider agrees to comply with the quality assurance programs of the HMO responsible for payment under subdivision (1) of this subsection and to provide to the HMO necessary medical information related to the care provided. The quality assurance programs shall not override the professional or ethical responsibility of the provider or interfere with the provider's ability to provide information or assistance to the patient.
 - (3) The provider agrees otherwise to adhere to the HMO's established policies and procedures for participating providers, including procedures regarding referrals and obtaining prior authorization, providing services pursuant to a treatment plan, if any, approved by the HMO, and member hold harmless provisions.
 - (4) The insured or the insured's representative notifies the HMO within 45 days of the date of the notice described in subdivision (b)(1) of this section or the new enrollment described in subdivision (c)(1) of this section, that the insured elects to continue receiving treatment by the provider.
 - (5) The provider agrees to discontinue providing services at the end of the transition period pursuant to this section and to assist the insured in an orderly transition to a network provider. Nothing in this section shall prohibit the insured from continuing to receive services from the provider at the insured's expense.
- (i) Construction. – Nothing in this section:
- (1) Requires the coverage of benefits that would not have been covered if the provider involved remained a participating provider or, in the case of a newly covered insured, requires the coverage of benefits not provided under the new policy under which the person is covered.
 - (2) Requires an HMO to offer a transitional period when the HMO terminates a provider's contract for reasons relating to quality of care or fraud; and refusal to offer a transitional period under these circumstances is not subject to the grievance review provisions of G.S. 58-50-62.
 - (3) Prohibits an HMO from extending any transitional period beyond that specified in this section.

- (4) Prohibits an HMO from terminating the continuing services of a provider as described in this section when the HMO has determined that the provider's continued provision of services may result in, or is resulting in, a serious danger to the health or safety of the insured. Such terminations shall be in accordance with the contract provisions that the provider would otherwise be subject to if the provider's contract were still in effect.

(j) Disclosure of Right to Transitional Period. – Each HMO shall include a clear description of an insured's rights under this section in its evidence of coverage and summary plan description."

Subpart B. Extended or Standing Referral to Specialist

SECTION 1.2. G.S. 58-3-223 reads as rewritten:

"§ 58-3-223. Managed care access to specialist care.

(a) Each insurer offering a health benefit plan that does not allow direct access to all in-plan specialists shall develop and maintain written policies and procedures by which an insured may receive an extended or standing referral to an in-plan specialist. The ~~procedure~~~~insurer~~ shall provide for an extended or standing referral to a specialist if the insured has a serious or chronic degenerative, disabling, or life-threatening disease or condition, which in the opinion of the insured's primary care physician, in consultation with the specialist, requires ongoing specialty care. The extended or standing referral shall be for a period not to exceed 12 months and shall be made under a treatment plan coordinated with the insurer in consultation with the primary care physician, the specialist, and the insured or the insured's designee.

(b) As used in this section:

- (1) ~~'Health benefit plan' has the meaning applied in G.S. 58-3-167, means an accident and health insurance policy or certificate; a nonprofit hospital or medical service corporation contract; a health maintenance organization subscriber contract; a plan provided by a multiple employer welfare arrangement; or a plan provided by another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, as amended, or by any waiver of or other exception to that Act provided under federal law or regulation. 'Health benefit plan' does not mean any plan implemented or administered by the North Carolina Department of Health and Human Services or the United States Department of Health and Human Services, or any successor agency, or its representatives.~~

~~'Health benefit plan' also does not mean any of the following kinds of insurance:~~

- ~~a. Accident.~~
- ~~b. Credit.~~
- ~~c. Disability income.~~
- ~~d. Long term care or nursing home care.~~
- ~~e. Medicare supplement.~~
- ~~f. Specified disease.~~
- ~~g. Dental or vision.~~
- ~~h. Coverage issued as a supplement to liability insurance.~~
- ~~i. Workers' compensation.~~
- ~~j. Medical payments under automobile or homeowners.~~
- ~~k. Hospital income or indemnity.~~
- ~~l. Insurance under which benefits are payable with or without regard to fault and that are statutorily required to be contained in any liability policy or equivalent self insurance.~~

(2) ~~'Insurer' means an entity that writes a health benefit plan and that is an insurance company subject to this Chapter, a service corporation under Article 65 of this Chapter, or a health maintenance organization under Article 67 of this Chapter, or a multiple employer welfare arrangement under Article 49 of this Chapter, has the meaning applied in G.S. 58-3-167.~~

(3) ~~'Serious or chronic degenerative, disabling, or life-threatening disease or condition' means a disease or condition, which in the opinion of the patient's treating primary care physician and specialist, requires frequent and periodic monitoring and consultation with the specialist on an ongoing basis.~~

(4) ~~'Specialist' includes a subspecialist."~~

SECTION 1.2A. G.S. 58-3-200(d) reads as rewritten:

"(d) Services Outside Provider Networks. – No insurer shall penalize an insured or subject an insured to the out-of-network benefit levels offered under the insured's approved health benefit ~~plan plan, including an insured receiving an extended or standing referral under G.S. 58-3-223,~~ unless contracting health care providers able to meet health needs of the insured are reasonably available to the insured without unreasonable delay."

Subpart C. Selection of Specialist as Primary Care Physician

SECTION 1.3. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-235. Selection of specialist as primary care provider.

(a) Each insurer that offers a health benefit plan shall have a procedure by which an insured diagnosed with a serious or chronic degenerative, disabling, or life-threatening disease or condition, either of which requires specialized medical care may select as his or her primary care physician a specialist with expertise in treating the disease or condition who shall be responsible for and capable of providing and coordinating the insured's primary and specialty care. If the insurer determines that the insured's care would not be appropriately coordinated by that specialist, the insurer may deny access to that specialist as a primary care provider.

(b) The selection of the specialist shall be made under a treatment plan approved by the insurer, in consultation with the specialist and the insured or the insured's designee and after notice to the insured's primary care provider, if any. The specialist may provide ongoing care to the insured and may authorize such referrals, procedures, tests, and other medical services as the insured's primary care provider would otherwise be allowed to provide or authorize, subject to the terms of the treatment plan. Services provided by a specialist who is providing and coordinating primary and specialty care remain subject to utilization review and other requirements of the insurer, including its requirements for primary care providers."

Subpart D. Direct Access to Pediatrician

SECTION 1.4. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-240. Direct access to pediatrician for minors.

Each insurer offering a health benefit plan that uses a network of contracting health care providers shall allow an insured to choose a contracting pediatrician in the network as the primary care provider for the insured's children under the age of 18 and covered under the policy."

Subpart E. Access to Prescription Drugs

SECTION 1.5. G.S. 58-3-221 reads as rewritten:

"§ 58-3-221. Access to nonformulary and restricted access prescription drugs.

(a) If an insurer maintains one or more closed formularies for or restricts access to covered prescription drugs or devices, then the insurer shall do all of the following:

- (1) Develop the formulary or formularies and any restrictions on access to covered prescription drugs or devices in consultation with and with the approval of a pharmacy and therapeutics committee, which shall include participating

~~providers-physicians who are licensed to prescribe prescription drugs or devices, practice medicine in this State.~~

- (2) Make available to participating ~~providers and pharmacists~~ providers, pharmacists, and enrollees the complete drugs or devices formulary or formularies maintained by the insurer including a list of the devices and prescription drugs on the formulary by major therapeutic category that specifies whether a particular drug or device is preferred over other drugs or devices.
- (3) Establish and maintain an expeditious process or procedure that allows an enrollee or the enrollee's physician acting on behalf of the enrollee to obtain, without penalty or additional cost-sharing beyond that provided for in the health benefit plan, coverage for a specific nonformulary drug or device determined to be medically necessary and appropriate by the enrollee's participating physician without prior approval from the insurer, after the enrollee's participating physician notifies the insurer that:
 - a. Either (i) the formulary alternatives have been ineffective in the treatment of the enrollee's disease or condition, or (ii) the formulary alternatives cause or are reasonably expected by the physician to cause a harmful or adverse clinical reaction in the enrollee; and
 - b. Either (i) the drug is prescribed in accordance with any applicable clinical protocol of the insurer for the prescribing of the drug, or (ii) the drug has been approved as an exception to the clinical protocol pursuant to the insurer's exception procedure.
- (4) Provide coverage for a restricted access drug or device to an enrollee without requiring prior approval or use of a nonrestricted formulary drug if an enrollee's physician certifies in writing that the enrollee has previously used an alternative nonrestricted access drug or device and the alternative drug or device has been detrimental to the enrollee's health or has been ineffective in treating the same condition and, in the opinion of the prescribing physician, is likely to be detrimental to the enrollee's health or ineffective in treating the condition again.

(b) An insurer may not void a contract or refuse to renew a contract between the insurer and a prescribing provider because the prescribing provider has prescribed a medically necessary and appropriate nonformulary or restricted access drug or device as provided in this section.

- (c) As used in this section:
- (1) 'Closed formulary' means a list of prescription drugs and devices reimbursed by the insurer that excludes coverage for drugs and devices not listed.
 - (1a) ~~'Health benefit plan' has definition provided in G.S. 58-3-167. means an accident and health insurance policy or certificate; a nonprofit hospital or medical service corporation contract; a health maintenance organization subscriber contract; a plan provided by a multiple employer welfare arrangement; or a plan provided by another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, as amended, or by any waiver of or other exception to that Act provided under federal law or regulation. 'Health benefit plan' does not mean any plan implemented or administered by the North Carolina Department of Health and Human Services or the United States Department of Health and Human Services, or any successor agency, or its representatives. 'Health benefit plan' also does not mean any of the following kinds of insurance:~~
 - a. ~~Accident.~~
 - b. ~~Credit.~~
 - c. ~~Disability income.~~
 - d. ~~Long term care or nursing home care.~~
 - e. ~~Medicare supplement.~~
 - f. ~~Specified disease.~~
 - g. ~~Dental or vision.~~
 - h. ~~Coverage issued as a supplement to liability insurance.~~
 - i. ~~Workers' compensation.~~
 - j. ~~Medical payments under automobile or homeowners.~~
 - k. ~~Hospital income or indemnity.~~
 - l. ~~Insurance under which benefits are payable with or without regard to fault and that are statutorily required to be contained in any liability policy or equivalent self insurance.~~
 - (2) 'Insurer' has the meaning provided in G.S. 58-3-167. means an entity that writes a health benefit plan and that is an insurance company subject to this Chapter, a service corporation organized under Article 65 of this Chapter, a health maintenance organization organized under Article 67 of this Chapter, or a multiple employer welfare arrangement under Article 49 of this Chapter.
 - (3) 'Restricted access drug or device' means those covered prescription drugs or devices for which reimbursement by the insurer is conditioned on the insurer's prior approval to

prescribe the drug or device or on the provider prescribing one or more alternative drugs or devices before prescribing the drug or device in question.

(d) Nothing in this section requires an insurer to pay for drugs or devices or classes of drugs or devices related to a benefit that is specifically excluded from coverage by the insurer."

Subpart F. Managed Care Patient Assistance Program

SECTION 1.6. Chapter 143 of the General Statutes is amended by adding the following new Article to read:

"Article 77.

"Managed Care Patient Assistance Program.

"§ 143-730. Managed Care Patient Assistance Program.

(a) The Office of Managed Care Patient Assistance Program is established in an existing State agency or department designated by the Governor. The Director of the Office of Managed Care Patient Assistance Program shall be appointed by the Governor.

(b) The Managed Care Patient Assistance Program shall provide information and assistance to individuals enrolled in managed care plans. The Managed Care Patient Assistance Program shall have expertise and experience in both health care and advocacy and will assume the specific duties and responsibilities set forth in subsection (c) of this section.

(c) The duties and responsibilities of the Managed Care Patient Assistance Program are as follows:

- (1) Develop and distribute educational and informational materials for consumers, explaining their rights and responsibilities as managed care plan enrollees.
- (2) Answer inquiries posed by consumers and refer inquiries of a regulatory nature to staff within the Department of Insurance.
- (3) Advise managed care plan enrollees about the utilization review process.
- (4) Assist enrollees with the grievance, appeal, and external review procedures established by Article 50 of Chapter 58 of the General Statutes.
- (5) Publicize the Office of the Managed Care Patient Assistance Program.
- (6) Compile data on the activities of the Office and evaluate such data to make recommendations as to the needed activities of the Office.

(d) The Director of the Managed Care Patient Assistance Program shall annually report the activities of the Managed Care Patient Assistance Program, including the types of appeals, grievances, and complaints received and

the outcome of these cases. The report shall be submitted to the General Assembly, upon its convening or reconvening, and shall make recommendations as to efforts that could be implemented to assist managed care consumers."

Subpart G. No Discrimination in the Selection of Providers

SECTION 1.7. G.S. 58-50-30, as amended by Section 1 of S.L. 2001-297, reads as rewritten:

"§ 58-50-30. Right to choose services of optometrist, podiatrist, certified clinical social worker, certified substance abuse professional, licensed professional counselor, dentist, chiropractor, psychologist, pharmacist, certified fee-based practicing pastoral counselor, advanced practice nurse, or physician assistant.

(a1) Whenever any health benefit plan, subscriber contract, or policy of insurance issued by a health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through 65-67 of this Chapter provides for coverage for, payment of or of, or reimbursement for any service rendered in connection with a condition or complaint that is within the scope of practice of a duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly certified clinical social worker, a duly certified substance abuse professional, a duly licensed professional counselor, a duly licensed psychologist, a duly licensed pharmacist, a duly certified fee-based practicing pastoral counselor, a duly licensed physician assistant, or an advanced practice registered nurse, the insured or other persons entitled to benefits under the policy shall be entitled to coverage of, payment of or of, or reimbursement for the services, whether the services be performed by a duly licensed physician, or a provider listed in this subsection, notwithstanding any provision contained in the ~~policy.~~ plan or policy limiting access to the providers. The policyholder, insured, or beneficiary shall have the right to choose the provider of services notwithstanding any provision to the contrary in any other statute, subject to the utilization review, referral, and prior approval requirements of the plan that apply to all providers for that service; provided that:

- (1) In the case of plans that require the use of network providers as a condition of obtaining benefits under the plan or policy, the policyholder, insured, or beneficiary must choose a provider of the services within the network; and
- (2) In the case of plans that require the use of network providers as a condition of obtaining a higher level of benefits under the plan or policy, the policyholder, insured, or beneficiary must choose a provider of the services within the network in order to obtain the higher level of benefits.

(a2) Whenever any policy of insurance governed by Articles 1 through ~~65~~64 of this Chapter provides for certification of disability that is within the scope of practice of a duly licensed physician, a duly licensed physician assistant, a duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly certified clinical social worker, a duly certified substance abuse professional, a duly licensed professional counselor, a duly licensed psychologist, a duly certified fee-based practicing pastoral counselor, or an advanced practice registered nurse, the insured or other persons entitled to benefits under the policy shall be entitled to payment of or reimbursement for the disability whether the disability be certified by a duly licensed physician, or a provider listed in this subsection, notwithstanding any provisions contained in the policy. The policyholder, insured, or beneficiary shall have the right to choose the provider of the services notwithstanding any provision to the contrary in any other ~~statute~~-statute; provided that for plans that require the use of network providers either as a condition of obtaining benefits under the plan or policy or to access a higher level of benefits under the plan or policy, the policyholder, insured, or beneficiary must choose a provider of the services within the network, subject to the requirements of the plan or policy.

(a3) Whenever any health benefit plan, subscriber contract, or policy of insurance issued by a health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through 67 of this Chapter provides coverage for medically necessary treatment, the insurer shall not impose any limitation on treatment or levels of coverage if performed by a duly licensed chiropractor acting within the scope of the chiropractor's practice as defined in G.S. 90-151 unless a comparable limitation is imposed on the medically necessary treatment if performed or authorized by any other duly licensed physician.

(b) For the purposes of this section, a "duly licensed psychologist" is a licensed psychologist who holds permanent licensure and certification as a health services provider psychologist issued by the North Carolina Psychology Board.

(c) For the purposes of this section, a "duly certified clinical social worker" is a "certified clinical social worker" as defined in G.S. 90B-3(2) and certified by the North Carolina Certification Board for Social Work pursuant to Chapter 90B of the General Statutes.

(c1) For purposes of this section, a "duly certified fee-based practicing pastoral counselor" shall be defined only to include fee-based practicing pastoral counselors certified by the North Carolina State Board of Examiners of Fee-Based Practicing Pastoral Counselors pursuant to Article 26 of Chapter 90 of the General Statutes.

(c2) For purposes of this section, a "duly certified substance abuse professional" is a person certified by the North Carolina Substance Abuse

Professional Certification Board pursuant to Article 5C of Chapter 90 of the General Statutes.

(c3) For purposes of this section, a "duly licensed professional counselor" is a person licensed by the North Carolina Board of Licensed Professional Counselors pursuant to Article 24 of Chapter 90 of the General Statutes.

(d) Payment or reimbursement is required by this section for a service performed by an advanced practice registered nurse only when:

- (1) The service performed is within the nurse's lawful scope of practice;
- (2) The policy currently provides benefits for identical services performed by other licensed health care providers;
- (3) The service is not performed while the nurse is a regular employee in an office of a licensed physician;
- (4) The service is not performed while the registered nurse is employed by a nursing facility (including a hospital, skilled nursing facility, intermediate care facility, or home care agency); and
- (5) Nothing in this section is intended to authorize payment to more than one provider for the same service.

No lack of signature, referral, or employment by any other health care provider may be asserted to deny benefits under this ~~provision-provision~~, unless these plan requirements apply to all providers for that service.

For purposes of this section, an "advanced practice registered nurse" means only a registered nurse who is duly licensed or certified as a nurse practitioner, clinical specialist in psychiatric and mental health nursing, or nurse midwife.

(e) Payment or reimbursement is required by this section for a service performed by a duly licensed pharmacist only when:

- (1) The service performed is within the lawful scope of practice of the pharmacist;
- (2) The service performed is not initial counseling services required under State or federal law or regulation of the North Carolina Board of Pharmacy;
- (3) The policy currently provides reimbursement for identical services performed by other licensed health care providers; and
- (4) The service is identified as a separate service that is performed by other licensed health care providers and is reimbursed by identical payment methods.

Nothing in this subsection authorizes payment to more than one provider for the same service.

(f) Payment or reimbursement is required by this section for a service performed by a duly licensed physician assistant only when:

- (1) The service performed is within the lawful scope of practice of the physician assistant in accordance with rules adopted by the North Carolina Medical Board pursuant to G.S. 90-18.1;
- (2) The policy currently provides reimbursement for identical services performed by other licensed health care providers; and
- (3) The reimbursement is made to the physician, clinic, agency, or institution employing the physician assistant.

Nothing in this subsection is intended to authorize payment to more than one provider for the same service. For the purposes of this section, a "duly licensed physician assistant" is a physician assistant as defined by G.S. 90-18.1.

(g) A health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through 67 of this Chapter shall not exclude from participation in its provider network or from eligibility to provide particular covered services under the plan or policy any duly licensed physician or provider listed in subsection (a1) of this section, acting within the scope of the provider's license or certification under North Carolina law, solely on the basis of the provider's license or certification. Any health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through 67 of this Chapter that offers coverage through a network plan may condition participation in the network on satisfying written participation criteria, including credentialing, quality, and accessibility criteria. The participation criteria shall be developed and applied in a like manner consistent with the licensure and scope of practice for each type of provider. Any health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through 67 of this Chapter that excludes a provider listed in subsection (a1) of this section from participation in its network or from eligibility to provide particular covered services under the plan or policy shall provide the affected listed provider with a written explanation of the basis for its decision. A health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through 67 of this Chapter shall not exclude from participation in its provider network a provider listed in subsection (a1) of this section acting within the scope of the provider's license or certification under North Carolina law solely on the basis that the provider lacks hospital privileges, unless use of hospital services by the provider on behalf of a policy holder, insured, or beneficiary reasonably could be expected.

(h) Nothing in this section shall be construed as expanding the scope of practice of any duly licensed physician or provider listed in subsection (a1) of this section."

Subpart H. Prohibition on Provider Incentives

SECTION 1.8. Article 3 of Chapter 58 of the General Statutes is amended by adding the following new section to read:

§ 58-3-265. Prohibition on managed care provider incentives.

An insurer offering a health benefit plan may not offer or pay any type of material inducement, bonus, or other financial incentive to a participating provider to deny, reduce, withhold, limit, or delay specific medically necessary and appropriate health care services covered under the health benefit plan to a specific insured or enrollee. This section does not prohibit insurers from paying a provider on a capitated basis or withholding payment or paying a bonus based on the aggregate services rendered by the provider or the insurer's financial performance."

PART II. HEALTH PLAN DISCLOSURES

Subpart A. Managed Care Reporting and Disclosure Requirements

SECTION 2.1. G.S. 58-3-191(b) reads as rewritten:

"(b) Disclosure requirements. – Each health benefit plan shall provide the following applicable information to plan participants and bona fide prospective participants upon request:

- (1) The evidence of coverage (G.S. 58-67-50), subscriber contract (G.S. 58-65-60, 58-65-140), health insurance policy (G.S. 58-51-80, 58-50-125, 58-50-55), or the contract and benefit summary of any other type of health benefit plan;
- (2) An explanation of the utilization review criteria and treatment protocol under which treatments are provided for conditions specified by the prospective participant. This explanation shall be in writing if so requested;
- (3) If denied a recommended treatment, written reasons for the denial and an explanation of the utilization review criteria or treatment protocol upon which the denial was based;
- (4) The plan's ~~restrictive formularies~~ formularies, restricted access drugs or devices as defined in G.S. 58-3-221, or prior approval requirements for obtaining prescription drugs, whether a particular drug or therapeutic class of drugs is excluded from its formulary, and the circumstances under which a nonformulary drug may be covered; and
- (5) The plan's procedures and medically based criteria for determining whether a specified procedure, test, or treatment is experimental."

Subpart B. Provider Directory Information

SECTION 2.2. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-245. Provider directories.

(a) Every health benefit plan utilizing a provider network shall maintain a provider directory that includes a listing of network providers available to insureds and shall update the listing no less frequently than once a year. In addition, every health benefit plan shall maintain a telephone system and may maintain an electronic or on-line system through which insureds can access up-to-date network information. If the health benefit plan produces printed directories, the directories shall contain language disclosing the date of publication, frequency of updates, that the directory listing may not contain the latest network information, and contact information for accessing up-to-date network information.

(b) Each directory listing shall include the following network information:

- (1) The provider's name, address, telephone number, and, if applicable, area of specialty.
- (2) Whether the provider may be selected as a primary care provider.
- (3) To the extent known to the health benefit plan, an indication of whether the provider:
 - a. Is or is not currently accepting new patients.
 - b. Has any other restrictions that would limit an insured's access to that provider.

(c) The directory listing shall include all of the types of participating providers. Upon a participating provider's written request, the insurer shall also list in the directory, as part of the participating provider's listing, the names of any allied health professionals who provide primary care services under the supervision of the participating provider and whose services are covered by virtue of the insurer's contract with the supervising participating provider and whose credentials have been verified by the supervising participating provider. These allied health professionals shall be listed as a part of the directory listing for the participating provider upon receipt of a certification by the supervising participating provider that the credentials of the allied health professional have been verified consistent with the requirements for the type of information required to be verified under G.S. 58-3-230."

Subpart C. Disclosure of Payment Obligations

SECTION 2.3. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-250. Payment obligations for covered services.

(a) If an insurer calculates a benefit amount for a covered service under a health benefit plan through a method other than a fixed dollar co-payment, the insurer shall clearly explain in its evidence of coverage and plan summaries how it determines its payment obligations and the payment obligations of the insured. The explanation shall include:

- (1) An example of the steps the insurer would take in calculating the benefit amount and the payment obligations of each party.
- (2) Whether the insurer has obtained the agreement of health care providers not to bill an insured for any amounts by which a provider's charge exceeds the insurer's recognized charge for a covered service and whether the insured may be liable for paying any excess amount.
- (3) Which party is responsible for filing a claim or bill with the insurer.

(b) If an insured is liable for an amount that differs from a stated fixed dollar co-payment or may differ from a stated coinsurance percentage because the coinsurance amount is based on a plan allowance or other such amount rather than the actual charges and providers are permitted to balance bill the insured, the evidence of coverage, plan summaries, and marketing and advertising materials that include information on benefit levels shall contain the following statement: 'NOTICE: Your actual expenses for covered services may exceed the stated [coinsurance percentage or co-payment amount] because actual provider charges may not be used to determine [plan/insurer or similar term] and [insured/member/enrollee or similar term] payment obligations.'"

PART III. MANDATED BENEFITS

Subpart A. Clinical Trials

SECTION 3.1. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-255. Coverage of clinical trials.

(a) As used in this section:

- (1) 'Covered clinical trials' means phase II, phase III, and phase IV patient research studies designed to evaluate new treatments, including prescription drugs, and that: (i) involve the treatment of life-threatening medical conditions, (ii) are medically indicated and preferable for that patient compared to available noninvestigational treatment alternatives, and (iii) have clinical and preclinical data that shows the trial will likely be more effective for that patient

than available noninvestigational alternatives. Covered clinical trials must also meet the following requirements:

- a. Must involve determinations by treating physicians, relevant scientific data, and opinions of experts in relevant medical specialties.
- b. Must be trials approved by centers or cooperative groups that are funded by the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control, the Agency for Health Care Research and Quality, the Department of Defense, or the Department of Veterans Affairs. The health benefit plan may also cover clinical trials sponsored by other entities.
- c. Must be conducted in a setting and by personnel that maintain a high level of expertise because of their training, experience, and volume of patients.

(2) 'Health benefit plan' is defined by G.S. 58-3-167.

(3) 'Insurer' is defined by G.S. 58-3-167.

(b) Each health benefit plan shall provide coverage for participation in phase II, phase III, and phase IV covered clinical trials by its insureds or enrollees who meet protocol requirements of the trials and provide informed consent.

(c) Only medically necessary costs of health care services, as defined in G.S. 58-50-61, associated with participation in a covered clinical trial, including those related to health care services typically provided absent a clinical trial, the diagnosis and treatment of complications, and medically necessary monitoring, are required to be covered by the health benefit plan and only to the extent that such costs have not been or are not funded by national agencies, commercial manufacturers, distributors, or other research sponsors of participants in clinical trials. Nothing in this section shall be construed to require a health benefit plan to pay or reimburse for non-FDA approved drugs provided or made available to a patient who received the drug during a covered clinical trial after the clinical trial has been discontinued.

(d) Clinical trial costs not required to be covered by a health benefit plan include the costs of services that are not health care services, those provided solely to satisfy data collection and analysis needs, those related to investigational drugs and devices, and those that are not provided for the direct clinical management of the patient. In the event a claim contains charges related to services for which coverage is required under this section, and those charges have not been or cannot be separated from costs related to services for which coverage is not required under this section, the health benefit plan may deny the claim."

Subpart B. Newborn Hearing Screening

SECTION 3.2. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-260. Insurance coverage for newborn hearing screening mandated.

(a) As used in this section, the terms 'health benefit plan' and 'insurer' have the meanings applied under G.S. 58-3-167.

(b) Each health benefit plan shall provide coverage for newborn hearing screening ordered by the attending physician pursuant to G.S. 130A-125. The same deductibles, coinsurance, reimbursement methodologies, and other limitations and administrative procedures as apply to similar services covered under the health benefit plan shall apply to coverage for newborn hearing screening."

PART IV. EXTERNAL REVIEW AND MANAGED CARE ENTITY LIABILITY

Subpart A. Independent, External Review Process

SECTION 4.1. The title of Article 50 of Chapter 58 of the General Statutes reads as rewritten:

"Article 50.

General Accident and Health Insurance Regulations."

SECTION 4.2. Article 50 of Chapter 58 of the General Statutes is amended as follows:

- (1) By designating G.S. 58-50-1 through G.S. 58-50-45 as Part 1 with the heading "Miscellaneous Provisions."
- (2) By designating G.S. 58-50-50 through G.S. 58-50-64 as Part 2 with the heading "PPOs, Utilization Review and Grievances."
- (3) By designating G.S. 58-50-65 through G.S. 58-50-70 as Part 3 with the heading "Scope and Sanctions."
- (4) By designating G.S. 58-50-75 through G.S. 58-50-95 as Part 4 with the heading "Health Benefit Plan External Review."
- (5) By designating G.S. 58-50-100 through G.S. 58-50-156 as Part 5 with the heading "Small Employer Group Health Insurance Reform."

SECTION 4.3. G.S. 58-50-151 is recodified as G.S. 58-51-116.

SECTION 4.4. The prefatory language of G.S. 58-50-61(a) reads as rewritten:

"(a) Definitions. – As used in this ~~section and section~~ section, in G.S. 58-50-62, and in Part 4 of this Article, the term:".

SECTION 4.5. Article 50 of Chapter 58 of the General Statutes is amended by adding a new Part to read:

"Part 4. Health Benefit Plan External Review.

"§ 58-50-75. Purpose, scope, and definitions.

(a) The purpose of this Part is to provide standards for the establishment and maintenance of external review procedures to assure that covered persons have the opportunity for an independent review of an appeal decision upholding a noncertification or a second-level grievance review decision upholding a noncertification, as defined in this Part.

(b) This Part applies to all insurers that offer a health benefit plan and that provide or perform utilization review pursuant to G.S. 58-50-61, the Teachers' and State Employees' Comprehensive Major Medical Plan, and the Health Insurance Program for Children. With respect to second-level grievance review decisions, this Part applies only to second-level grievance review decisions involving noncertification decisions.

(c) In addition to the definitions in G.S. 58-50-61(a), as used in this Part:

(1) 'Covered benefits' or 'benefits' means those benefits consisting of medical care, provided directly through insurance or otherwise and including items and services paid for as medical care, under the terms of a health benefit plan.

(2) 'Covered person' means a policyholder, subscriber, enrollee, or other individual covered by a health benefit plan. 'Covered person' includes another person, including the covered person's health care provider, acting on behalf of the covered person. Nothing in this subdivision shall require the covered person's health care provider to act on behalf of the covered person.

(3) 'Independent review organization' or 'organization' means an entity that conducts independent external reviews of appeals of noncertifications and second-level grievance review decisions.

"§ 58-50-76: Reserved.

"§ 58-50-77. Notice of right to external review.

(a) An insurer shall notify the covered person in writing of the covered person's right to request an external review and include the appropriate statements and information set forth in this section at the time the insurer sends written notice of:

(1) A noncertification decision under G.S. 58-50-61;

(2) An appeal decision under G.S. 58-50-61 upholding a noncertification; and

(3) A second-level grievance review decision under G.S. 58-50-62 upholding the original noncertification.

(b) The insurer shall include in the notice required under subsection (a) of this section for a notice related to a noncertification decision under G.S. 58-50-61, a statement informing the covered person that if the covered

person has a medical condition where the time frame for completion of an expedited review of an appeal decision involving a noncertification decision under G.S. 58-50-61 would reasonably be expected to seriously jeopardize the life or health of the covered person or jeopardize the covered person's ability to regain maximum function, then the covered person may file a request for an expedited external review under G.S. 58-50-82 at the same time the covered person files a request for an expedited review of an appeal involving a noncertification decision under G.S. 58-50-61, but that the Commissioner will determine whether the covered person shall be required to complete the expedited review of the grievance before conducting the expedited external review.

(c) The insurer shall include in the notice required under subsection (a) of this section for a notice related to an appeal decision under G.S. 58-50-61, a statement informing the covered person that:

(1) If the covered person has a medical condition where the time frame for completion of an expedited review of a grievance involving an appeal decision under G.S. 58-50-61 would reasonably be expected to seriously jeopardize the life or health of the covered person or jeopardize the covered person's ability to regain maximum function, the covered person may file a request for an expedited external review under G.S. 58-50-82 at the same time the covered person files a request for an expedited review of a grievance involving an appeal decision under G.S. 58-50-62, but that the Commissioner will determine whether the covered person shall be required to complete the expedited review of the grievance before conducting the expedited external review.

(2) If the covered person has not received a written decision from the insurer within 60 days after the date the covered person files the second-level grievance with the insurer pursuant to G.S. 58-50-62 and the covered person has not requested or agreed to a delay, the covered person may file a request for external review under G.S. 58-50-80 and shall be considered to have exhausted the insurer's internal grievance process for purposes of G.S. 58-50-79.

(d) The insurer shall include in the notice required under subsection (a) of this section for a notice related to a final second-level grievance review decision under G.S. 58-50-62, a statement informing the covered person that:

(1) If the covered person has a medical condition where the time frame for completion of a standard external review under G.S. 58-50-80 would reasonably be expected to seriously jeopardize the life or health of the covered person or

jeopardize the covered person's ability to regain maximum function, the covered person may file a request for an expedited external review under G.S. 58-50-82; or

- (2) If the second-level grievance review decision concerns an admission, availability of care, continued stay, or health care service for which the covered person received emergency services but has not been discharged from a facility, the covered person may request an expedited external review under G.S. 58-50-82.

(e) In addition to the information to be provided under this section, the insurer shall include a copy of the description of both the standard and expedited external review procedures the insurer is required to provide under G.S. 58-50-93, including the provisions in the external review procedures that give the covered person the opportunity to submit additional information.

"§ 58-50-78: Reserved.

"§ 58-50-79. Exhaustion of internal grievance process.

(a) Except as provided in G.S. 58-50-82, a request for an external review under G.S. 58-50-80 or G.S. 58-50-82 shall not be made until the covered person has exhausted the insurer's internal appeal and grievance processes under G.S. 58-50-61 and G.S. 58-50-62.

(b) A covered person shall be considered to have exhausted the insurer's internal grievance process for purposes of this section, if the covered person:

- (1) Has filed a second-level grievance involving a noncertification appeal decision under G.S. 58-50-61 and G.S. 58-50-62, and
- (2) Except to the extent the covered person requested or agreed to a delay, has not received a written decision on the grievance from the insurer within 60 days since the date the covered person filed the grievance with the insurer.

(c) Notwithstanding subsection (b) of this section, a covered person may not make a request for an external review of a noncertification involving a retrospective review determination made under G.S. 58-50-61 until the covered person has exhausted the insurer's internal grievance process.

(d) A request for an external review of a noncertification may be made before the covered person has exhausted the insurer's internal grievance and appeal procedures under G.S. 58-50-61 and G.S. 58-50-62 whenever the insurer agrees to waive the exhaustion requirement. If the requirement to exhaust the insurer's internal grievance procedures is waived, the covered person may file a request in writing for a standard external review as set forth in G.S. 58-50-80 or may make a request for an expedited external review as set forth in G.S. 58-50-82. In addition, the insurer may choose to eliminate the second-level grievance review under G.S. 58-50-62. In such case, the covered person may file a request in writing for a standard external

review under G.S. 58-50-80 or may make a request for an expedited external review as set forth in G.S. 58-50-82 within 60 days after receiving notice of an appeal decision upholding a noncertification.

"§ 58-50-80. Standard external review.

(a) Within 60 days after the date of receipt of a notice under G.S. 58-50-77, a covered person may file a request for an external review with the Commissioner.

(b) Upon receipt of a request for an external review under subsection (a) of this section, the Commissioner shall, within 10 business days, complete all of the following:

- (1) Notify and send a copy of the request to the insurer that made the decision which is the subject of the request. The notice shall include a request for any information that the Commissioner requires to conduct the preliminary review under subdivision (2) of this subsection and require that the insurer deliver the requested information to the Commissioner within three business days of receipt of the notice.
- (2) Conduct a preliminary review of the request to determine whether:
 - a. The individual is or was a covered person in the health benefit plan at the time the health care service was requested or, in the case of a retrospective review, was a covered person in the health benefit plan at the time the health care service was provided.
 - b. The health care service that is the subject of the noncertification appeal decision or the second-level grievance review decision upholding a noncertification reasonably appears to be a covered service under the covered person's health benefit plan.
 - c. The covered person has exhausted the insurer's internal appeal and grievance processes under G.S. 58-50-61 and G.S. 58-50-62, unless the covered person is considered to have exhausted the insurer's internal appeal or grievance process under G.S. 58-50-79, or unless the insurer has waived its right to conduct an expedited review of the appeal decision.
 - d. The covered person has provided all the information and forms required by the Commissioner that are necessary to process an external review.
- (3) Notify in writing the covered person and the covered person's provider who performed or requested the service whether the request is complete and whether the request has been accepted for external review. If the request is complete

and accepted for external review, the notice shall include a copy of the information that the insurer provided to the Commissioner pursuant to subdivision (b)(1) of this section, and inform the covered person that the covered person may submit to the assigned independent review organization in writing, within seven days after the date of the notice, additional information and supporting documentation relevant to the initial denial for the organization to consider when conducting the external review. If the covered person chooses to send additional information to the assigned independent review organization, then the covered person shall at the same time and by the same means, send a copy of that information to the insurer.

- (4) Notify the insurer in writing whether the request for external review has been accepted. If the request has been accepted, the notice shall direct the insurer or its designee utilization review organization to provide to the assigned organization, within seven days of receipt of the notice, the documents and any information considered in making the noncertification appeal decision or the second level grievance review decision.
- (5) Assign the review to an independent review organization approved under G.S. 58-50-85. The assignment shall be made using an alphabetical list of the independent review organizations, systematically assigning reviews on a rotating basis to the next independent review organization on that list capable of performing the review to conduct the external review. After the last organization on the list has been assigned a review, the Commissioner shall return to the top of the list to continue assigning reviews.
- (6) Forward to the review organization that was assigned by the Commissioner any documents that were received relating to the request for external review.

(c) If the finding of the preliminary review under subdivision (b)(2) of this section is that the request is not complete, the Commissioner shall request from the covered person the information or materials needed to make the request complete. The covered person shall furnish the Commissioner with the requested information or materials within 90 days after the date of the insurer's decision for which external review is requested.

(d) If the finding of the preliminary review under subdivision (b)(2) of this section is that the request is not accepted for external review, the Commissioner shall inform the covered person, the covered person's provider who performed or requested the service, and the insurer in writing of the reasons for its nonacceptance.

(e) Failure by the insurer or its designee utilization review organization to provide the documents and information within the time specified in this subsection shall not delay the conduct of the external review. However, if the insurer or its utilization review organization fails to provide the documents and information within the time specified in subdivision (b)(4) of this section, the assigned organization may terminate the external review and make a decision to reverse the noncertification appeal decision or the second-level grievance review decision. Within one business day of making the decision under this subsection, the organization shall notify the covered person, the insurer, and the Commissioner.

(f) If the covered person submits additional information to the Commissioner pursuant to subdivision (b)(3) of this section, the Commissioner shall forward the information to the assigned review organization within two business days of receiving it and shall forward a copy of the information to the insurer.

(g) Upon receipt of the information required to be forwarded under subsection (f) of this section, the insurer may reconsider its noncertification appeal decision or second-level grievance review decision that is the subject of the external review. Reconsideration by the insurer of its noncertification appeal decision or second-level grievance review decision under this subsection shall not delay or terminate the external review. The external review shall be terminated if the insurer decides, upon completion of its reconsideration, to reverse its noncertification appeal decision or second-level grievance review decision and provide coverage or payment for the requested health care service that is the subject of the noncertification appeal decision or second-level grievance review decision.

(h) Upon making the decision to reverse its noncertification appeal decision or second-level grievance review decision under subsection (g) of this section, the insurer shall notify the covered person, the organization, and the Commissioner in writing of its decision. The organization shall terminate the external review upon receipt of the notice from the insurer sent under this subsection.

(i) The assigned organization shall review all of the information and documents received under subsections (b) and (f) of this section that have been forwarded to the organization by the Commissioner and the insurer. In addition, the assigned review organization, to the extent the documents or information are available, shall consider the following in reaching a decision:

- (1) The covered person's medical records.
- (2) The attending health care provider's recommendation.
- (3) Consulting reports from appropriate health care providers and other documents submitted by the insurer, covered person, or the covered person's treating provider.

- (4) The most appropriate practice guidelines that are based on sound clinical evidence and that are periodically evaluated to assure ongoing efficacy.
- (5) Any applicable clinical review criteria developed and used by the insurer or its designee utilization review organization.
- (6) Medical necessity, as defined in G.S. 58-3-200(b).
- (7) Any documentation supporting the medical necessity and appropriateness of the provider's recommendation.

The assigned organization shall review the terms of coverage under the covered person's health benefit plan to ensure that the organization's decision shall not be contrary to the terms of coverage under the covered person's health benefit plan with the insurer.

The assigned organization's determination shall be based on the covered person's medical condition at the time of the initial noncertification decision.

(j) Within 45 days after the date of receipt by the Commissioner of the request for external review, the assigned organization shall provide written notice of its decision to uphold or reverse the noncertification appeal decision or second-level grievance review decision to the covered person, the insurer, the covered person's provider who performed or requested the service, and the Commissioner. In reaching a decision, the assigned review organization is not bound by any decisions or conclusions reached during the insurer's utilization review process or the insurer's internal grievance process under G.S. 58-50-61 and G.S. 58-50-62.

(k) The organization shall include in the notice sent under subsection (j) of this section:

- (1) A general description of the reason for the request for external review.
- (2) The date the organization received the assignment from the Commissioner to conduct the external review.
- (3) The date the organization received information and documents submitted by the covered person and by the insurer.
- (4) The date the external review was conducted.
- (5) The date of its decision.
- (6) The principal reason or reasons for its decision.
- (7) The clinical rationale for its decision.
- (8) References to the evidence or documentation, including the practice guidelines, considered in reaching its decision.
- (9) The professional qualifications and licensure of the clinical peer reviewers.
- (10) Notice to the covered person that he or she is not liable for the cost of the external review.

(l) Upon receipt of a notice of a decision under subsection (k) of this section reversing the noncertification appeal decision or second-level grievance review decision, the insurer shall within three business days reverse the

noncertification appeal decision or second-level grievance review decision that was the subject of the review and shall provide coverage or payment for the requested health care service or supply that was the subject of the noncertification appeal decision or second-level grievance review decision. In the event the covered person is no longer enrolled in the health benefit plan when the insurer receives notice of a decision under subsection (k) of this section reversing the noncertification appeal decision or second-level grievance review decision, the insurer that made the noncertification appeal decision or second-level grievance review decision shall be responsible under this section only for the costs of those services or supplies the covered person received or would have received prior to disenrollment if the service had not been denied when first requested.

"§ 58-50-81: Reserved.

"§ 58-50-82. Expedited external review.

(a) Except as provided in subsection (g) of this section, a covered person may make a written or oral request for an expedited external review with the Commissioner at the time the covered person receives:

- (1) A noncertification decision under G.S. 58-50-61(f) if:
 - a. The covered person has a medical condition where the time frame for completion of an expedited review of an appeal involving a noncertification set forth in G.S. 58-50-61(l) would be reasonably expected to seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function; and
 - b. The covered person has filed a request for an expedited appeal under G.S. 58-50-61(l).
- (2) An appeal decision under G.S. 58-50-61(k) or (l) upholding a noncertification if:
 - a. The noncertification appeal decision involves a medical condition of the covered person for which the time frame for completion of an expedited second-level grievance review of a noncertification set forth in G.S. 58-50-62(i) would reasonably be expected to seriously jeopardize the life or health of the covered person or jeopardize the covered person's ability to regain maximum function; and
 - b. The covered person has filed a request for an expedited second-level review of a noncertification as set forth in G.S. 58-50-61(i); or
- (3) A second-level grievance review decision under G.S. 58-60-62(h) or (i) upholding a noncertification:
 - a. If the covered person has a medical condition where the time frame for completion of a standard external

review under G.S. 58-50-80 would reasonably be expected to seriously jeopardize the life or health of the covered person or jeopardize the covered person's ability to regain maximum function; or

- b. If the second-level grievance concerns a noncertification of an admission, availability of care, continued stay, or health care service for which the covered person received emergency services, but has not been discharged from a facility.

(b) Within three days of receiving a request for an expedited external review, the Commissioner shall complete all of the following:

- (1) Notify the insurer that made the noncertification, noncertification appeal decision, or second-level grievance review decision which is the subject of the request that the request has been received and provide a copy of the request or verbally convey all of the information included in the request. The Commissioner shall also request any information from the insurer necessary to make the preliminary review set forth in G.S. 58-50-80(b)(2) and require the insurer to deliver the information not later than one day after the request was made.

- (2) Determine whether the request is eligible for external review and, if it is eligible, determine whether it is eligible for expedited review.

- a. For a request made pursuant to subdivision (a)(1) of this section that the Commissioner has determined meets the reviewability requirements set forth in G.S. 58-50-80(b)(2), determine, based on medical advice from a medical professional who is not affiliated with the organization that will be assigned to conduct the external review of the request, whether the request should be reviewed on an expedited basis because the time frame for completion of an expedited review under G.S. 58-50-61(1) would reasonably be expected to seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function. The Commissioner shall then inform the covered person, the covered person's provider who performed or requested the service, and the insurer whether the Commissioner has accepted the covered person's request for an expedited external review. If the Commissioner has accepted the covered person's request for an expedited external

review, then the Commissioner shall, in accordance with G.S. 58-50-80, assign an organization to conduct the review within the appropriate time frame. If the Commissioner has not accepted the covered person's request for an expedited external review, then the covered person shall be informed by the Commissioner that the covered person must exhaust, at a minimum, the insurer's internal appeal process under G.S. 58-50-61(1) before making another request for an external review with the Commissioner.

- b. For a request made pursuant to subdivision (a)(2) of this section that the Commissioner has determined meets the reviewability requirements set forth in G.S. 58-50-80(b)(2), the Commissioner shall determine, based on medical advice from a medical professional who is not affiliated with the organization that will be assigned to conduct the external review of the request, whether the request should be reviewed on an expedited basis because the time frame for completion of an expedited review under G.S. 58-50-62 would reasonably be expected to seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function. The Commissioner shall then inform the covered person, the covered person's provider who performed or requested the service, and the insurer whether the Commissioner has accepted the covered person's request for an expedited external review. If the Commissioner has accepted the covered person's request for an expedited external review, then the Commissioner shall, in accordance with G.S. 58-50-80, assign an organization to conduct the review within the appropriate time frame. If the Commissioner has not accepted the covered person's request for an expedited external review, then the covered person shall be informed by the Commissioner that the covered person must exhaust the insurer's internal grievance process under G.S. 58-50-62 before making another request for an external review with the Commissioner.
- c. For a request made pursuant to sub-subdivision (a)(3)a. of this section that the Commissioner has determined meets the reviewability requirements set forth in G.S. 58-50-80(b)(2), the Commissioner

shall determine, based on medical advice from a medical professional who is not affiliated with the organization that will be assigned to conduct the external review of the request, whether the request should be reviewed on an expedited basis because the time frame for completion of a standard external review under G.S. 58-50-80 would reasonably be expected to seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function. The Commissioner shall then inform the covered person, the covered person's provider who performed or requested the service, and the insurer whether the review will be conducted using an expedited or standard time frame and shall, in accordance with G.S. 58-50-80, assign an organization to conduct the review within the appropriate time frame.

d. For a request made pursuant to sub-subdivision (a)(3)b. of this section, that the Commissioner has determined meets the reviewability requirements set forth in G.S. 58-50-80(b)(2), the Commissioner shall, in accordance with G.S. 58-50-80, assign an organization to conduct the expedited review and inform the covered person, the covered person's provider who performed or requested the service, and the insurer of its decision.

(c) As soon as possible, but within the same day of receiving notice under subdivision (b)(2) of this section that the request has been assigned to a review organization, the insurer or its designee utilization review organization shall provide or transmit all documents and information considered in making the noncertification appeal decision or the second-level grievance review decision to the assigned review organization electronically or by telephone or facsimile or any other available expeditious method.

(d) In addition to the documents and information provided or transmitted under subsection (c) of this section, the assigned organization, to the extent the information or documents are available, shall consider the following in reaching a decision:

- (1) The covered person's pertinent medical records.
- (2) The attending health care provider's recommendation.
- (3) Consulting reports from appropriate health care providers and other documents submitted by the insurer, covered person, or the covered person's treating provider.

- (4) The most appropriate practice guidelines that are based on sound clinical evidence and that are periodically evaluated to assure ongoing efficacy.
- (5) Any applicable clinical review criteria developed and used by the insurer or its designee utilization review organization in making noncertification decisions.
- (6) Medical necessity, as defined in G.S. 58-3-200(b).
- (7) Any documentation supporting the medical necessity and appropriateness of the provider's recommendation.

The assigned organization shall review the terms of coverage under the covered person's health benefit plan to ensure that the organization's decision shall not be contrary to the terms of coverage under the covered person's health benefit plan.

The assigned organization's determination shall be based on the covered person's medical condition at the time of the initial noncertification decision.

(e) As expeditiously as the covered person's medical condition or circumstances require, but not more than four days after the date of receipt of the request for an expedited external review, the assigned organization shall make a decision to uphold or reverse the noncertification, noncertification appeal decision, or second-level grievance review decision and notify the covered person, the covered person's provider who performed or requested the service, the insurer, and the Commissioner of the decision. In reaching a decision, the assigned organization is not bound by any decisions or conclusions reached during the insurer's utilization review process or internal grievance process under G.S. 58-50-61 and G.S. 58-50-62.

(f) If the notice provided under subsection (e) of this section was not in writing, within two days after the date of providing that notice, the assigned organization shall provide written confirmation of the decision to the covered person, the covered person's provider who performed or requested the service, the insurer, and the Commissioner and include the information set forth in G.S. 58-50-80(m). Upon receipt of the notice of a decision under subsection (e) of this section that reverses the noncertification, noncertification appeal decision, or second-level grievance review decision, the insurer shall within one day reverse the noncertification, noncertification appeal decision, or second-level grievance review decision that was the subject of the review and shall provide coverage or payment for the requested health care service or supply that was the subject of the noncertification, noncertification appeal decision, or second-level grievance review decision.

(g) An expedited external review shall not be provided for retrospective noncertifications.

"§ 58-50-83: Reserved.

"§ 58-50-84. Binding nature of external review decision.

- (a) An external review decision is binding on the insurer.

(b) An external review decision is binding on the covered person except to the extent the covered person has other remedies available under applicable federal or State law.

(c) A covered person may not file a subsequent request for external review involving the same noncertification appeal decision or second-level grievance review decision for which the covered person has already received an external review decision under this Part.

§ 58-50-85. Approval of independent review organizations.

(a) The Commissioner shall approve independent review organizations eligible to be assigned to conduct external reviews under this Part to ensure that an organization satisfies the minimum qualifications established under G.S. 58-50-87. The Commissioner shall develop an application form for initially approving and for reapproving organizations to conduct external reviews.

(b) Any organization wishing to be approved to conduct external reviews under this Part shall submit the application form and include with the form all documentation and information necessary for the Commissioner to determine if the organization satisfies the minimum qualifications established under G.S. 58-50-87. Applicants must submit pricing information sufficient to demonstrate that if selected, the applicant's total fee per review will not exceed commercially reasonable fees charged for similar services in the industry. The Commissioner shall not approve any independent review organization that either fails to provide sufficient pricing information or has fees that do not meet the guidelines established under this subsection.

(c) The Commissioner may determine that accreditation by a nationally recognized private accrediting entity with established and maintained standards for independent review organizations that meet the minimum qualifications established under G.S. 58-50-87 will cause an independent review organization to be deemed to have met, in whole or in part, the requirements of this section and G.S. 58-50-87. A decision by the Commissioner to recognize an accreditation program for the purpose of granting deemed status may be made only after reviewing the accreditation standards and program information submitted by the accrediting body. An independent review organization seeking deemed status due to its accreditation shall submit original documentation issued by the accrediting body to demonstrate its accreditation.

(d) An approval is effective for two years, unless the Commissioner determines before expiration of the approval that the independent review organization is not satisfying the minimum qualifications established under G.S. 58-50-87.

(e) Whenever the Commissioner determines that an independent review organization no longer satisfies the minimum requirements established under G.S. 58-50-87, the Commissioner shall terminate the approval of the independent review organization.

"§ 58-50-86: Reserved.

"§ 58-50-87. Minimum qualifications for independent review organizations.

(a) As a condition of approval under G.S. 58-50-85 to conduct external reviews, an independent review organization shall have and maintain written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process set forth in G.S. 58-50-80 and G.S. 58-50-82 that include, at a minimum:

- (1) A quality assurance mechanism in place that ensures:
 - a. That external reviews are conducted within the specified time frames and required notices are provided in a timely manner.
 - b. The selection of qualified and impartial clinical peer reviewers to conduct external reviews on behalf of the independent review organization and suitable matching of reviewers to specific cases.
 - c. The confidentiality of medical and treatment records and clinical review criteria.
 - d. That any person employed by or under contract with the independent review organization adheres to the requirements of this Part.
 - e. The independence and impartiality of the independent review organization and the external review process and limits the ability of any person to improperly influence the external review decision.
- (2) A toll-free telephone service to receive information on a 24-hour-day, seven-day-a-week basis related to external reviews that is capable of accepting or recording inquiries or providing appropriate instruction to incoming telephone callers during other than normal business hours.
- (3) An agreement to maintain and provide to the Commissioner the information set out in G.S. 58-50-90.
- (4) A program for credentialing clinical peer reviewers.
- (5) An agreement to contractual terms or written requirements established by the Commissioner regarding the procedures for handling a review.
- (6) That the independent review organization consult with a medical doctor licensed to practice in North Carolina to advise the independent review organization on issues related to the standard of practice, technology, and training of North Carolina physicians with respect to the organization's North Carolina business.

(b) All clinical peer reviewers assigned by an independent review organization to conduct external reviews shall be medical doctors or other

appropriate health care providers who meet the following minimum qualifications:

- (1) Be an expert in the treatment of the covered person's injury, illness, or medical condition that is the subject of the external review.
- (2) Be knowledgeable about the recommended health care service or treatment through recent or current actual clinical experience treating patients with the same or similar injury, illness, or medical condition of the covered person.
- (3) If the covered person's treating provider is a medical doctor, hold a nonrestricted license and, if a specialist medical doctor, a current certification by a recognized American medical specialty board in the area or areas appropriate to the subject of the external review.
- (4) If the covered person's treating provider is not a medical doctor, hold a nonrestricted license, registration, or certification in the same allied health occupation as the covered person's treating provider.
- (5) Have no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions, that have been taken or are pending by any hospital, governmental agency or unit, or regulatory body that raise a substantial question as to the clinical peer reviewer's physical, mental, or professional competence or moral character.

(c) In addition to the requirements set forth in subsection (a) of this section, an independent review organization may not own or control, be a subsidiary of, or in any way be owned or controlled by, or exercise control with a health benefit plan, a national, State, or local trade association of health benefit plans, or a national, State, or local trade association of health care providers.

(d) In addition to the requirements set forth in subsections (a), (b), and (c) of this section, to be approved under G.S. 58-50-85 to conduct an external review of a specified case, neither the independent review organization selected to conduct the external review nor any clinical peer reviewer assigned by the independent organization to conduct the external review may have a material professional, familial, or financial conflict of interest with any of the following:

- (1) The insurer that is the subject of the external review.
- (2) The covered person whose treatment is the subject of the external review or the covered person's authorized representative.
- (3) Any officer, director, or management employee of the insurer that is the subject of the external review.

- (4) The health care provider, the health care provider's medical group, or independent practice association recommending the health care service or treatment that is the subject of the external review.
- (5) The facility at which the recommended health care service or treatment would be provided.
- (6) The developer or manufacturer of the principal drug, device, procedure, or other therapy being recommended for the covered person whose treatment is the subject of the external review.

(e) In determining whether an independent review organization or a clinical peer reviewer of the independent review organization has a material professional, familial, or financial conflict of interest for purposes of subsection (d) of this section, the Commissioner shall take into consideration situations where the independent review organization to be assigned to conduct an external review of a specified case or a clinical peer reviewer to be assigned by the independent review organization to conduct an external review of a specified case may have an apparent professional, familial, or financial relationship or connection with a person described in subsection (d) of this section, but that the characteristics of that relationship or connection are such that they are not a material professional, familial, or financial conflict of interest that results in the disapproval of the independent review organization or the clinical peer reviewer from conducting the external review.

"§ 58-50-88: Reserved.

"§ 58-50-89. Hold harmless for Commissioner and independent review organizations.

The Commissioner or an independent review organization or clinical peer reviewer working on behalf of an organization shall not be liable for damages to any person for any opinions rendered during or upon completion of an external review conducted under this Part, unless the opinion was rendered in bad faith or involved gross negligence.

"§ 58-50-90. External review reporting requirements.

(a) An organization assigned under G.S. 58-50-80 or G.S. 58-50-82 to conduct an external review shall maintain written records in the aggregate and by insurer on all requests for external review for which it conducted an external review during a calendar year and submit a report to the Commissioner, as required under subsection (b) of this section.

(b) Each organization required to maintain written records on all requests for external review under subsection (a) of this section for which it was assigned to conduct an external review shall submit to the Commissioner, at least annually, a report in the format specified by the Commissioner.

(c) The report shall include in the aggregate and for each insurer:

- (1) The total number of requests for external review.

- (2) The number of requests for external review resolved and, of those resolved, the number resolved upholding the noncertification appeal decision or second-level grievance review decision and the number resolved reversing the noncertification appeal decision or second-level grievance review decision.
- (3) The average length of time for resolution.
- (4) A summary of the types of coverages or cases for which an external review was sought, as provided in the format required by the Commissioner.
- (5) The number of external reviews under G.S. 58-50-80 that were terminated as the result of a reconsideration by the insurer of its noncertification appeal decision or second-level grievance review decision after the receipt of additional information from the covered person.
- (6) Any other information the Commissioner may request or require.

(d) The organization shall retain the written records required under this section for at least three years.

(e) Each insurer shall maintain written records in the aggregate and for each type of health benefit plan offered by the insurer on all requests for external review of which the insurer receives notice from the Commissioner under this Part. The insurer shall retain the written records required under this section for at least three years.

"§ 58-50-91: Reserved.

"§ 58-50-92. Funding of external review.

The insurer against which a request for a standard external review or an expedited external review is filed shall reimburse the Department of Insurance for the fees charged by the organization in conducting the external review, including work actually performed by the organization for a case that was terminated due to the insurer's decision to reconsider a request and reverse its noncertification decision, prior to the insurer notifying the organization of the reversal pursuant to G.S. 58-50-80(j), or when a review is terminated pursuant to G.S. 58-50-80(h) because the insurer failed to provide information to the review organization.

"§ 58-50-93. Disclosure requirements.

(a) Each insurer shall include a description of the external review procedures in or attached to the policy, certificate, membership booklet, outline of coverage, or other evidence of coverage it provides to covered persons.

(b) The description required under subsection (a) of this section shall include a statement that informs the covered person of the right of the covered person to file a request for an external review of a noncertification, noncertification appeal decision or a second-level grievance review decision

upholding a noncertification with the Commissioner. The statement shall include the telephone number and address of the Commissioner.

(c) In addition to subsection (b) of this section, the statement shall inform the covered person that, when filing a request for an external review, the covered person will be required to authorize the release of any medical records of the covered person that may be required to be reviewed for the purpose of reaching a decision on the external review.

"§ 58-50-94. Selection of independent review organizations.

(a) At least every two years, or more frequently if the Commissioner determines is needed to secure adequate selection of independent review organizations, the Commissioner shall prepare and publish requests for proposals from independent review organizations that want to be approved under G.S. 58-50-85. All proposals shall be sealed. The Commissioner shall open all proposals in public.

(b) After the public opening, the Commissioner shall review the proposals, examining the costs and quality of the services offered by the independent review organizations, the reputation and capabilities of the independent review organizations submitting the proposals, and the provisions in G.S. 58-50-85 and G.S. 58-50-87. The Commissioner shall determine which proposal or proposals would satisfy the provisions of this Part. The Commissioner shall make his determination in consultation with an evaluation committee whose membership includes representatives of insurers subject to Part 4 of Article 50 of Chapter 58 of the General Statutes, health care providers, and insureds. In selecting the review organizations, in addition to considering cost, quality, and adherence to the requirements of the request for proposals, the Commissioner shall consider the desirability and feasibility of contracting with multiple review organizations and shall ensure that, for any given type of case involving highly specialized services and treatments, at least one review organization is available and capable of reviewing the case.

(c) An independent review organization may seek to modify or withdraw a proposal only after the public opening and only on the basis that the proposal contains an unintentional clerical error as opposed to an error in judgment. An independent review organization seeking to modify or withdraw a proposal shall submit to the Commissioner a written request, with facts and evidence in support of its position, before the determination made by the Commissioner under subsection (b) of this section, but not later than two days after the public opening of the proposals. The Commissioner shall promptly review the request, examine the nature of the error, and determine whether to permit or deny the request.

(d) The provisions of Article 3C of Chapter 143 of the General Statutes do not apply to this Part.

"§ 58-50-95. Report by Commissioner.

The Commissioner shall report semiannually to the Joint Legislative Health Care Oversight Committee regarding the nature and appropriateness of reviews conducted under this Part. The report, which shall be provided to the public upon request, should include the number of reviews, underlying issues in dispute, character of the reviews, dollar amounts in question, whether the review was decided in favor of the covered person or the health benefit plan, the cost of review, and any other information relevant to the evaluation of the effectiveness of this Part."

SECTION 4.6. G.S. 58-50-62(h)(7) reads as rewritten:

"(7) A statement that the decision is the insurer's final determination in the matter. In cases where the review concerned a noncertification and the insurer's decision on the second-level grievance review is to uphold its initial noncertification, a statement advising the covered person of his or her right to request an external review and a description of the procedure for submitting a request for external review to the Commissioner of Insurance."

SECTION 4.6A. G.S. 143-64.24 reads as rewritten:

"§ 143-64.24. Applicability of Article.

This Article shall not apply to the General Assembly, special study commissions, the Research Triangle Institute, or the Institute of Government, nor shall it apply to attorneys employed by the North Carolina Department of Justice, or physicians or doctors performing contractual services for any State agency. This Article shall not apply to Independent Review Organizations selected by the Commissioner of Insurance pursuant to G.S. 58-50-85."

Subpart B. Health Plan Liability

SECTION 4.7. Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 1G.

"Health Care Liability.

"§ 90-21.50. Definitions.

As used in this Article, unless the context clearly indicates otherwise, the term:

- (1) 'Health benefit plan' means an accident and health insurance policy or certificate; a nonprofit hospital or medical service corporation contract; a health maintenance organization subscriber contract; a self-insured indemnity program or prepaid hospital and medical benefits plan offered under the Teachers' and State Employees' Comprehensive Major Medical Plan and subject to the requirements of Article 3 of Chapter 135 of the General Statutes, a plan provided by

a multiple employer welfare arrangement; or a plan provided by another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, as amended, or by any waiver of or other exception to that act provided under federal law or regulation. Except for the Health Insurance Program for Children established under Part 8 of Article 2 of Chapter 108A of the General Statutes, 'Health benefit plan' does not mean any plan implemented or administered by the North Carolina or United States Department of Health and Human Services, or any successor agency, or its representatives. "Health benefit plan" does not mean any of the following kinds of insurance:

- a. Accident.
- b. Credit.
- c. Disability income.
- d. Long-term or nursing home care.
- e. Medicare supplement.
- f. Specified disease.
- g. Dental or vision.
- h. Coverage issued as a supplement to liability insurance.
- i. Workers' compensation.
- j. Medical payments under automobile or homeowners.
- k. Hospital income or indemnity.
- l. Insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability policy or equivalent self-insurance.
- m. Short-term limited duration health insurance policies as defined in Part 144 of Title 45 of the Code of Federal Regulations.

(2) 'Health care provider' means:

- a. An individual who is licensed, certified, or otherwise authorized under this Chapter to provide health care services in the ordinary course of business or practice of a profession or in an approved education or training program; or
- b. A health care facility, licensed under Chapters 131E or 122C of the General Statutes, where health care services are provided to patients;

'Health care provider' includes: (i) an agent or employee of a health care facility that is licensed, certified, or otherwise authorized to provide health care services; (ii) the officers and directors of a health care facility; and (iii) an agent or

employee of a health care provider who is licensed, certified, or otherwise authorized to provide health care services.

- (3) 'Health care service' means a health or medical procedure or service rendered by a health care provider that:
- a. Provides testing, diagnosis, or treatment of a health condition, illness, injury, or disease; or
 - b. Dispenses drugs, medical devices, medical appliances, or medical goods for the treatment of a health condition, illness, injury, or disease.
- (4) 'Health care decision' means a determination that is made by a managed care entity and is subject to external review under Part 4 of Article 50 of Chapter 58 of the General Statutes and is also a determination that:
- a. Is a noncertification, as defined in G.S. 58-50-61, of a prospective or concurrent request for health care services, and
 - b. Affects the quality of the diagnosis, care, or treatment provided to an enrollee or insured of the health benefit plan.
- (5) 'Insured or enrollee' means a person that is insured by or enrolled in a health benefit plan under a policy, plan, certificate, or contract issued or delivered in this State by an insurer.
- (6) 'Insurer' means an entity that writes a health benefit plan and that is an insurance company subject to Chapter 58 of the General Statutes, a service corporation organized under Article 65 of Chapter 58 of the General Statutes, a health maintenance organization organized under Article 67 of Chapter 58 of the General Statutes, a self-insured health maintenance organization or managed care entity operated or administered by or under contract with the Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan pursuant to Article 3 of Chapter 135 of the General Statutes, a multiple employer welfare arrangement subject to Article 49 of Chapter 58 of the General Statutes, or the Teachers' and State Employees' Comprehensive Major Medical Plan.
- (7) 'Managed care entity' means an insurer that:
- a. Delivers, administers, or undertakes to provide for, arrange for, or reimburse for health care services or assumes the risk for the delivery of health care services; and
 - b. Has a system or technique to control or influence the quality, accessibility, utilization, or costs and prices

of health care services delivered or to be delivered to a defined enrollee population.

Except for the Teachers' and State Employees' Comprehensive Major Medical Plan and the Health Insurance Program for Children, 'managed care entity' does not include: (i) an employer purchasing coverage or acting on behalf of its employees or the employees of one or more subsidiaries or affiliated corporations of the employer, or (ii) a health care provider.

- (8) 'Ordinary care' means that degree of care that, under the same or similar circumstances, a managed care entity of ordinary prudence would have used at the time the managed care entity made the health care decision.
- (9) 'Physician' means:
- a. An individual licensed to practice medicine in this State;
 - b. A professional association or corporation organized under Chapter 55B of the General Statutes; or
 - c. A person or entity wholly owned by physicians.
- (10) 'Successor external review process' means an external review process equivalent in all respects to G.S. 58-50-75 through G.S. 58-50-95 that is approved by the Department and implemented by a health benefit plan in the event that G.S. 58-50-75 through G.S. 58-50-95 are found by a court of competent jurisdiction to be void, unenforceable, or preempted by federal law, in whole or in part.

"§ 90-21.51. Duty to exercise ordinary care; liability for damages for harm.

(a) Each managed care entity for a health benefit plan has the duty to exercise ordinary care when making health care decisions and is liable for damages for harm to an insured or enrollee proximately caused by its failure to exercise ordinary care.

(b) In addition to the duty imposed under subsection (a) of this section, each managed care entity for a health benefit plan is liable for damages for harm to an insured or enrollee proximately caused by decisions regarding whether or when the insured or enrollee would receive a health care service made by:

- (1) Its agents or employees; or
- (2) Representatives that are acting on its behalf and over whom it has exercised sufficient influence or control to reasonably affect the actual care and treatment of the insured or enrollee which results in the failure to exercise ordinary care.

(c) It shall be a defense to any action brought under this section against a managed care entity for a health benefit plan that:

- (1) The managed care entity and its agents or employees, or representatives for whom the managed care entity is liable under subsection (b) of this section, did not control or influence or advocate for the decision regarding whether or when the insured or enrollee would receive a health care service; or
- (2) The managed care entity did not deny or delay payment for any health care service or treatment prescribed or recommended by a physician or health care provider to the insured or enrollee.

(d) In an action brought under this Article against a managed care entity, a finding that a physician or health care provider is an agent or employee of the managed care entity may not be based solely on proof that the physician or health care provider appears in a listing of approved physicians or health care providers made available to insureds or enrollees under the managed care entity's health benefit plan.

(e) An action brought under this Article is not a medical malpractice action as defined in Article 1B of this Chapter. A managed care entity may not use as a defense in an action brought under this Article any law that prohibits the corporate practice of medicine.

(f) A managed care entity shall not be liable for the independent actions of a health care provider, who is not an agent or employee of the managed care entity, when that health care provider fails to exercise the standard of care required by G.S. 90-21.12. A health care provider shall not be liable for the independent actions of a managed care entity when the managed care entity fails to exercise the standard of care required by this Article.

(g) Nothing in this Article shall be construed to create an obligation on the part of a managed care entity to provide to an insured or enrollee a health care service or treatment that is not covered under its health benefit plan.

(h) A managed care entity shall not enter into a contract with a health care provider, or with an employer or employer group organization, that includes an indemnification or hold harmless clause for the acts or conduct of the managed care entity. Any such indemnification or hold harmless clause is void and unenforceable to the extent of the restriction.

"§ 90-21.52. No liability under this Article on the part of an employer or employer group organization that purchases coverage or assumes risk on behalf of its employees or a physician or health care provider; liability of State Health Plan under State Tort Claims Act.

(a) Except as otherwise provided in subsection (b) of this section, this Article does not create any liability on the part of an employer or employer

group purchasing organization that purchases health care coverage or assumes risk on behalf of its employees.

(b) Liability in tort of the Teachers' and State Employees' Comprehensive Major Medical Plan for its health care decisions shall be under Article 31 of Chapter 143 of the General Statutes.

(c) This Article does not create any liability on the part of a physician or health care provider in addition to that otherwise imposed under existing law. No managed care entity held liable under this Article shall be entitled to contribution under Chapter 1B of the General Statutes. No managed care entity held liable under this Article shall have a right to indemnity against physicians, health care providers, or entities wholly owned by physicians or health care providers or any combination thereof, except when:

- (1) The liability of the managed care entity is based on a decision to approve or disapprove payment or reimbursement for a health care service and the physicians, health care providers, or entities wholly owned by physicians or health care providers or any combination thereof, have agreed in a written contract with the managed care entity to assume responsibility for these specific decisions; and
- (2) The managed care entity has not controlled or influenced or advocated for the decision regarding whether or when payment or reimbursement should be made or whether or when the insured or enrollee should receive a health care service.

"§ 90-21.53. Separate trial required.

Upon motion of any party in an action that includes a claim brought pursuant to this Article involving a managed care entity, the court shall order separate discovery and a separate trial of any claim, cross-claim, counterclaim, or third-party claim against any physician or other health care provider.

"§ 90-21.54. Exhaustion of administrative remedies and appeals.

No action may be commenced under this Article until the plaintiff has exhausted all administrative remedies and appeals, including those internal remedies and appeals established under G.S. 58-50-61 through G.S. 58-50-62, and G.S. 58-50-75 through G.S. 58-50-95, and including those established under any successor external review process.

"§ 90-21.55. External review decision.

(a) Either the insured or enrollee or the personal representative of the insured or enrollee or the managed care entity may use an external review decision made in accordance with G.S. 58-50-75 through G.S. 58-50-95, or made in accordance with any successor external review process, as evidence in any cause of action which includes an action brought under this Part, provided that an adequate foundation is laid for the introduction of the external review decision into evidence and the testimony is subject to cross-examination.

(b) Any information, documents, or other records or materials considered by the Independent Review Organization licensed under Part 4 of Article 50 of Chapter 58 of the General Statutes, or the successor review process, in conducting its review shall be admissible in any action commenced under this Article in accordance with Chapter 8 of the General Statutes and the North Carolina Rules of Evidence.

"§ 90-21.56. Remedies.

(a) Except as provided in G.S. 90-21.52(b), an insured or enrollee who has been found to have been harmed by the managed care entity pursuant to an action brought under this Article may recover actual or nominal damages and, subject to the provisions and limitations of Chapter 1D of the General Statutes, punitive damages.

(b) This Article does not limit a plaintiff from pursuing any other remedy existing under the law or seeking any other relief that may be available outside of the cause of action and relief provided under this Article.

(c) The rights conferred under this Article as well as any rights conferred by the Constitution of North Carolina or the Constitution of the United States may not be waived, deferred, or lost pursuant to any contract between the insured or enrollee and the managed care entity that relates to a dispute involving a health care decision. Arbitration or mediation may be used to settle the controversy if, after the controversy arises, the insured or enrollee, or the estate of the insured or enrollee, voluntarily and knowingly consents in writing to use arbitration or mediation to settle the controversy."

SECTION 4.8. G.S. 1A-1, Rule 42, reads as rewritten:

"Rule 42. Consolidation; separate trials.

(a) Consolidation. – ~~When~~ Except as provided in subdivision (b)(2) of this section, when actions involving a common question of law or fact are pending in one division of the court, the judge may order a joint hearing or trial of any or all the matters in issue in the actions; he may order all the actions consolidated; and he may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay. When actions involving a common question of law or fact are pending in both the superior and the district court of the same county, a judge of the superior court in which the action is pending may order all the actions consolidated, and he may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

(b) Separate trials. –

(1) The court may in furtherance of convenience or to avoid prejudice and shall for considerations of venue upon timely motion order a separate trial of any claim, ~~crossclaim~~ cross-claim, counterclaim, or third-party claim, or of any separate issue or of any number of claims, ~~crossclaims~~ cross-claims, counterclaims, third-party claims, or issues.

- (2) Upon motion of any party in an action that includes a claim commenced under Article 1G of Chapter 90 of the General Statutes involving a managed care entity as defined in G.S. 90-21.50, the court shall order separate discovery and a separate trial of any claim, cross-claim, counter-claim, or third-party claim against a physician or other medical provider."

SECTION 5.(a) G.S. 58-2-105 reads as rewritten:

"§ 58-2-105. Confidentiality of medical records.

(a) All patient medical records in the possession of the Department are confidential and are not public records pursuant to G.S. 58-2-100 or G.S. 132-1. As used in this section, "patient medical records" includes personal information that relates to an individual's physical or mental condition, medical history, or medical treatment, and that has been obtained from the individual patient, a health care provider, or from the patient's spouse, parent, or legal guardian.

(b) Under Part 4 of Article 50 of this Chapter, the Department may disclose patient medical records to an independent review organization, and the organization shall maintain the confidentiality of those records as required by this section, except as allowed by G.S. 58-39-75 and G.S. 58-39-76."

SECTION 5.(b) G.S. 58-3-200(b) reads as rewritten:

"(b) Medical Necessity. – An insurer that limits its health benefit plan coverage to medically necessary services and supplies shall define "medically necessary services or supplies" in its health benefit plan as those covered services or supplies that are:

- (1) Provided for the diagnosis, treatment, cure, or relief of a health condition, illness, injury, or disease; ~~and~~ and, except as allowed under G.S. 58-3-255, not for experimental, investigational, or cosmetic purposes.
- (2) Necessary for and appropriate to the diagnosis, treatment, cure, or relief of a health condition, illness, injury, disease, or its symptoms.
- (3) Within generally accepted standards of medical care in the community.
- (4) Not solely for the convenience of the insured, the insured's family, or the provider.

For medically necessary services, nothing in this subsection precludes an insurer from comparing the cost-effectiveness of alternative services or supplies when determining which of the services or supplies will be covered."

SECTION 5.(c) G.S. 58-50-61(a)(12) reads as rewritten:

"(12) "Medically necessary services or supplies" means those covered services or supplies that are:

- a. Provided for the diagnosis, treatment, cure, or relief of a health condition, illness, injury, or disease.

- b. ~~Except as allowed under G.S. 58-3-255, Not~~ for experimental, investigational, or cosmetic purposes.
- c. Necessary for and appropriate to the diagnosis, treatment, cure, or relief of a health condition, illness, injury, disease, or its symptoms.
- d. Within generally accepted standards of medical care in the community.
- e. Not solely for the convenience of the insured, the insured's family, or the provider.

For medically necessary services, nothing in this subdivision precludes an insurer from comparing the cost-effectiveness of alternative services or supplies when determining which of the services or supplies will be covered."

SECTION 5.(d) G.S. 150B-1(e) is amended by adding the following new subdivision to read:

"(12) The Teachers' and State Employees' Comprehensive Major Medical Plan with respect to determinations by the Executive Administrator and Board of Trustees, the Plan's designated utilization review organization, or a self-funded health maintenance organization under contract with the Plan that an admission, availability of care, continued stay, or other health care service has been reviewed and, based upon the information provided, does not meet the Plan's requirements for medical necessity, appropriateness, health care setting, or level of care or effectiveness, and the requested service is therefore denied, reduced, or terminated."

SECTION 5.(e) G.S. 135-39.7 reads as rewritten:

"§ 135-39.7. Administrative review.

(a) If, after exhaustion of internal appeal handling as outlined in the contract with the Claims Processor any person is aggrieved, the Claims Processor shall bring the matter to the attention of the Executive Administrator and Board of Trustees, which shall promptly decide whether the subject matter of the appeal is a determination subject to external review under Part 4 of Article 50 of Chapter 58 of the General Statutes. The Executive Administrator and Board of Trustees shall inform the aggrieved person and the aggrieved person's provider of the decision and shall provide the aggrieved person notice of the aggrieved person's right to appeal that decision as provided in this subsection. If the Executive Administrator and Board of Trustees decide that the subject matter of the appeal is not a determination subject to external review, then the Executive Administrator and Board of Trustees may make a binding decision on the matter in accordance with procedures established by the Executive Administrator and Board of Trustees. The Executive Administrator and Board of Trustees shall provide a written

summary of the decisions made pursuant to this section to all employing units, all health benefit representatives, the oversight team provided for in G.S. 135-39.3, all relevant health care providers affected by a decision, and to any other parties requesting a written summary and approved by the Executive Administrator and Board of Trustees to receive a summary immediately following the issuance of a decision. A decision by the Executive Administrator and Board of Trustees that a matter raised on internal appeal is a determination subject to external review as provided in subsection (b) of this section may be contested by the aggrieved person under Chapter 150B of the General Statutes. The person contesting the decision may proceed with external review pending a decision in the contested case under Chapter 150B of the General Statutes.

(b) The Executive Administrator and Board of Trustees shall adopt and implement utilization review and internal grievance procedures that are substantially equivalent to those required under G.S. 58-50-61 and G.S. 58-50-62. External review of determinations shall be conducted in accordance with Part 4 of Article 50 of Chapter 58 of the General Statutes. As used in this section, 'determination' is a decision by the Executive Administrator and Board of Trustees, the Plan's designated utilization review organization, or a self-funded health maintenance organization administrated by or under contract with the Plan that an admission, availability of care, continued stay, or other health care service has been reviewed and, based upon information provided, does not meet the Plan's requirements for medical necessity, appropriateness, health care setting, or level of care or effectiveness, and the requested service is therefore denied, reduced, or terminated."

SECTION 5.(f) G.S. 143-291 is amended by adding the following new subsection to read:

"(d) Liability in tort of the Teachers' and State Employees' Comprehensive Major Medical Plan for noncertifications as defined under G.S. 58-50-61 shall be only under this Article."

SECTION 6. G.S. 135-39.4A(g) reads as rewritten:

- (g) The Executive Administrator shall be responsible for:
- (1) Cost management programs;
 - (2) Education and illness prevention programs;
 - (3) Training programs for Health Benefit Representatives;
 - (4) Membership functions;
 - (5) Long-range planning;
 - (6) Provider and participant relations; and
 - (7) Communications.

Managed care practices used by the Executive Administrator in cost management programs are subject to the requirements of G.S. 58-3-191, 58-3-221, 58-3-223, 58-3-235, 58-3-240, 58-3-245, 58-3-250, 58-3-265, 58-67-88, and 58-50-30."

SECTION 7. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of the act as a whole or any part other than the part so declared to be unconstitutional or invalid.

SECTION 8. Section 1.6 of this act becomes effective January 1, 2002. Sections 4.1 through 5(a) of this act become effective July 1, 2002. Sections 7 and 8 of this act are effective when this act becomes law. The remainder of this act becomes effective March 1, 2002. This act applies to health benefit plans that are in effect, delivered, issued for delivery, or renewed on or after the date this act becomes law. Nothing in this act obligates the General Assembly to appropriate funds to implement this act.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 243**

S243-CCS-SB-1, AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (d) of G.S. 160A-300.1 reads as rewritten:

"(d) This ~~act~~ section applies only to the Cities of Albemarle, Charlotte, Durham, Fayetteville, Greensboro, High Point, Rocky Mount, Wilmington, Greenville, and Lumberton, ~~and to the Towns of Chapel Hill, Cornelius, Huntersville, Matthews, Nags Head, and Pineville~~ Pineville, and to the municipalities in Union County only."

SECTION 2. G.S. 160A-300.1 is amended by adding a new subsection to read:

"(c1) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation."

SECTION 3. Article 15 of Chapter 160A of the General Statutes is amended by adding a new section to read:

§ 160A-300.2. Use of traffic control photographic systems in Wake County.

(a) A traffic control photographic system is an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance.

(b) Any traffic control photographic system or any device which is a part of that system, as described in subsection (a) of this section, installed on a street or highway which is a part of the State highway system shall meet requirements established by the North Carolina Department of Transportation. Any traffic control system installed on a municipal street shall meet standards established by the municipality and shall be consistent with any standards set by the Department of Transportation.

(c) Any traffic control photographic system installed on a street or highway shall be identified by appropriate advance warning signs conspicuously posted not more than 300 feet from the location of the traffic control photographic system. All advance warning signs shall be consistent with a statewide standard adopted by the Department of Transportation in conjunction with local governments authorized to install traffic control photographic systems.

(d) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. If a municipality adopts an ordinance pursuant to this section then, notwithstanding G.S. 20-176, a violation of G.S. 20-158 detected only by a traffic control photographic system shall not be an infraction. If a violation of G.S. 20-158 is detected by both a law enforcement officer and a traffic control photographic system, the officer may charge the offender with an infraction. If the officer charges the offender with an infraction, a civil penalty issued by the municipality for the same offense is void and unenforceable. An ordinance authorized by this subsection shall provide that:

- (1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 21 days after receiving notification of the violation, furnishes the office of the mayor of the municipality that issued the citation:
 - a. The name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle;
 - b. An affidavit stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle; or
 - c. A statement that the person who received the citation is not the owner or driver of the vehicle, or that the person who received the citation was not

driving a vehicle at the time and location designated in the citation.

- (2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65.
- (3) The owner of the vehicle shall be issued a citation that shall be attached to photographic evidence of the violation that identifies the vehicle involved. The citation shall clearly state the manner in which the violation may be challenged. The owner of the vehicle shall comply with the directions on the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation and shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.
- (4) The municipality shall establish a nonjudicial administrative hearing process to review objections to citations or penalties issued or assessed under this section. The municipality may establish an appeals panel composed of municipal employees to review objections. If the municipality does not establish an appeals panel composed of municipal employees, the mayor of the municipality shall review and make a final decision on all objections.

(e) The duration of the yellow light change interval at inter-sections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation.

(f) A municipality enacting an ordinance implementing a traffic control photographic system may enter into a contract with a contractor for the lease, lease-purchase, or purchase of the system. The municipality may enter into only one contract for the lease, lease-purchase, or purchase of the system and the duration of the contract may be for no more than 60 months. After the period specified in the contract has expired, the system shall either

be the property of the municipality or the system shall be removed and returned to the contractor.

(g) The clear proceeds from the citations issued pursuant to the ordinance authorized by this section shall be paid to the county school fund. The clear proceeds from the citations shall mean the funds remaining after paying for the lease, lease-purchase, or purchase of the traffic control photographic system; paying a contractor for operating the system; and paying any administrative costs incurred by the municipality related to the use of the system.

(h) This section applies only to the municipalities in Wake County. For purposes of this section, a municipality is in Wake County if fifty-one percent (51%) or more of the land area of the municipality lies within Wake County."

SECTION 4. Article 15 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-300.3. Use of traffic control photographic systems in the City of Concord.

(a) A traffic control photographic system is an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance.

(b) Any traffic control photographic system or any device which is a part of that system, as described in subdivision (a) of this section, installed on a street or highway which is a part of the State highway system shall meet requirements established by the North Carolina Department of Transportation. Any traffic control system installed on a municipal street shall meet standards established by the municipality and shall be consistent with any standards set by the Department of Transportation.

(c) Any traffic control photographic system installed on a street or highway must be identified by appropriate advance warning signs conspicuously posted not more than 300 feet from the location of the traffic control photographic system. All advance warning signs shall be consistent with a statewide standard adopted by the Department of Transportation in conjunction with local governments authorized to install traffic control photographic systems.

(d) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at which a traffic control photographic system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

- (1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 21 days after notification of the violation, furnishes the officials or agents of the municipality which issued the citation:
 - a. The name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle; or
 - b. An affidavit stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.
- (2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65.
- (3) The owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged, and the owner shall comply with the directions on the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation, and shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.
- (4) The municipality shall institute a nonjudicial administrative hearing to review objections to citations or penalties issued or assessed under this section.
 - (e) The duration of the yellow light change interval at inter-sections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation.

(f) The clear proceeds from the citations issued pursuant to the ordinance authorized by this section shall be paid to the county school fund. The clear proceeds from the citations shall mean the funds remaining after paying for the lease, lease-purchase, or purchase of the traffic control photographic system; paying a contractor for operating the system; and paying any administrative costs incurred by the municipality related to the use of the system.

(g) This section applies only to the City of Concord."

SECTION 5. This act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 353**

S353-CCS-LCf-2 A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly finds that the Department of Revenue has documented that the State's cost of collecting overdue tax debts exceeds twenty percent (20%) of the amount of the overdue tax debts. The General Assembly finds that the cost of collecting overdue tax debts is currently borne by taxpayers who pay their taxes on time. It is the intent of the General Assembly by this act to shift this cost to the delinquent taxpayers who owe overdue tax debts.

SECTION 2. Article 9 of Chapter 105 of the General Statutes is amended by adding a new section to read:

"§ 105-243.1. Collection of tax debts.

(a) Definitions. – The following definitions apply in this section:

(1) Overdue tax debt. – Any part of a tax debt that remains unpaid 90 days or more after the notice of final assessment was mailed to the taxpayer. The term does not include a tax debt, however, if the taxpayer entered into an installment agreement for the tax debt under G.S. 105-237 within 90 days after the notice of final assessment was mailed and has not failed to make any payments due under the installment agreement.

(2) Tax debt. – The total amount of tax, penalty, and interest due for which a notice of final assessment has been mailed to a taxpayer after the taxpayer no longer has the right to contest the debt.

(b) Outsourcing. – The Secretary may contract for the collection of tax debts. At least 30 days before the Department submits a tax debt to a

contractor for collection, the Department must notify the taxpayer by mail that the debt may be submitted for collection if payment is not received within 30 days after the notice was mailed.

(c) Secrecy. – A contract for the collection of tax debts is conditioned on compliance with G.S. 105-259. If a contractor violates G.S. 105-259, the contract is terminated, and the Secretary must notify the contractor of the termination. A contractor whose contract is terminated for violation of G.S. 105-259 is not eligible for an award of another contract under this section for a period of five years from the termination. These sanctions are in addition to the criminal penalties set out in G.S. 105-259.

(d) Fee. – A collection assistance fee is imposed on an overdue tax debt that remains unpaid 30 days or more after the fee notice required by this subsection is mailed to the taxpayer. In order to impose a collection assistance fee on a tax debt, the Department must notify the taxpayer that the fee will be imposed if the tax debt is not paid in full within 30 days after the date the fee notice was mailed to the taxpayer. The Department may not mail the fee notice earlier than 60 days after the notice of final assessment for the tax debt was mailed to the taxpayer. The fee is collectible as part of the debt. The Secretary may waive the fee pursuant to G.S. 105-237 to the same extent as if it were a penalty.

The amount of the collection assistance fee is twenty percent (20%) of the amount of the overdue tax debt. If a taxpayer pays only part of an overdue tax debt, the payment is credited proportionally to fee revenue and tax revenue.

(e) Use. – The fee is a receipt of the Department and must be applied to the costs of collecting overdue tax debts. The proceeds of the fee must be credited to a special account within the Department and may be expended only as provided in this subsection. The Department may apply the proceeds of the fee to pay contractors for collecting tax debts under subsection (b) of this section and to pay the fee the United States Department of the Treasury charges for setoff to recover tax owed to North Carolina. The remaining proceeds of the fee may be spent only pursuant to appropriation by the General Assembly. The fee proceeds do not revert but remain in the special account until spent for the costs of collecting overdue tax debts.

(f) Reports. – The Department must report to the Joint Legislative Commission on Governmental Operations and to the Revenue Laws Study Committee on its efforts to collect tax debts. Reports must be submitted quarterly beginning November 1, 2001, through November 1, 2002, and semiannually thereafter. Each report must include a breakdown of the amount and age of tax debts collected by collection agencies on contract, the amount and age of tax debts collected by the Department through warning letters, and the amount and age of tax debts otherwise collected by Department personnel. Each report must also include a long-term collection plan, a timeline for implementing each step of the plan, a summary of steps taken since the last

report and their results, and any other data requested by the Commission or the Committee."

SECTION 3. G.S. 105A-13 reads as rewritten:

"§ 105A-13. Collection assistance fees.

(a) State Setoff. – To recover the costs incurred by the Department in collecting debts under this Chapter, a collection assistance fee of no more than fifteen dollars (\$15.00) is imposed on each debt collected through setoff. The Department must collect this fee as part of the debt and retain it. The Department must set the amount of the collection assistance fee based on its actual cost of collection under this Chapter for the immediately preceding year. If the Department is able to collect only part of a debt through setoff, the collection assistance fee has priority over the remainder of the debt. The collection assistance fee shall not be added to child support debts or collected as part of child support debts. Instead, the Department shall retain from collections under Division II of Article 4 of Chapter 105 of the General Statutes the cost of collecting child support debts under this Chapter.

~~(b) Federal Setoff. — A collection assistance fee of fifteen dollars (\$15.00) applies to a setoff made by the United States Department of the Treasury to recover tax owed to North Carolina. The Department of Revenue must add the fee to the amount of the tax liability submitted to the United States Department of the Treasury for setoff. The Department of Revenue must collect the fee as part of the debt and retain it. If a federal setoff covers only part of the tax due, the collection assistance fee has priority over the tax due."~~

SECTION 4. G.S. 105-269 reads as rewritten:

"§ 105-269. Extraterritorial authority to enforce payment.

(a) ~~The Secretary of Revenue, Secretary,~~ with the assistance of the Attorney General, is ~~hereby empowered~~ authorized to bring suits in the courts of other states to collect taxes legally due this State. The officials of other states ~~which~~ that extend a like comity to this State are empowered to sue for the collection of ~~such~~ taxes in the courts of this State. A certificate by the Secretary of State, under the Great Seal of the State, that ~~such~~ these officers have authority to collect the tax ~~shall be~~ is conclusive evidence of ~~such~~ this authority. Whenever ~~it shall be deemed expedient by the Secretary of Revenue~~ the Secretary considers it expedient to employ local counsel to assist in bringing suit in an out-of-state court, the Secretary, with the concurrence of the Attorney General, may employ ~~such~~ local counsel on the basis of a negotiated retainer or in accordance with prevailing commercial law league rates.

~~(b) The Secretary of Revenue may, in accordance with the procedure prescribed in G.S. 143-49(3), contract for the collection of taxes legally due this State from taxpayers located in other states. The Secretary may furnish to a contractor hired pursuant to this subsection any information he considers~~

~~necessary to identify and locate a taxpayer, establish the tax liability of a taxpayer, or effect collection of the amount due."~~

SECTION 5. G.S. 105-259(b) is amended by adding a new subdivision to read:

"(b) Disclosure Prohibited. – An officer, an employee, or an agent of the State who has access to tax information in the course of service to or employment by the State may not disclose the information to any other person unless the disclosure is made for one of the following purposes:

...

(26) To contract for the collection of tax debts pursuant to G.S. 105-243.1."

SECTION 6. Section 5(a) of S.L. 1999-341, as amended by Section 16 of S.L. 2000-120, reads as rewritten:

"Section 5(a) The Secretary of Revenue shall contract during the 1999-2001 fiscal biennium for the collection of delinquent tax debts owed by nonresidents and foreign entities. To implement this section, the Secretary may draw funds for the 1999-2000 fiscal year from net collections that would otherwise be credited to the General Fund under G.S. 105-269.14, enacted by Section 2 of this act. For the 2000-2001 ~~fiscal year, and 2001-2002 fiscal years,~~ the Secretary may retain the costs of implementing this section from the amounts collected pursuant to the contracts authorized by this section. The Secretary of Revenue shall report annually to the Revenue Laws Study Committee on its collections pursuant to this contract during the biennium."

SECTION 7. The Department of Revenue may draw up to five hundred thousand dollars (\$500,000) for the 2001-2002 fiscal year from the collection assistance fee account created in G.S. 105-243.1 in order to pay for assistance in developing a request for proposals for a performance-based contract to implement the recommendations of the study authorized in Section 6 of S.L. 1999-341, as amended by Section 17 of S.L. 2000-120. The fee proceeds may be used for this purpose only to the extent the contract is for collecting overdue tax debts as defined in G.S. 105-243.1.

SECTION 8. G.S. 105-243.1(b), as enacted by this act, reads as rewritten:

"(b) Outsourcing. – The Secretary may contract for the collection of tax ~~debts.~~ debts owed by nonresidents and foreign entities. At least 30 days before the Department submits a tax debt to a contractor for collection, the Department must notify the taxpayer by mail that the debt may be submitted for collection if payment is not received within 30 days after the notice was mailed."

SECTION 9. Section 3 of this act becomes effective November 1, 2001. Section 6 of this act is effective on and after July 1, 2001. Section 8 of this act becomes effective October 1, 2003. The remainder of this act is effective when it becomes law and applies to tax debts that remain unpaid on or after that date.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 666**

S666-CCSRW-1, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED PROPERTY BY PRIVATE SALE.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Monroe may acquire by purchase or exchange the following described property in Union County, North Carolina, and may convey the property, with or without monetary consideration, under the terms and conditions it deems proper, to Union County for the purpose of constructing a courthouse thereon:

TRACT 1

BEGINNING at an iron in the South margin of the sidewalk along West Franklin Street, said point being located N 89-45 W. 129 feet from the Southwest intersection of Franklin Street and Stewart Street; and running thence S 0-15 W 180 feet to an iron in the North margin of Morgan Street; thence with the North margin of Morgan Street N. 89-45 W 115 feet to an iron, a new corner of said street; thence a new division line N 9-15 E 180 feet to an iron, a new corner on the South margin of the sidewalk along the South side of Franklin Street; thence with the South edge of said sidewalk S 89-45 E 115 feet to the beginning point and being all of Tract 1 described in Book 1310, page 35 Union County Registry.

TRACT 2

BEGINNING at an iron in the South margin of West Franklin Street on the old corporation limits line of the City of Monroe, being the Northeast corner of the lot now or formerly owned by R. Phifer (or J. M. Wiggins), and running thence along the South margin of said Franklin Street, N 88 E 80 feet, to an iron, a new corner; thence a new division line S 1 E 187 feet to an iron, a new corner on the North margin of Morgan Street; thence along the North margin of said Morgan Street S 88 W 80 feet to an iron in the old corporation limits line of the City of Monroe, and on the Southeast corner of the lot now or formerly owned by R. Phifer (or J. M. Wiggins); thence along and with said Phifer or Wiggins property line, being said "old corporation limits line," N 1 W 187 feet to the beginning corner. BEING the same property conveyed to Estate of A. F. Stevens by Franklin Street Realty Company of Monroe, North Carolina, Incorporated, by deed dated October 2, 1974, and recorded in Deed Book 269 at page 628 in the Office

of the Register of Deeds of Union County, North Carolina and being all of Tract 2 described in Book 1310 page 35 Union County Registry.

TRACT 3

BEGINNING at an iron in the South margin of the South sidewalk along West Franklin Street, said point being located North 89 degrees 45 minutes West 104 feet from the Southwest intersection of Franklin Street and Stewart Street and running thence South 0 degrees 15 minutes West 180 feet to an iron in the North margin of Morgan Street; thence with the North margin of Morgan Street North 89 degrees 45 minutes West 25.5 feet to an iron, a new corner on the North margin of said street; thence a new division line North 0 degrees 15 minutes East 180 feet to an iron, a new corner on the South margin of the sidewalk along the South side of Franklin Street; thence with the South edge of the said sidewalk South 89 degrees 45 minutes East 25.5 feet to the Beginning point and being the property described in Deed Book 381, page 872 of Union County Registry.

TRACT 4

BEGINNING at an iron at the Northwest intersection of the intersections of Morgan Street and Stewart Street said iron being on the Western margin of the Stewart Street right-of-way and the Northern margin of the Morgan Street right-of-way and running thence with the right-of-way of Morgan Street S88-29-44 W 99.78 feet to an iron behind curb and retaining wall; thence with the concrete retaining wall and the line of the Lewis R. Fisher property, N1-10-01 W 180.13 feet to a point on the outside of the building line with the building corner being 1.33 feet beyond said point; Running thence with Franklin Street N 88-29-44 E 100.0 feet to an iron set behind a 4 foot sidewalk; the margin of the Stewart Street Right-of-Way; thence with the sidewalk and the Stewart Street Right-of-Way S1-05-54 E 180.13 feet to the point and place of the beginning and containing 17,994 square feet all according to a boundary survey by Carroll L. Rushing, N.C.R.L.S. dated September 4, 1984, and being the same property described in Deed Book 465, page 767 of Union County Registry.

SECTION 2. In acquiring the property described in Section 1 of this act, the City of Monroe shall have the right of eminent domain for public condemnors as provided in Article 3 of Chapter 40A of the General Statutes. With respect to the vesting of title and right of possession, the provisions of G.S. 40A-42(a) shall apply.

SECTION 3. The City of Monroe may convey the following described property in Union County, North Carolina, with or without monetary consideration, under the terms and conditions it deems proper, to Union County for the purpose of constructing a courthouse thereon:

All of that parcel of land in the City of Monroe bounded on the North by Crowell Street and City Hall, on the East by Stewart Street, on the South by Jefferson Street, and on the West by Charlotte Avenue, and being the same property described in instruments filed in the Union County

Register of Deeds Office in Book 212, page 28; Book 211, page 390; Book 278, page 329; Book 283, page 780; and Book 251, page 224.

SECTION 4. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Burlington may convey by private negotiation and sale, with or without monetary consideration, any or all of its right, title, and interest in the following described property to Unity Builders', Inc., under the terms and conditions the City Council deems appropriate:

LOT NO.1

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining Rauhut Street, Rosenwald Street, the lands of Alta F. Ray, Lot No. 2 City of Burlington Redevelopment Subdivision and others and being more particularly described as follows:

BEGINNING at an iron stake in the west right-of-way line of Rosenwald Street, said stake being a corner with Lot No. 2, lying North 3 deg. 26' 50" East 117.70 feet from the intersection of the West right-of-way line of Rosenwald Street and the North right-of-way line of Massey Street and running thence from said beginning point with the line of Lot No. 2, North 86 deg. 42' 18" West 169.56 feet to an iron stake in the East right-of-way line of Rauhut Street; thence with the right-of-way line of Rauhut Street, North 22 deg. 45' East 60.0 feet to an iron stake in the line of Alta F. Ray; thence with the line of Alta F. Ray, South 88 deg. 00' 56" East 149.78 feet to an iron stake in the West right-of-way line of Rosenwald Street; thence with the right-of-way of Rosenwald Street, South 3 deg. 26' 50" West 60.0 feet to the point of BEGINNING and containing 0.213 Acres and being all of Lot No. 1, "Property of City of Burlington Redevelopment Subdivision", dated January 16, 1981, as surveyed by John D. Somers, L-1172 and recorded at Plat Book 26, Page 26 in the Alamance County Register of Deeds Office.

LOT NO. 2

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining Rauhut Street, Rosenwald Street, the lands of Lots 1 and 3 of City of Burlington Redevelopment Subdivision and others and being more particularly described as follows:

BEGINNING at an iron stake in the West right-of-way line of Rosenwald Street, said stake being a corner with Lot No. 3, lying North 3 deg. 26' 50" East 57.70 feet from the intersection of the West right-of-way line of Rosenwald Street and the North right-of-way line of Massey Street and running thence from said beginning point with the line of Lot No. 3, North 85 deg. 40' 07" West 189.42 feet to an iron stake in the East right-of-way line of Rauhut Street; thence with the right-of-way line of Rauhut Street North 22 deg. 45' East 60.0 feet to an iron stake, a corner with Lot No. 1;

thence with the line of Lot No. 1, South 86 deg. 42' 18" East 169.56 feet to an iron stake in the West right-of-way line of Rosenwald Street; thence with the right-of-way line of Rosenwald Street South 3 deg. 26' 50" West 60.0 feet to the point of BEGINNING and containing 0.240 Acres and being all of Lot No. 2, as shown on plat entitled "Property of City of Burlington Redevelopment Subdivision", dated January 16, 1981, as surveyed by John D. Somers, L-1172 and recorded at Plat Book 26, page 26 in the Alamance County Register of Deeds Office.

SECTION 5. This act is effective when it becomes law. Sections 1 and 2 of this act expire on January 1, 2002, unless the property described in Section 1 of this act has been voluntarily acquired or condemnation complaints have been filed on or before that date.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 774**

S 774-CCSSO-1, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 132-1.1 reads as rewritten:

"§ 132-1.1. Confidential communications by legal counsel to public board or agency; State tax ~~information~~information; public enterprise billing information.

(a) Confidential Communications. - Public records, as defined in G.S. 132-1, shall not include written communications (and copies thereof) to any public board, council, commission or other governmental body of the State or of any county, municipality or other political subdivision or unit of government, made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the governmental body receiving such written communications; provided, however, that such written communications and copies thereof shall become public records as defined in G.S. 132-1 three years from the date such communication was received by such public board, council, commission or other governmental body.

(b) State and Local Tax Information. - Tax information may not be disclosed except as provided in G.S. 105-259. As used in this subsection, "tax information" has the same meaning as in G.S. 105-259. Local tax records that contain information about a taxpayer's income or receipts may not be disclosed except as provided in G.S. 153A-148.1 and G.S. 160A-208.1.

(c) Public Enterprise Billing Information. - Billing information compiled and maintained by a city or county or other public entity providing utility services in connection with the ownership or operation of a public enterprise is not a public record as defined in G.S. 132-1. Nothing contained herein is intended to limit public disclosure by a city or county of billing information:

- (i) that the city or county determines will be useful or necessary to assist bond counsel, bond underwriters, underwriters' counsel, rating agencies or investors or potential investors in making informed decisions regarding bonds or other obligations incurred or to be incurred with respect to the public enterprise;
- (ii) that is necessary to assist the city, county, State, or public enterprise to maintain the integrity and quality of services it provides; or
- (iii) that is necessary to assist law enforcement, public safety, fire protection, rescue, emergency management, or judicial officers in the performance of their duties.

As used herein, 'billing information' means any record or information, in whatever form, compiled or maintained with respect to individual customers by any owner or operator of a public enterprise, as defined in G.S. 160A-311 and G.S. 153A-274, or other public entity providing utility services, relating to services it provides or will provide to the customer."

SECTION 2. This act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 824**

S824-PCS-LN-1, A BILL TO BE ENTITLED AN ACT PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO HOSPITAL RATES UNDER WORKERS' COMPENSATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Effective July 1, 2002, G.S. 135-39.5 is amended by adding the following new subdivision to read:

"§ 135-39.5. Powers and duties of the Executive Administrator and Board of Trustees.

The Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan shall have the following powers and duties:

...

- (26) Increasing annually the amount of the annual deductible and annual aggregate maximum deductible. The increase shall be established by determining the ratio of the CPI-Medical Index to such index one year earlier. If the ratio indicates an increase in the CPI-Medical Index, then the amount of the annual deductible and annual aggregate maximum deductible may be increased by not more than the percentage increase in the CPI-Medical Index. As used in this subdivision, the term 'CPI-Medical Index' means the U.S. Consumer Price Index for All Urban Consumers for Total Medical Care."

SECTION 1.(b) G.S. 135-40.1(2) reads as rewritten:

- "(2) Deductible. – Deductible shall mean an amount of covered expenses during a fiscal year which must be incurred after which benefits (subject to the deductible) becomes payable. The deductible for an employee, retired employee and/or his or her dependents shall be ~~two hundred fifty dollars (\$250.00)~~ three hundred fifty dollars (\$350.00) for each fiscal year.

The deductible applies separately to each covered individual in each fiscal year, subject to an aggregate maximum of ~~seven hundred fifty dollars (\$750.00)~~ one thousand fifty dollars (\$1,050) per family ~~(employee or retiree and his or her covered dependents)~~ employee and child(ren) or employee and family coverage contract in any fiscal year.

If two or more family members are injured in the same accident only one deductible is required for charges related to that accident during the benefit period."

SECTION 1.(c) G.S. 135-40.4(a) reads as rewritten:

- "(a) In the event a covered person, as a result of accidental bodily injury, disease or pregnancy, incurs covered expenses, the Plan will pay benefits up to the amounts described in G.S. 135-40.5 through G.S. 135-40.9.

The Plan is divided into two parts. The first part includes certain benefits which are not subject to a deductible or coinsurance. The second part is a comprehensive plan and includes those benefits which are subject to both a ~~two hundred fifty dollars (\$250.00)~~ three hundred fifty dollar

(\$350.00) deductible for each covered individual to an aggregate maximum of ~~seven hundred fifty dollars (\$750.00)~~ one thousand fifty dollars (\$1,050) per ~~family-employee and child(ren) or employee and family coverage contract~~ and coinsurance of 80%/20%. There is a limit on out-of-pocket expenses under the second part.

Notwithstanding the provisions of this Article, the Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan may contract with providers of institutional and professional medical care and services to established preferred provider networks. The design, adoption, and implementation of such preferred provider contracts and networks are not subject to the requirements of Chapter 143 of the General Statutes, provided that for any hospital preferred provider network all hospitals will have an opportunity to contract with the Plan if they meet the contract requirements. The Executive Administrator and Board of Trustees shall, under the provisions of G.S. 135-39.5(12), pursue such preferred provider contracts on a timely basis and shall make reports as requested to the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Committee on Employee Hospital and Medical Benefits on its progress in negotiating such preferred provider contracts. The Executive Administrator and Board of Trustees shall implement a refined diagnostic-related grouping or diagnostic-related grouping-based reimbursement system for hospitals as soon as practicable, but no later than January 1, 1995."

SECTION 1.(d) G.S. 135-40.5(d) is repealed.

SECTION 1.(e) G.S. 135-40.5(g) reads as rewritten:

"(g) Prescription Drugs. – The Plan's allowable charges for prescription legend drugs to be used outside of a hospital or skilled nursing facility are to be determined by the Plan's Executive Administrator and Board of Trustees. The Plan will pay allowable charges for each outpatient prescription drug less a copayment to be paid by each covered individual equal to the following amounts: pharmacy charges up to ten dollars (\$10.00) for each generic prescription, ~~fifteen dollars (\$15.00)~~ twenty-five dollars (\$25.00) for each branded prescription, and ~~twenty dollars (\$20.00)~~ thirty-five dollars (\$35.00) for each branded prescription with a generic equivalent drug, and ~~twenty-five dollars (\$25.00)~~ forty dollars (\$40.00) for each branded or generic prescription not on a formulary used by the Plan. Allowable charges shall not be greater than a pharmacy's usual and customary charge to the general public for a particular prescription. Prescriptions shall be for no more than a 34-day supply for the purposes of the copayments paid by each covered individual. By accepting the copayments and any remaining allowable charges provided by this subsection, pharmacies shall not balance bill an individual covered by the Plan. A prescription legend drug is defined as an

article the label of which, under the Federal Food, Drug, and Cosmetic Act, is required to bear the legend: "Caution: Federal Law Prohibits Dispensing Without Prescription." Such articles may not be sold to or purchased by the public without a prescription order. Benefits are provided for insulin even though a prescription is not required. The Plan may use a pharmacy benefit manager to help manage the Plan's outpatient prescription drug coverage. In managing the Plan's outpatient prescription drug benefits, the Plan and its pharmacy benefit manager shall not provide coverage for erectile dysfunction, growth hormone, antiwrinkle, weight loss, and hair growth drugs unless such coverage is medically necessary to the health of the member. The Plan and its pharmacy benefit manager shall not provide coverage for growth hormone and weight loss drugs and antifungal drugs for the treatment of nail fungus and botulinum toxin without approval in advance by the pharmacy benefit manager. Any formulary used by the Plan's Executive Administrator and pharmacy benefit manager shall be an open formulary. Plan members shall not be assessed more than two thousand five hundred dollars (\$2,500) per person per fiscal year in copayments required by this subsection.

SECTION 1.(f) The first paragraph of G.S. 135-40.6 reads as rewritten:

"The following benefits provided in this section are subject to a deductible of ~~two hundred fifty dollars (\$250.00)~~ three hundred fifty dollars (\$350.00) per covered individual to an aggregate maximum of ~~seven hundred fifty dollars (\$750.00)~~ one thousand fifty dollars (\$1,050) per family employee and child(ren) or employee and family coverage contract per fiscal year and are payable on the basis of eighty percent (80%) by the Plan and twenty percent (20%) by the covered individual up to a maximum of one thousand ~~dollars (\$1,000)~~ five hundred dollars (\$1,500) out-of-pocket per fiscal year. The aggregate maximum out-of-pocket required of individuals covered by this section shall not be more than four thousand five hundred dollars (\$4,500) per employee and child(ren) or employee and family coverage contract per fiscal year."

SECTION 1.(g) G.S. 135-40.6(1)f. reads as rewritten:

"(1) In-Hospital Benefits. – The Plan pays in-hospital benefits for each single confinement, when charged by a hospital, for room accommodations, including bed, board and general nursing care, but not to exceed the charge for semiprivate room or ward accommodations, or the rate negotiated for the Plan. Under the DRG reimbursement system, the coinsurance shall be based on the lower of the DRG amount or charges.

The Plan will pay the following covered charges, when charged by a hospital, for each confinement.

...

f. ~~Physical~~ Physical, speech, and occupational therapy."

SECTION 1.(h) G.S. 135-40.6(3) reads as rewritten:

"(3) Skilled Nursing Facility Benefits. – The Plan will pay benefits in a skilled nursing facility licensed under applicable State laws for not more than 100 days per fiscal year for the same reason, as follows:

After discharge from a hospital for which inpatient hospital benefits were provided by this Plan for a period of not less than three days, and treatment consistent with the same illness or condition for which the covered individual was hospitalized, the daily charges will be paid for room and board in a semiprivate room or any multibed unit up to the maximum benefit specified in subsection (1) of this section, less the days of care already provided for the same illness in a hospital. Plan allowances for total daily charges may be negotiated but will not exceed the daily semiprivate hospital room rate as determined by the Plan.

Credit will be allowed toward private room charges in an amount equal to the facility's most prevalent charge for semiprivate accommodations. Charges will also be paid for general nursing care and other services which would ordinarily be covered in a general hospital. In order to be eligible for these benefits, admission must occur within 14 days of discharge from the hospital.

In order to qualify for benefits provided by a skilled nursing facility, the following stipulations apply:

- a. The services are medically required to be given on an inpatient basis because of the covered individual's need for medically necessary skilled nursing care on a continuing daily basis for any of the conditions for which he or she was receiving inpatient hospital services prior to transfer from a hospital to the skilled nursing facility or for a condition requiring such services which arose after such transfer and while he or she was still in the facility for treatment of the condition or conditions for which he or she was receiving inpatient hospital services,
- b. Only on prior referral by and so long as, the patient remains under the active care of an attending doctor

and the patient requires continual hospital confinement without the care and treatment of the skilled nursing facility, and

c. Approved in advance by the Claims Processor.

For facilities not qualified for delivery of services covered by the benefits of Title XVIII of the Social Security Act (Medicare), neither the Plan nor any of its members shall be billed or held liable by such facilities for charges that otherwise would be covered by Medicare."

SECTION 1.(i) G.S. 135-40.6(8)e. reads as rewritten:

"e. Prosthetic and Orthopedic Appliances and Durable Medical Equipment: Appliances and equipment including corrective and supportive devices such as artificial limbs and eyes, wheelchairs, traction equipment, inhalation therapy and suction machines, hospital beds, braces, orthopedic corsets and trusses, not more than three hundred fifty dollars (\$350.00) for therapeutic shoes for diabetes and other high-risk conditions, and other prosthetic appliances or ambulatory apparatus which are provided solely for the use of the participant. Eligible charges include repair and replacement when medically necessary. Benefits will be provided on a rental or purchase basis at the sole discretion of the Claims Processor and agreements to rent or purchase shall be between the Claims Processor and the supplier of the appliance.

For the purposes of this subdivision, the term "durable medical equipment" means standard equipment normally used in an institutional setting which can withstand repeated use, is primarily and customarily used to serve a medical purpose, is generally not useful to a person in the absence of an illness or injury and is appropriate for use in the home. Decisions of the Claims Processor, the Executive Administrator and Board of Trustees as to compliance with this definition and coverage under the Plan shall be final."

SECTION 1.(j) G.S. 135-40.6(8)m. reads as rewritten:

"m. Cardiac Rehabilitation: Charges not to exceed ~~six hundred fifty dollars (\$650.00)~~ the lesser of one thousand eight hundred dollars (\$1,800) or 90 days per fiscal year for cardiac testing and exercise therapy, when determined medically necessary by an attending

~~physician and approved by the Claims Processor for patients with a medical history of myocardial infarction, angina pectoris, arrhythmias, cardiovascular surgery, hyperlipidemia, or hypertension, year. Coverage is limited to patients with Coronary Artery Bypass Graft (CABG), status/post myocardial infarction, Percutaneous Transluminar Coronary Angioplasty (PTCA) or stent, valve replacement, heart transplant, or chronic and disabling angina provided such charges are incurred services are provided within six months of the qualifying event and~~ in a medically supervised facility fully certified by the North Carolina Department of Health and Human Services."

SECTION 1.(k) G.S. 135-40.6(9)f. reads as rewritten:

"(9) Limitations and Exclusions to Other Covered Charges. – No benefits are available under this section of the Plan until full utilization is made of similar benefits available under other sections of this Plan.

No benefits will be payable for:

...

- f. Eyeglasses or other corrective lenses (except for cataract lenses certified as medically necessary for aphakia persons), hearing aids, braces for teeth, dental plates or bridges or other dental prostheses, air-conditioners, vaporizers, humidifiers, mattresses (other than as supplied with a hospital bed) and specially built shoes (other than attached to artificial limbs or orthopedic braces); braces, and other than therapeutic shoes for diabetes or other high-risk conditions);"

SECTION 1.(l) G.S. 135-40.6A(b) reads as rewritten:

"(b) The Executive Administrator and Board of Trustees may establish procedures to require prior medical approvals for the following services:

- (1) Skilled Nursing Facility Care (after the initial 30 days); Care.
- (2) Private Duty Nursing; Nursing.
- (3) Speech Therapy (unless rendered in an inpatient hospital); hospital.
- (4) Physical Therapy (in the home); home).
- (7) Surgical Procedures:
 - a. Blepharoplasties
 - b. Surgery for Hermaphroditism

- c. Excision of Keloids
 - d. Reduction Mammoplasty
 - e. Morbid Obesity Surgery
 - f. Penile Prosthesis
 - g. Excision of Gynecomastia
 - h. Cochlear Implants
 - i. Revision of the Nasal Structure
 - j. Abdominoplasty
 - k. Fimbrioplasty
 - l. Tubotubal ~~Anastomosis~~ Anastomosis
 - m. Varicose Vein Surgery.
- (8) Subcutaneous injection of "filling" material (Example: zyderm, ~~silicone~~); and silicone).
- (8a) Botulinium toxin.
- (9) Suction Lipectomy.
- (10) Outpatient prescription drugs requiring prospective review under the Plan's pharmacy benefit management program.
- (11) Outpatient prescription drugs for growth hormone, weight loss, and antifungal drugs for the treatment of nail fungus."

SECTION 1.(m) G.S. 135-40.8 reads as rewritten:

"§ 135-40.8. Out-of-pocket expenditures.

(a) For the balance of any fiscal year after each eligible employee, retired employee, or dependent satisfies the cash deductible, the Plan pays eighty percent (80%) of the eligible expenses outlined in G.S. 135-40.6. The covered individual is then responsible for the remaining twenty percent (20%) until one thousand dollars (\$1,000), in excess of the deductible, has been paid out of pocket. The remaining twenty percent (20%) is paid by the covered individual until one thousand five hundred dollars (\$1,500) per covered individual up to an aggregate of four thousand five hundred dollars (\$4,500) per employee and child(ren) or employee and family coverage contract per fiscal year in excess of the deductible has been paid out of pocket. The Plan then pays one hundred percent (100%) of the remaining covered expenses.

(b) ~~Where a covered individual fails to obtain a second surgical opinion as required under the Plan, or where a covered individual elects to have a surgery performed that conflicts with a majority opinion of the rendered consultations that the surgery requiring a second or third surgical opinion is not necessary, the covered individual shall be responsible for fifty percent (50%) of the eligible expenses, provided, however, that no covered individual shall be required to pay, in addition to the expenses in subsection (a) above out of pocket in excess of five hundred dollars (\$500.00) per fiscal year.~~

(c) Notwithstanding any other provision of this Article, on the first day of each confinement the Plan does not pay the first ~~seventy five dollars~~

~~(\$75.00) one hundred dollars (\$100.00)~~ of the room accommodation charge allowable under G.S. 135-40.6(1). Any readmission within 60 days after discharge for the same reason shall be considered the same confinement for the purpose of this subsection. The exclusion made under this subsection shall not count toward the deductible nor toward the maximum amount of coinsurance out-of-pocket costs.

(c1) Notwithstanding any other provision of this Article, the Plan does not pay the first fifty dollars (\$50.00) of the facility fees and ancillary charges for allowable charges exceeding five hundred dollars (\$500.00) per episode of care for hospital outpatient departments and ambulatory surgical facilities under G.S. 135-40.6(4). Readmission within 30 days after discharge for the same reason shall be considered the same episode of care for the purpose of this subsection. The exclusion made under this subsection shall not count toward the deductible nor toward the maximum amount of coinsurance out-of-pocket costs.

(c2) Notwithstanding any other provision of this Article, the Plan does not pay the first one hundred dollars (\$100.00) of allowable emergency room charges when admission to a hospital pursuant to the emergency room use does not immediately follow. This subsection shall apply only when less costly alternative means of emergency medical care are reasonably available as determined by the Executive Administrator and Board of Trustees. The exclusion made under this subsection shall not count toward the deductible nor toward the maximum amount of coinsurance out-of-pocket costs.

(c3) Notwithstanding any other provision of this Article, the Plan does not pay for the first fifteen dollars (\$15.00) of allowable charges for each home, office, or skilled nursing facility visit under the provisions of G.S. 135-40.6(7)a. and b., G.S. 135-40.6(4), G.S. 135-40.6(8)e.(IV therapy), i., j., k., n., r., and s., and G.S. 135-40.5(e). The copayment assessed by this subsection shall be assessed only once per person per provider per day and shall not apply to laboratory, pathology, and radiology services. The exclusion made under this subsection shall not count toward the deductible nor toward the maximum amount of coinsurance out-of-pocket costs.

(d) Where a network of qualified preferred providers of inpatient and outpatient hospital care is reasonably available for use by those individuals covered by the Plan, use of providers outside of the preferred network shall be subject to a twenty percent (20%) coinsurance rate up to five thousand dollars (\$5,000) per fiscal year per covered individual up to an aggregate of fifteen thousand dollars (\$15,000) per employee and child(ren) or employee and family coverage contract per fiscal year in addition to the general coinsurance percentage and maximum fiscal year amount specified by G.S. 135-40.4 and G.S. 135-40.6."

SECTION 1.(n) G.S. 135-40.9 reads as rewritten:

"§ 135-40.9. Maximum benefits.

The maximum lifetime benefit for each covered individual will be ~~two million dollars (\$2,000,000)~~ **five million dollars (\$5,000,000).**"

SECTION 1.(o) G.S. 135-40.6(2)g. is repealed.

SECTION 1.(p) G.S. 135-40.6(7)a. reads as rewritten:

"(7) Medical Benefits. –

- a. Services of Doctors. – The Plan pays the usual, reasonable and customary charges for covered inpatient medical (nonsurgical) services. Services are covered if the individual is hospital-confined and is eligible for hospitalization benefits as described in this section. Benefits are provided for exactly the same number of days as the individual is entitled to under this section, except that medical benefits are provided on both the day of admission and the day of discharge.

In the event a covered individual is treated by two or more co-attending doctors during the same hospital confinement for a medical (nonsurgical) condition, benefits are limited to payment for services provided by the primary attending doctor, except where need is established for supplementary skills for treatment of separate and distinct diagnoses or conditions.

Home, office, and skilled nursing facility visits including (i) charges for injected medications, (ii) inpatient care by attending medical doctors, radiologists, pathologists, and consultants during such time as hospital benefits are paid under any section of this Plan, (iii) care in the outpatient department of a hospital, and (iv) administration of shock therapy (drug or electric) including the services of anesthesiologists provided on an office or hospital outpatient basis for treatment of acute psychotic reaction or severe depression. ~~The Plan does not cover the first ten dollars (\$10.00) of allowable charges for each home, office, or skilled nursing facility visit.~~

SECTION 1.(q) Effective January 1, 2002, G.S. 135-39.5(12) reads as rewritten:

"§ 135-39.5. Powers and duties of the Executive Administrator and Board of Trustees.

The Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan shall have the following powers and duties:

...

"(12) Determining basis of payments to health care providers, including payments in accordance with G.S. 58-50-56. The Plan shall comply with G.S. 58-3-225."

SECTION 1.(r) G.S. 135-39.8 reads as rewritten:

"§ 135-39.8. Rules and regulations.

The Executive Administrator and Board of Trustees may issue rules and regulations to implement Parts 2, 3, 4, and 5 of this Article. The Executive Administrator and Board of Trustees shall provide to all employing units, all health benefit representatives, the oversight team provided for in G.S. 135-39.3, all relevant health care providers affected by a rule or regulation, and to any other persons requesting a written description and approved by the Executive Administrator and Board of Trustees written notice and an opportunity to comment not later than 30 days prior to adopting, amending, or rescinding a rule or regulation, unless immediate adoption of the rule or regulation without notice is necessary in order to fully effectuate the purpose of the rule or regulation. Rules and regulations of the Board of Trustees shall remain in effect until amended or repealed by the Executive Administrator and Board of Trustees. The Executive Administrator and Board of Trustees shall provide a written description of the rules and regulations issued under this section to all employing units, all health benefit representatives, the oversight team provided for in G.S. 135-39.3, all relevant health care providers affected by a rule or regulation, and to any other ~~parties~~-persons requesting a written description and approved by the Executive Administrator and Board of Trustees ~~to receive a description~~ on a timely basis."

SECTION 1.(s) The Plan shall develop as soon as practicable a prospective payment system for the payment of hospital outpatient services and the services of ambulatory surgical facilities. In developing this prospective payment system, the Plan shall make use of the expertise of the North Carolina Hospital Association, including any advisory committees of member hospitals that the Association may name, and ambulatory surgical facilities in this State. In addition, the Plan shall develop as soon as practicable a medical fee schedule for the payment of professional health care services. The fee schedule shall be developed with the expertise of the North Carolina Medical Society, the North Carolina Academy of Family Physicians, and any other groups of professional medical service providers that the Society may wish to include. Any prospective payment system for hospital outpatient services and the services of ambulatory surgical facilities and a medical fee schedule for the providers of professional medical services shall not be implemented by the Plan before July 1, 2003.

SECTION 2. Notwithstanding G.S. 97-26, payment for medical treatment and services rendered to workers' compensation patients by a hospital on or after July 1, 2001, and before August 1, 2001, shall be equal

to the payment the hospital would have received for such treatment and services on June 30, 2001.

SECTION 3. Except as otherwise provided, this act becomes effective July 1, 2001.

**EXECUTIVE ORDERS BY
GOVERNOR JAMES B. HUNT, JR.
By Title
November 2000 – December 2000**

Number	Title
173	Extending Executive Order No. 48
174	Extending Executive Order No. 157
175	Suspension of Rules and Regulations Limiting the Hours Operators of Commercial Vehicles May Drive
176	Emergency Relief for the State of Arkansas
177	Suspension of Rules and Regulations Limiting the Hours Operators of Commercial Vehicles May Drive
178	Extending Executive Order No. 88

**EXECUTIVE ORDERS BY
GOVERNOR MICHAEL F. EASLEY
By Title
January 2001 – February 2002**

1	The North Carolina Board of Ethics
2	Extending Executive Order Nos. 176 and 178 Issued by Governor James B. Hunt, Jr.
3	Budget Administration
4	Clemency

- 5 Equal Employment Opportunity
- 6 Amending Executive Order No. 25 Concerning Regional Policy for North Carolina
- 7 Teacher Advisory Committee
- 8 Transfer of Hurricane Floyd Relief Programs to the Department of Crime Control and Public Safety
- 9 Temporary Suspension of Motor Vehicle Regulations in Order for Utility Vehicles to Respond to Natural Disasters and Other Emergencies
- 10 Amending Governor Hunt's Executive Order No. 136 Concerning the Governor's Advisory Council on Hispanic/Latino Affairs
- 11 Implementation of the State Disaster Assistance Programs for a Type I Disaster for Madison County
- 12 Extending Executive Order No. 48
- 13 Governor's Task Force for Healthy Carolinians
- 14 North Carolina Interagency Council for Coordinating Homeless Programs
- 15 To Establish the Heavy Duty Diesel Rule Effective Date
- 16 Extending the North Carolina State Health Coordinating Council
- 17 Commission to Promote Government Efficiency and Savings on State Spending
- 18 Commission to Modernize State Finances
- 19 Classroom Protection and Orderly Budget Administration Given State of Fiscal Emergency

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Phillips, Susan	
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	Pensions and Retirement
	Travel and Tourism
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Raeford, Ann	Appropriations-Health and Human Services
	Office of the Majority Whip
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Uzzle, Linda	Office of the Minority Whip
Walend, Ken West, Susan Wilder, Anita Willis, Nancy	Education-Pre-school, Elementary, and Secondary
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Winstead, Shirley	

PRESENTMENT OF BILLS TO THE GOVERNOR
(Date Enrolling Clerk Delivered Bills to the
Office of the Governor)

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COMMITTEE ASSIGNMENTS - Children, Youth and Families; Congressional Redistricting, **Regional Chair**; Economic Growth and Community Development; Education; Education Subcommittee on Universities; Election Law and Campaign Finance Reform, **Chair**; Finance; Judiciary I; Mental Health.

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COMMITTEE ASSIGNMENTS - Education; Education Subcommittee on Community Colleges; Environment and Natural Resources; Finance, **Chair**; Legislative Redistricting; Rules, Calendar, and Operations of the House; Transportation; University Board of Governors Nominating.

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- H 553 WARTIME VETERAN/MILITARY VETERAN SPECIAL PLATE (Senate) 228, 317, 406, 924, 947, 951, 963.
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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Capital; Education; Education Subcommittee on Community Colleges, **Vice Chair**; Election Law and Campaign Finance Reform; Judiciary I.

- CONFeree ON H.B. 106 1550.
- CONFeree ON H.B. 438 927.
- CONFeree ON H.B. 1246 1137.
- CONFeree ON S.B. 17 1582.
- CONFeree ON S.B. 378 927.
- CONFeree ON S.B. 774 1081.
- EXCUSED ABSENCES 139, 314, 328, 465, 792, 801, 866, 1037, 1105, 1141, 1198, 1206, 1216, 1372, 1408, 1440, 1547, 1553, 1633, 1675, 1782, 1817, 1873.
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- H 375 DEPARTMENT OF SOCIAL SERVICES CHANGES
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- S 887 EXPAND MAGISTRATES' AUTHORITY
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- S 785 GOVERNMENT ATTORNEYS CONTINUING LEGAL
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- H 870 JUDICIAL CONTRIBUTIONS
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- H 955 NOTARY MISREPRESENTATION AUTHORITY
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- H 1225 OPEN MEETINGS PENDING LITIGATION
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- S 780 PHYSICIANS' LIENS STATUTES AMENDED
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- H 1177 REQUIRE EXPERIENCE FOR DEATH PENALTY
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- S 109 REQUIRE EXPERIENCE FOR DEATH PENALTY
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 ***194**, 195, 240, 329, 335, 336, 341, 419, 428, 440, 491, 495, ***563**,
 ***585**, 623, 624, ***627**, 663, ***668**, 694, 737, 803, 808, ***900**, ***901**, ***902**,
 965, ***966**, 978, 979, 980, 981, 1015, ***1045**, ***1053**, ***1054**, 1077,
 ***1095**, ***1100**, ***1101**, ***1102**, ***1112**, ***1113**, ***1117**, 1140, 1142, ***1163**,
 ***1164**, ***1165**, ***1166**, 1182, 1219, ***1232**, ***1244**, ***1245**, 1261, ***1287**,
 ***1314**, 1361, ***1365**, ***1382**, ***1385**, 1386, 1407, ***1409**, 1463, ***1465**,
 ***1468**.

COMMITTEE ASSIGNMENTS - Ex officio Member of all Committees
 Except for Congressional and Legislative Redistricting; Judiciary II,
Chair; Legislative Redistricting, **Regional Chair**.

CONFEREE ON H.B. 108 1214.

CONFEREE ON H.B. 338 1846.

CONFEREE ON H.B. 1468 1756.

BADDOUR, PHILIP A., JR.-Contd.

CONFEREE ON S.B. 68, CHAIR..... 1105.
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BAKER, REX L.

BILLS INTRODUCED - 55, *56, *57, *58, *59, *101, *107, *115, *164,
*288, *649, *709, *870, *1009, *1052, 1124, 1454, 1468.
COMMITTEE ASSIGNMENTS - Agriculture; Alcoholic Beverage
Control; Appropriations; Appropriations Subcommittee on Information
Technology; State Government.
CONFEREE ON H.B. 1427 1743.
EXCUSED ABSENCES 1289, 1408.
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BARBEE, BOBBY H., SR.

BILLS INTRODUCED - 20, 21, 23, 24, 50, 69, 88, 107, 188, 191, 215,
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574, 622, 627, *667, 688, 694, 728, 764, 795, 823, 862, 1124, 1362,
1450, 1454, 1466, 1468.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations
Subcommittee on Transportation; Insurance, **Vice Chair**; Legislative
Redistricting; Local Government II; Pensions and Retirement;
University Board of Governors Nominating.

EXCUSED ABSENCES 328, 354, 365, 379, 407, 416, 430, 447,
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BAREFOOT, DANIEL W.

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1402, 1407, 1410, 1411, 1415, 1451, *1458, *1462, 1463, 1464, 1468,
1470.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
committee on General Government; Cultural Resources, **Chair**;
Education; Education Subcommittee on Universities; Judiciary III,
Vice Chair; Pensions and Retirement, **Chair**; Rules, Calendar, and
Operations of the House; Travel and Tourism, **Chair**.

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BARNHART, JEFFREY L.

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*662, 663, 669, 694, 728, 764, 795, 823, 933, *944, *945, 970, 971,
985, 1038, 1124, 1273, 1280, 1463, 1468.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
committee on Education; Children, Youth and Families; Education;
Education Subcommittee on Universities; Health; Rules, Calendar, and
Operations of the House; Transportation, **Vice Chair**; University Board
of Governors Nominating.

EXCUSED ABSENCES 465, 500, 956, 971, 986,
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- H 131 BEAUFORT COUNTY LOCAL ACT
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- H 134 BEAUFORT COUNTY LOCAL ACT
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- H 834 RAISE WASHINGTON AND LEXINGTON OCCUPANCY
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BELL, LARRY M.

BILLS INTRODUCED - 7, 11, 41, 60, 63, 70, 82, 139, 194, 195, 217, 243, 409, 454, 507, 515, 619, 622, 624, 627, 663, 688, 694, *706, *707, *708, 736, 808, *930, 965, 979, 981, 995, 1015, 1041, 1116, 1161, 1163, *1182, 1261, 1289, 1354, 1361, 1386, 1391, 1392, 1405, 1407, 1410, 1463, 1465, 1468, 1470.

COMMITTEE ASSIGNMENTS - Agriculture, **Vice Chair**; Appropriations; Appropriations Subcommittee on Education; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Highway Safety and Law Enforcement; Judiciary III; Mental Health; State Personnel.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub- committee on Transportation; Election Law and Campaign Finance Reform; Insurance; Judiciary I, Vice Chair ; Legislative Redistricting.	
CONFeree ON H.B. 355.....	1371.
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BLUST, JOHN M.-Contd.

COMMITTEE ASSIGNMENTS - Education; Education Subcommittee
on Universities; Finance; Judiciary I.

EXCUSED ABSENCES NONE.

INQUIRY OF THE CHAIR REGARDING H.B. 1025 1726.

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H 716 ESTATE LAW CHANGES
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S 829 GOVERNMENT SECURITY INTERESTS CLARIFIED
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H 350 GRAMM-LEACH-BLILEY ACT REQUIREMENTS
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H 1383 HOUSING FINANCE AGENCY BONDS
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H 1384 HOUSING FINANCE AGENCY BONDS
(Finance) 751.

S 236 HOUSING FINANCE AGENCY BONDS
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S 311 HOUSING FINANCE AGENCY BONDS
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S	247	REALLOCATE CLEAN WATER BONDS/DEFER BOND ISSUE (Ch. SL 2001-416)	1226, 1301, 1335, 1346, 1370, 1466, 1501, 1513, 1533, 1585.
S	165	REVENUE LAWS TECHNICAL CHANGES (Ch. SL 2001-414).....	795, 1439, 1463, 1494, 1500, 1519, 1557.
H	327	REVISE TREASURER INVESTMENT AUTHORITY (Ch. SL 2001-444).....	168, 276, 299, 363, 1570, 1588, 1600, 1628, 1639, 1679.
S	123	SPECIAL OBLIGATION BONDS FOR WATER/SEWER (Ch. SL 2001-238).....	399, 692, 887, 988, 1017, 1028, 1087, 1153.
H	338	TECHNICAL CORRECTIONS ACT (Ch. SL 2001-487).....	170, 708, 746, 1845, 1846, 1858, 1881, 1883, 1886, 1887, 1906, 1911.
H	644	TOLL ROAD AND BRIDGE AUTHORITY CREATED (Senate).....	265, 1112, 1408, 1427, 1434, 1601, 1630, 1631, 1637.
H	1056	UNIVERSITY OF NORTH CAROLINA NONAPPROPRIATED CAPITAL PROJECTS (Appropriations)	487.
S	968	UNIVERSITY OF NORTH CAROLINA NONAPPROPRIATED CAPITAL PROJECTS (Ch. SL 2001-463).....	1626, 1660, 1686, 1699, 1702, 1765, 1773.

BONNER, DONALD A.

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BONNER, DONALD A.-Contd.

COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropriations Subcommittee on Education; Education, **Chair**; Election Law and Campaign Finance Reform; Judiciary III; Legislative Redistricting; State Government; University Board of Governors Nominating; Wildlife Resources.

CONFEREE ON H.B. 438	927.
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BOWIE, JOANNE W.

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495, 552, 622, 623, 627, 644, 650, ***686**, 688, 694, 728, 751, 752, 764,

822, 823, 930, 965, 974, 1013, 1015, 1112, ***1227**, 1273, 1279, 1454,

1468.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-

committee on Transportation, **Vice Chair**; Education; Education

Subcommittee on Community Colleges; Environment and Natural

Resources; Judiciary II; Ways and Means.

CONFEREE ON S.B. 1014.....

1399.

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1691.

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312, 409, ***417**, 419, 422, 423, 428, 431, ***454**, 456, 457, 495, 624, 627,

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1116, ***1261**, ***1289**, ***1337**, ***1338**, ***1339**, 1386, 1402, 1405, ***1415**,

***1422**, 1463, 1470.

BOYD-MCINTYRE, FLOSSIE-Contd.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Capital; Appropriations Subcommittee on Education, **Chair**; Children, Youth and Families, **Chair**; Congressional Redistricting; Education; Education Subcommittee on Universities; Judiciary I; Rules, Calendar, and Operations of the House; Science and Technology; University Board of Governors Nominating, **Vice Chair**.

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 ***466**, 495, ***497**, 526, ***600**, ***601**, 622, 650, 694, 728, 764, 933, 968,
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 1266, 1273, ***1318**, 1362, 1450, 1454, 1468.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Capital; Ethics; Financial Institutions; Health; Insurance; Legislative Redistricting; Public Utilities; State Government.

CONFEREE ON H.B. 253 1690.
 EXCUSED ABSENCES 70, 133, 139, 147, 167, 197, 226,
 275, 314, 328, 407, 465, 581, 792, 824, 866, 1047, 1150, 1216, 1289,
 1350, 1362, 1372, 1408, 1440, 1507, 1540, 1547, 1553, 1561, 1584,
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 1782, 1804, 1817, 1829, 1849, 1873.
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 H 7 AMEND WORTHLESS CHECK PROGRAM
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 H 118 BELVILLE DEANNEXATION
 (Ch. SL 2001-401)..... 93, 1311, 1363,
 1394, 1403, 1508, 1520.

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H 119 BRUNSWICK COUNTY LOCAL ACT
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H 697 BRUNSWICK FIRE FEES
(Ch. SL 2001-74)..... 293, 480, 514, 530, 885, 902.

H 865 CALABASH ANNEXATION/HOLDEN BEACH
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H 77 CERTAIN CITIES AND TOWNS ANNEXATIONS
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627, 707, 718, 762, 776, 793.

H 868 NAVASSA ANNEXATION/CHARTER
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S 603 NAVASSA/CARY CHANGES
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BUCHANAN, CHARLES F.

APPROVAL OF VOTE CHANGE ON CONFERENCE
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APPROVAL OF VOTE CHANGE ON H.B. 644..... 1638.

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101, 102, 107, 110, 111, *144, *267, *268, 288, 312, *337, 417, 428,
458, 459, 478, 495, *512, *513, 526, 530, 552, 570, 574, *619, 622,
624, 670, *678, 688, 694, 751, 764, 803, 808, 965, 977, 979, 981, 985,
996, 999, 1015, 1017, 1021, 1022, 1041, 1042, *1056, *1071, *1098,
1273, *1355, 1361, 1402, 1426, 1427, 1444, *1448, 1450, 1468.

COMMITTEE ASSIGNMENTS - Agriculture; Congressional Redistricting;
Cultural Resources; Finance, **Chair**; Financial Institutions; Health;
Legislative Redistricting; Local Government I; Rules, Calendar, and
Operations of the House; Transportation; Wildlife Resources.

CONFEREE ON H.B. 108 1214.

CONFEREE ON H.B. 338 1846.

CONFEREE ON H.B. 685 1447.

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- S 633 BUILDING CODE PILOT PROGRAM
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- S 817 BUILDING CODE REVISIONS
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1314, 1328, 1356.
- S 1036 BUILDING CODE SUBJECT TO ADMINISTRATIVE
PROCEDURES ACT
(Ch. SL 2001-141)..... 799, 872, 910, 944, 999.
- H 1037 BUILDING CODE VARIATIONS
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- H 598 BUILDING INSPECTIONS CONTRACTED
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440, 1160, 1201, 1207, 1250.
- S 342 COUNTY BUILDING CODE REVISIONS
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- S 352 EXTEND LIEN FOR PUBLIC HEALTH NUISANCE
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- H 992 HOMEBUILDER RESPONSIBILITY
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- H 824 INSTALLATION OF SEWER CLEANOUT REQUIRED
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- H 307 MINIMUM HOUSING STANDARDS
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- H 1323 REVISE STATE BUILDING CODE/COUNCIL
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- H 355 STATE BUILDING CODE CHANGES
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1370, 1409, 1520, 1530, 1534, 1535, 1544, 1586.
- H 1065 SWIMMING POOL SAFETY ACT
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- S 885 UNSAFE BUILDINGS
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- H 609 WELL CONSTRUCTION STANDARDS/RULE MAKING
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- H 886 51ST HOUSE DISTRICT LOCAL ACT
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- H 887 51ST HOUSE DISTRICT LOCAL ACT
(Reported Unfavorable)..... 390, 628, 679.
- H 888 51ST HOUSE DISTRICT LOCAL ACT
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- S 559 ASHEVILLE FORCE ACCOUNT LIMIT
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838, 851, 1164, 1212, 1224, 1233.
- H 878 BUNCOMBE ANNEXATION REFERENDUM
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- H 922 BUNCOMBE COUNTY LOCAL ACT
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- H 923 BUNCOMBE COUNTY LOCAL ACT
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- H 43 NONBETTERMENT RELOCATION COSTS
(Appropriations Subcommittee on Transportation)
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- H 105 PRODUCT DEVELOPMENT FUND FOR
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- H 1339 PERMANENT IDENTIFICATION INSIDE BURIAL
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- H 267 46TH HOUSE DISTRICT LOCAL ACT
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- H 268 46TH HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House) 152.
- H 660 49TH HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House) 279.
- S 653 FOOTHILLS AND MITCHELL COUNTY
LOCAL ACTS
(Ch. SL 2001-306)..... 715, 1162, 1201, 1211, 1319.

BUSINESS CORPORATION ACT, NORTH CAROLINA (G.S. 55)

- S 842 BUSINESS ENTITY CHANGES
(Ch. SL 2001-387)..... 1200, 1326, 1364,
1397, 1404, 1436, 1468.
- H 385 CONSOLIDATE BUSINESS PROVISIONS
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498, 1253, 1310, 1342, 1357, 1362, 1413.

BUSINESS CORPORATION ACT, NORTH CAROLINA-Contd.

- H 168 CORPORATE ASSET TRANSFERS/RELIEF
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- H 1396 FEES FOR CORPORATE CERTIFICATE
OF EXISTENCE (Finance)..... 753.
- H 1073 REGISTER OF DEEDS/BUSINESS REINSTATEMENT
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1093, 1417, 1433, 1440, 1468.
- S 795 REPEAL CHAPTER 78B/AMEND SECURITIES ACT
(Ch. SL 2001-201)..... 774, 1080, 1091, 1098, 1108.
- H 338 TECHNICAL CORRECTIONS ACT
(Ch. SL 2001-487)..... 170, 708, 746, 1845, 1846,
1858, 1881, 1883, 1886, 1887, 1906, 1911.
- H 1070 TRUSTEES AND ESTATE LAW CHANGES
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1360, 1368, 1551, 1552, 1557.

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- H 251 81ST HOUSE DISTRICT LOCAL ACT
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- H 252 81ST HOUSE DISTRICT LOCAL ACT
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- H 271 CABARRUS COUNTY LOCAL ACT
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- H 272 CABARRUS COUNTY LOCAL ACT
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- S 113 CABARRUS WORK OVER WELFARE
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- S 614 CARY, CHARLOTTE, CONCORD, MONROE, AND
WEDDINGTON ROADWAY EXPENDITURES
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1114, 1122, 1151, 1158.
- H 290 MIDLAND CHARTER AMENDMENTS
(Ch. SL 2001-30)..... 158, 206, 415,
467, 494, 650, 710.
- S 255 MIDLAND LOCAL ACT
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1308, 1319, 1344, 1345, 1358, 1415, 1422.
- H 250 MIDLAND/LINDEN ANNEXATION/
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- S 243 RED LIGHT CAMERAS/CERTAIN MUNICIPALITIES
(Ch. SL 2001-286)..... 341, 409, 585, 870, 895, 1051,
1093, 1101, 1103, 1127, 1132,
1169, 1181, 1192, 1207, 1252.
- H 249 TOWN OF MIDLAND LOCAL ACT
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- S 336 VARIOUS AMBULANCE SERVICES
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851, 882, 942, 954.
- S 92 VARIOUS LOCAL OCCUPANCY TAXES
(Ch. SL 2001-439)..... 795, 1291, 1315,
1334, 1365, 1402, 1410, 1588, 1594,
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- H 267 46TH HOUSE DISTRICT LOCAL ACT
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- H 268 46TH HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House) 152.
- H 794 CALDWELL/DISCHARGE OF FIREARMS
(Ch. SL 2001-67)..... 338, 420, 444, 867, 886.
- S 653 FOOTHILLS AND MITCHELL COUNTY LOCAL ACTS
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- H 678 USE OF 911 FUNDS
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- H 791 USE OF 911 FUNDS
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- H 699 CAMDEN SCHOOL BOARD ELECTION
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- H 636 ELIZABETH CITY CHARTER REVISED
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802, 811, 818, 1118, 1129.
- H 880 TRANSFER BERTIE SEPTIC SYSTEMS/
AUTHORIZE FEES
(Ch. SL 2001-78)..... 389, 529, 589, 601, 886, 902.

CANSLER, LANIER M. (resigned April 18, 2001)

- BILLS INTRODUCED - 4, 8, 11, 12, 13, 42, *43, *44, 50, 54, 55, 69, 79,
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*387, 419, 420, 442, 478, 480, 515, 526, 541, 547, 607, 622, *669, 694,

CANSLER, LANIER M.-Contd.

728, 751, 764, 795, 803, 823, *843, 878, *886, *887, *888, 939, *958, 965, 975, 976, 1011, 1030.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Health and Human Services; Economic Growth and Community Development; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Judiciary III; Mental Health; Public Health, **Vice Chair**; State Government.

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CAPPS, J. RUSSELL

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COMMITTEE ASSIGNMENTS - Finance; Highway Safety and Law Enforcement; Judiciary III; Local Government II.

EXCUSED ABSENCES 943, 1097, 1372, 1440, 1444, 1449, 1540, 1547, 1740.

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CARPENTER, MARGARET M.

BILLS INTRODUCED - 8, 11, 12, 13, 17, 44, 54, 55, 69, 108, 170, 191, 243, 288, 289, 433, 478, 479, 526, 607, 622, 646, 650, 662, 663, *669, 681, 694, 728, 764, 795, *811, *812, *813, *814, *815, 823, 933, 985, 1010, 1011, 1015, 1038, 1091, 1093, 1124, 1127, 1128, 1131, 1132, 1133, 1134, 1135, 1211, *1259, 1273, *1280, *1281, *1291, *1329, *1420, 1463, 1466, 1468.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Education; Economic Growth and Community Development; Education; Education Subcommittee on Community Colleges; Mental Health.

EXCUSED ABSENCES 1440, 1507, 1518, 1817, 1829, 1849, 1873.

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CARTERET COUNTY

- H 856 ALLOW SEPARATE-/SINGLE-PRIME
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- H 616 ATLANTIC BEACH ANNEXATION
(Ch. SL 2001-137)..... 254, 498, 639,
802, 810, 821, 830, 837, 968, 974.
- S 229 CAROLINA/KURE BEACH LIMITS
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837, 850, 856, 868.
- H 173 CARTERET COUNTY LOCAL ACT
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- H 698 CARTERET OCCUPANCY TAX CHANGES
(Ch. SL 2001-381)..... 293, 815, 1278,
1293, 1303, 1423, 1432, 1441, 1448.
- H 172 CEDAR POINT NO-WAKE ZONE
(Ch. SL 2001-65)..... 119, 607, 616, 643, 867, 886.
- H 19 CERTAIN COUNTIES AND TOWNS
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155, 275, 297, 307, 311, 323,
342, 690, 717, 762, 776, 793.
- H 712 MOREHEAD CITY ANNEXATIONS
(Ch. SL 2001-75)..... 305, 480, 514,
588, 600, 885, 902.
- S 30 OUTLAW TAKING OF SEA OATS
(Ch. SL 2001-93)..... 294, 843, 852, 856, 919.
- H 198 REPEAL MOREHEAD CITY FIREMEN'S
RETIREMENT FUND (Ch. SL 2001-18)..... 133, 211,
410, 425, 582, 595.
- H 225 REPEAL MOREHEAD CITY FIREMEN'S
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- S 667 SERVE CRIMINAL PROCESS/CARTERET COUNTY
GOVERNMENT COMPLEX
(Ch. SL 2001-60)..... 599, 835, 851, 856, 868.
- S 336 VARIOUS AMBULANCE SERVICES
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851, 882, 942, 954.

CASWELL COUNTY

- H 761 CASWELL COUNTY LOCAL ACT
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- H 267 46TH HOUSE DISTRICT LOCAL ACT
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- H 268 46TH HOUSE DISTRICT LOCAL ACT
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- H 528 CATAWBA COUNTY LOCAL ACT
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- H 77 CERTAIN CITIES AND TOWNS ANNEXATIONS
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- H 145 TROUTMAN/CATAWBA SATELLITE ANNEXATIONS
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- S 571 PRESIDENT PRO TEMPORE AND SPEAKER
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1870, 1873, 1910.
- H 1073 REGISTER OF DEEDS/BUSINESS
REINSTATEMENT (Ch. SL 2001-390)..... 490, 1051,
1083, 1093, 1417, 1433, 1440, 1468.
- H 262 STATE VETERANS CEMETERY ELIGIBILITY
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925, 934, 944, 999.
- H 1099 SUBSTITUTE LETTER OF CREDIT FOR
SURETY BOND (Senate)..... 510, 597, 623.

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- H 1254 CERTIFICATE OF NEED MODIFICATIONS
(Health)..... 561.
- H 934 CERTIFICATE OF NEED-ADULT CARE
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- S 937 CERTIFICATE OF NEED-ADULT CARE
HOMES REGULATED (Ch. SL 2001-234).... 791, 984,
1023, 1048, 1152.
- H 1335 CERTIFICATE OF NEED-LICENSING
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- S 628 OUT-OF-STATE CERTIFIED PUBLIC
ACCOUNTANTS/FEEES (Ch. SL 2001-313).....977, 1199,
1229, 1236, 1262, 1273, 1276, 1330.

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CHARTER SCHOOLS - also see EDUCATION

- H 1244 FAMILY COURT PILOT DISTRICTS
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- H 29 LIFT CAP ON CHARTER SCHOOLS
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Elementary and Secondary Education)..... 57, 523, 586.
- H 1207 LOCAL EDUCATION AGENCY'S AUTHORIZED
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Elementary and Secondary Education)..... 553, 626.
- H 190 LOCAL FLEXIBILITY REGARDING CHARTER
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- S 139 LOCAL FLEXIBILITY REGARDING CHARTER
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1017, 1129, 1266, 1698, 1718, 1747, 1772.
- H 25 REMOVE CAP ON CHARTER SCHOOLS
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Elementary and Secondary Education)..... 56, 523, 586.
- H 26 REMOVE CAP ON CHARTER SCHOOLS
(Education Subcommittee on Pre-School,
Elementary and Secondary Education)..... 56, 523, 586.
- H 338 TECHNICAL CORRECTIONS ACT
(Ch. SL 2001-487)..... 170, 708, 746, 1845, 1846,
1858, 1881, 1883, 1886, 1887, 1906, 1911.
- S 166 THE STUDIES ACT OF 2001
(Ch. SL 2001-491)..... 400, 1884, 1897, 1909, 1911.
- H 462 WORKERS' COMPENSATION/CERTAIN PUBLIC
SCHOOL STUDENTS (Judiciary III) 199, 526, 605.

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- H 517 24TH HOUSE DISTRICT LOCAL ACT
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- H 518 24TH HOUSE DISTRICT LOCAL ACT
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- H 519 24TH HOUSE DISTRICT LOCAL ACT
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- H 940 CHATHAM AUTO TAX FOR ECONOMIC
DEVELOPMENT (Rules, Calendar,
and Operations of the House) 399.
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COMMITTEE ASSIGNMENTS - Agriculture, **Vice Chair**; Congres-
 sional Redistricting; Education; Education Subcommittee on
 Community Colleges; Environment and Natural Resources, **Vice**
Chair; Finance; Pensions and Retirement, **Chair**; State Government;
 Ways and Means.

CONFEREE ON H.B. 722, CHAIR 1121.

CONFEREE ON H.B. 1388 1768.

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 COMMITTEE ASSIGNMENTS - Appropriations, **Vice Chair**; Appropriations
 Subcommittee on Capital; Appropriations Subcommittee on Transportation,
Chair; Education; Education Subcommittee on Universities; Health;
 Judiciary III; Legislative Redistricting; Mental Health, **Chair**; Rules,
 Calendar, and Operations of the House; Transportation; University
 Board of Governors Nominating.
 CONFEREE ON H.B. 110 1683.
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 COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
 committee on Health and Human Services; Economic Growth and
 Community Development; Education; Education Subcommittee on Pre-
 School, Elementary and Secondary Education; Judiciary III; Mental
 Health; Public Health; State Government.
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COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control; Appropriations; Appropriations Subcommittee on Health and Human Services; Congressional Redistricting; Education; Education Subcommittee on Universities; Public Health; State Government.	
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- S 1005 APPROPRIATIONS ACT OF 2001
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- COMMITTEE ASSIGNMENTS - Aging; Agriculture; Appropriations;
Appropriations Subcommittee on Natural and Economic Resources;
Environment and Natural Resources; Legislative Redistricting; Rules,
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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Justice and Public Safety, **Chair**; Congressional Redistricting; Financial Institutions; Judiciary II; Public Utilities; Rules, Calendar, and Operations of the House, **Chair**.

CONFEREE ON H.B. 338 1846.
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- H 520 CUMBERLAND COUNTY LOCAL ACT
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- H 67 LOCAL SALES TAX/HARNETT AND CUMBERLAND
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- H 250 MIDLAND/LINDEN ANNEXATION/VALIDATION
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- APPROVAL OF VOTE CHANGE ON CONFERENCE
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- COMMITTEE ASSIGNMENTS - Congressional Redistricting; Legislative
Redistricting, **Regional Chair**; Ex officio Member of all Committees.
- CONFEREE ON H.B. 623 1843.
- ESCORT FOR CHIEF JUSTICE LAKE 344.
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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
 committee on Capital; Congressional Redistricting; Election Law and
 Campaign Finance Reform; Judiciary III.

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H 738 94TH HOUSE DISTRICT LOCAL ACT
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H 834 RAISE WASHINGTON AND LEXINGTON OCCUPANCY
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- APPROVAL OF VOTE CHANGE ON H.J.R. 1163 881.
- BILLS INTRODUCED - 17, 27, 28, 29, 34, 41, 42, 54, 55, 58, 59, 61, 68,
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- COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropriations
Subcommittee on Transportation; Congressional Redistricting; Environment
and Natural Resources; Military, Veterans and Indian Affairs.
- EXCUSED ABSENCES 60, 219, 302, 750, 792, 801, 1362,
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- APPROVAL OF VOTE CHANGE ON H.J.R. 701 621.
- APPROVAL OF VOTE CHANGE ON S.B.16 884.
- BILLS INTRODUCED - 25, 26, 29, 42, *45, 55, 58, 69, 107, 163, *178, 179, 312, 318, 419, 433, 442, 455, 458, 460, 478, 526, *595, *596, 622, 645, 646, *662, 688, 703, 728, 758, 764, 795, *822, *823, 933, 971, 992, 1011, 1038, 1075, 1076, 1124, 1128, *1129, *1130, 1131, 1132, 1134, 1273, 1454, 1466.
- COMMITTEE ASSIGNMENTS - Congressional Redistricting; Election Law and Campaign Finance Reform; Finance; Judiciary II; Local Government I; Ways and Means.
- EXCUSED ABSENCES 48, 52, 60, 824, 1547, 1765.
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DEDMON, ANDREW T.

- BILLS INTRODUCED - *27, 30, 31, 32, 33, 41, 54, 63, 89, 110, 180, 190, 191, 192, 194, 195, 229, 242, 419, 430, 442, 478, 495, *559, *560, 619, 620, 622, 624, 661, 663, 688, 694, 751, 942, 965, 974, 979, 980, 981, 1020, 1030, 1045, *1096, *1155, 1232, *1250, 1271, 1273, 1289, 1361, 1362, 1402, 1459, 1463, 1466, 1468.
- COMMITTEE ASSIGNMENTS - Ex officio Member of all Committees Except for Congressional and Legislative Redistricting; Finance; Highway

DEDMON, ANDREW T.-Contd.

Safety and Law Enforcement, **Chair**; Insurance; Legislative Redistricting,
Regional Chair; Local Government I, **Chair**; Transportation.

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- H 1195 ANNUAL ABSENTEE/FORSYTH SUPERIOR COURT JUDGE (Ch. SL 2001-507)551, 657, 742, 766, 1635, 1704, 1706, 1710, 1741, 1803, 1806, 1811, 1821, 1834, 1850, 1914.
- H 231 BUDGET TECHNICAL CORRECTIONS (Ch. SL 2001-513) (Included Ch. SL 2001-424)..... 141, 378, 1465, 1473, 1478, 1483, 1487, 1490, 1503, 1608, 1624, 1762, 1766, 1774, 1882, 1883, 1885, 1906, 1915.
- H 1220 COMMUNITY RESIDENCES/PEOPLE WITH DISABILITY (Health) 555.
- H 1137 DEAF SCHOOLS CHANGES (Rules, Calendar, and Operations of the House) 541.
- H 387 DEVELOPMENTALLY DISABLED GROUP HOMES REGULATION (Ch. SL 2001-209) 180, 433, 461, 1011, 1109.
- S 11 ELECTION CHANGES - MISCELLANEOUS (Ch. SL 2001-353)..... 580, 1079, 1094, 1252, 1286, 1295, 1339, 1412.
- H 435 GOVERNOR MOREHEAD SCHOOL STAFFING CHANGES (Ch. SL 2001-412)..... 189, 380, 442, 1472, 1515, 1519, 1557.
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- H 1238 MEDICAID WAIVER/PRESCRIPTION DRUGS (Appropriations Subcommittee on Health and Human Services) 558, 647, 1062.
- H 248 MEETING THE NEEDS OF STUDENTS WITH DISABILITIES (Rules, Calendar, and Operations of the House) (Included Ch. SL 2001-491)..... 144, 612, 644.

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- S 98 MEETING THE NEEDS OF STUDENTS WITH
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- H 11 RAISE HOMESTEAD EXEMPTION INCOME LIMIT
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- H 1148 STATE COUNTY SPECIAL ASSISTANCE/
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- H 1198 TEACHERS' DUTY TO PREPARE PORTFOLIOS
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- H 1472 BIOLOGICAL AGENTS REGISTRY
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- H 1119 ENGINEERING/LAND SURVEYING ACT
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- H 150 EXTEND TAX DEADLINE
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- H 1471 TERRORISM DEFENSE FUNDS
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- H 1084 EQUITABLE DISTRIBUTION CLARIFICATION
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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Transportation; Congressional Redistricting, **Regional Chair**; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Financial Institutions; Highway Safety and Law Enforcement; Insurance, **Chair**.

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Vice Chair; Public Health, **Chair**; Public Utilities.
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- COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropri-
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Education; Education Subcommittee on Universities; Judiciary III;
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COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control, **Chair**;
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Chair; Finance; Financial Institutions; Local Government I; Rules,
 Calendar, and Operations of the House; Science and Technology; State
 Government; Transportation.

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COMMITTEE ASSIGNMENTS - Aging; Appropriations; Appropriations Subcommittee on Capital; Congressional Redistricting; Local Government II; Mental Health; Transportation.	
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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub- committee on Justice and Public Safety; Congressional Redistricting; Economic Growth and Community Development; Education; Education Subcommittee on Community Colleges; Election Law and	

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Capital; Insurance; Legislative Redistricting; Public Utilities.

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COMMITTEE ASSIGNMENTS - Congressional Redistricting; Environment and Natural Resources; Ethics, **Vice Chair**; Finance; Judiciary I; Science and Technology; University Board of Governors Nominating.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Transportation; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Environment and Natural Resources; Judiciary II; Legislative Redistricting, **Regional Chair**; Rules, Calendar, and Operations of the House; University Board of Governors Nominating; Wildlife Resources, **Chair**.

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COMMITTEE ASSIGNMENTS - Environment and Natural Resources; Ex officio Member of all Committees Except for Congressional and Legislative Redistricting; Finance; Judiciary I, Chair ; Legislative Redistricting, Regional Chair ; Rules, Calendar, and Operations of the House, Vice Chair .	
CONFEREE ON H.B. 108	1214.
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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Capital; Appropriations Subcommittee on Justice and Public Safety, **Chair**; Education; Education Subcommittee on Universities, **Vice Chair**; Judiciary II, **Vice Chair**; Legislative Redistricting; Local Government II; University Board of Governors Nominating; Ways and Means.

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- COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control;
Appropriations; Appropriations Subcommittee on Justice and Public
Safety; Insurance, **Vice Chair**; Judiciary II.
- EXCUSED ABSENCES 259, 1350.
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- H 469 19TH HOUSE DISTRICT LOCAL ACT
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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
 committee on Information Technology; Financial Institutions; Science
 and Technology.

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- COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control, **Vice
Chair**; Appropriations; Appropriations Subcommittee on Information
Technology; Education; Education Subcommittee on Pre-School,
Elementary and Secondary Education; Judiciary III; Local Government I;
Pensions and Retirement; State Government; State Personnel, **Chair**;
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 Finance, **Vice Chair**; Local Government I; Rules, Calendar, and
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COMMITTEE ASSIGNMENTS - Aging; Appropriations; Appropriations Subcommittee on General Government; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Mental Health; Military, Veterans and Indian Affairs, **Vice Chair**; Transportation; Wildlife Resources.

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COMMITTEE ASSIGNMENTS - Election Law and Campaign Finance Reform; Environment and Natural Resources; Finance, **Chair**; Legislative Redistricting; Rules, Calendar, and Operations of the House; State Government, **Vice Chair**; Transportation.

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- COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Transportation; Children, Youth and Families; Financial Institutions, **Vice Chair**; Local Government I, **Vice Chair**; Military, Veterans and Indian Affairs; Public Health, **Vice Chair**.
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COMMITTEE ASSIGNMENTS - Environment and Natural Resources, **Chair**; Finance; Legislative Redistricting, **Regional Chair**; Public Utilities, **Vice Chair**; Rules, Calendar, and Operations of the House; State Government; Transportation; University Board of Governors Nominating.

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COMMITTEE ASSIGNMENTS - Congressional Redistricting; Education; Education Subcommittee on Community Colleges; Environment and Natural Resources; Finance; Pensions and Retirement, **Vice Chair**; Public Utilities; Rules, Calendar, and Operations of the House.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Education; Cultural Resources; Education; Education Subcommittee on Community Colleges, **Chair**; Financial Institutions; Legislative Redistricting; Transportation; University Board of Governors Nominating.

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COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control; Congressional Redistricting, **Senior Chair**; Education; Education Subcommittee on Universities; Finance; Financial Institutions; Rules, Calendar, and Operations of the House; University Board of Governors Nominating; Ways and Means.

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COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Children, Youth and Families; Congressional Redistricting; Cultural Resources; Environment and Natural Resources.

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COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control; Children, Youth and Families; Congressional Redistricting; Economic Growth and Community Development, **Chair**; Election Law and Campaign Finance Reform; Finance; Military, Veterans and Indian Affairs; Ways and Means.

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	COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Capital; Congressional Redistricting; Election Law and Campaign Finance Reform, Vice Chair ; Judiciary I, Vice Chair ; Travel and Tourism, Vice Chair .	
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- H 1455 HONORING CIVIL WAR VETERANS/BURIED IN
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- H 1021 HONORING DECEASED RAILROAD EMPLOYEES
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- H 1458 HONORING JOSEPH HEWES, WILLIAM HOOPER, AND
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- H 816 HONORING LINDSEY GUY DEWITT/NORTH
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- H 1261 HONORING NORTH CAROLINA'S 2000 OLYMPIC
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COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropriations Subcommittee on Education; Congressional Redistricting; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Judiciary III; State Personnel.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Transportation; Congressional Redistricting; Ethics; Insurance; Local Government I; Public Utilities, **Vice Chair**; Science and Technology, **Chair**; Transportation, **Chair**.

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 COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
 committee on General Government; Insurance; Legislative Redistricting;
 Local Government I; Rules, Calendar, and Operations of the House.
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 COMMITTEE ASSIGNMENTS - Appropriations; Appropriations
 Subcommittee on Justice and Public Safety; Congressional
 Redistricting; Education; Education Subcommittee on Community
 Colleges; Military, Veterans and Indian Affairs; Transportation;
 Wildlife Resources.
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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
 committee on Capital; Appropriations Subcommittee on General
 Government, **Chair**; Education; Education Subcommittee on Pre-
 School, Elementary and Secondary Education; Health; Judiciary II;
 Legislative Redistricting, **Regional Chair**; Rules, Calendar, and
 Operations of the House; State Personnel; Transportation; University
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 *1473, *1474, *1478.
 COMMITTEE ASSIGNMENTS - Appropriations; Appropriations
 Subcommittee on Capital; Military, Veterans and Indian Affairs;
 Pensions and Retirement; Transportation; Travel and Tourism.
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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Education; Education; Education Subcommittee on Community Colleges, **Vice Chair**; Environment and Natural Resources; Financial Institutions; Insurance; Legislative Redistricting; Military, Veterans and Indian Affairs; Public Utilities, **Chair**; Wildlife Resources.

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H 1082 STATE PAYS 100% NONFEDERAL MEDICAID SHARE
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H 993 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
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COMMITTEE ASSIGNMENTS - Agriculture, **Vice Chair**; Appropriations; Appropriations Subcommittee on Education; Highway Safety and Law Enforcement; Local Government I; State Government; Transportation; Travel and Tourism, **Chair**.

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COMMITTEE ASSIGNMENTS - Appropriations, **Chair**; Congressional Redistricting, **Regional Chair**; Education; Education Subcommittee on Universities; Election Law and Campaign Finance Reform; Judiciary I; Rules, Calendar, and Operations of the House.

CONFEREE ON H.B. 231 1766.

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- COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropriations Subcommittee on Capital; Appropriations Subcommittee on Information Technology, **Chair**; Congressional Redistricting; Education; Education Subcommittee on Community Colleges; Pensions and Retirement; Science and Technology, **Chair**.
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COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropriations Subcommittee on Information Technology, **Chair**; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education, **Vice Chair**; Environment and Natural Resources; Science and Technology.

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COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Environment and Natural Resources, **Vice Chair**; Public Health; State Personnel.

CONFEREE ON H.B. 382 1641.

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WAINWRIGHT, WILLIAM L.

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COMMITTEE ASSIGNMENTS - Finance, **Chair**; Financial Institutions;
Health; Insurance, **Vice Chair**; Legislative Redistricting; Science and
Technology.

WAINWRIGHT, WILLIAM L.-Contd.

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- COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
committee on Information Technology; Congressional Redistricting;

WALEND, TRUDI-Contd.

Economic Growth and Community Development; Education; Education Subcommittee on Community Colleges; Financial Institutions; Science and Technology.

EXCUSED ABSENCES 133, 986, 997, 1157, 1372, 1421, 1440, 1507, 1553, 1741, 1772, 1781, 1873.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Judiciary I; Local Government II; State Personnel; Transportation.

EXCUSED ABSENCES 956, 971, 986.

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WARNER, ALEX

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Education; Congressional Redistricting; Education, **Chair**; Environment and Natural Resources; Ethics; Insurance; Military, Veterans and Indian Affairs, **Chair**.

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 COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropri-
 ations Subcommittee on Natural and Economic Resources, **Vice Chair**;
 Children, Youth and Families, **Vice Chair**; Congressional Redistricting;
 Education; Education Subcommittee on Pre-School, Elementary and
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COMMITTEE ASSIGNMENTS - Aging; Agriculture, **Vice Chair**; Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Environment and Natural Resources, **Chair**; Legislative Redistricting; Mental Health; Transportation.

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- H 1439 WATER AND SEWER AUTHORITIES
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- S 432 WATER AND SEWER AUTHORITIES
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- H 442 CONCEALED HANDGUN PERMIT RECIPROCITY
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- H 622 FIREARM REGULATION AMENDMENTS
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- H 842 GUN SALE LEGAL WITH CONCEALED HANDGUN
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1858, 1881, 1883, 1886, 1887, 1906, 1911.

WEATHERLY, JOHN H.

BILLS INTRODUCED - 17, 50, 54, 55, 78, 88, 90, 111, 178, 188, 195, 227, 288, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 312, *318, 432, 433, 455, 478, 480, 495, 515, 526, 559, 560, 622, 624, 650, 661, 662, 663, 669, *687, *688, 694, 728, 764, 777, 823, 930, 933, 942, 965, 968, 985, 1009, 1030, 1075, 1076, 1111, 1124, 1127, 1128, 1177, 1401, 1426, 1454, 1459, 1463, 1466, 1468.

COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Election Law and Campaign Finance Reform; Environment and Natural Resources; Judiciary III; Legislative Redistricting; Travel and Tourism.

CONFeree ON H.B. 688 1767.

CONFeree ON H.B. 722 1121.

ESCORT FOR MISS NORTH CAROLINA..... 1480.

EXCUSED ABSENCES 595, 611, 631, 1216,
1241, 1258, 1350,1362, 1408.

OATH..... 18.

WEEKS, DENISE G. - PRINCIPAL CLERK

ADMINISTERS OATH 49.

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NOMINATED PRINCIPAL CLERK 41.

WEEKS, DENISE G. - PRINCIPAL CLERK-Contd.

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PRESIDING	11, 1781.

WEISS, JENNIFER

APPROVAL OF VOTE CHANGE ON H.B. 837.....	593.
BILLS INTRODUCED - 30, 33, 34, 36, 37, 38, 39, 60, 63, 88, 89, 102, 109, 111, 139, 140, 141, 142, 169, 184, 194, 213, *240, 243, 244, 245, 275, 288, *320, 380, 417, 420, 428, *435, *436, *440, 495, 541, 563, 566, 592, 594, *621, 624, 627, 643, 650, 663, 665, 694, 714, 718, 723, 724, 736, 753, *759, 772, 808, 833, 836, 871, 872, 873, *906, *907, *908, *909, *910, *911, *912, *913, 917, 918, 919, 973, 978, 981, 987, 991, 995, 1015, 1045, 1068, 1091, 1101, 1104, 1112, 1116, 1147, 1148, 1150, 1158, 1173, 1182, 1190, 1261, 1275, *1282, *1283, *1284, 1295, 1370, *1395, 1402, 1410, 1440, 1466, 1468.	
COMMITTEE ASSIGNMENTS - Aging; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Election Law and Campaign Finance Reform; Environment and Natural Resources, Vice Chair ; Finance; Judiciary II; Public Health; Ways and Means.	
CONFEREE ON H.B. 969	1673.
CONFEREE ON H.B. 1284	1844.
CONFEREE ON S.B. 243	1133.
CONFEREE ON S.B. 912	1126.
CONFEREE ON S.B. 1014	1399.
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ESCORT FOR SPEAKER PRO TEMPORE HACKNEY	39.
EXCUSED ABSENCES	167, 197, 205, 211, 1276, 1440, 1556, 1599, 1772, 1781, 1787.
NOMINATION OF DENISE G. WEEKS AS PRINCIPAL CLERK	41.
OATH	18.
SECONDS ADJOURNMENT	62, 750, 1206, 1264, 1350, 1495, 1713, 1771, 1846.

WEST, ROGER

BILLS INTRODUCED - 11, 12, 23, 24, 26, 41, 50, 54, 55, *71, 88, 107, 108, 144, 191, 195, 227, 230, 288, 312, 433, 478, 479, 495, 526, 541, 622, 650, 662, 663, 694, 723, 728, 764, 795, 823, 933, 979, 980, 985, 1015, 1038, 1041, 1042, 1111, 1124, 1127, 1128, 1135, 1177, 1273, 1329, 1386, 1401, 1407, 1454, 1463, 1466, 1468.	
COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Economic Growth	

WEST, ROGER-Contd.

and Community Development; Education; Education Subcommittee on Community Colleges; Legislative Redistricting; Local Government II; State Government; Wildlife Resources.

EXCUSED ABSENCES 1047, 1188, 1198, 1206, 1276, 1362, 1518, 1547, 1599, 1741, 1765, 1772, 1781.

OATH..... 18.

WILKES COUNTY

H 201 41ST HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House) 134.

H 202 41ST HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House) 134.

H 203 41ST HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House) 134.

H 237 41ST HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House) 142.

H 238 41ST HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House) 142.

H 773 MILLERS CREEK INCORPORATED
(Finance)..... 334.

S 557 MILLERS CREEK INCORPORATED
(Ch. SL 2001-45)..... 437, 803, 812, 819, 825, 842.

S 92 VARIOUS LOCAL OCCUPANCY TAXES
(Ch. SL 2001-439)..... 795, 1291, 1315, 1334, 1365, 1402, 1410, 1588, 1594, 1609, 1610, 1613, 1620, 1638, 1678.

S 645 WILKES COUNTY/SCHOOL PROPERTY TRANSFER
(Ch. SL 2001-58)..... 492, 835, 851, 856, 868.

WILLS (G.S. 31)

H 182 AMEND ANTI-LAPSE STATUTE
(Ch. SL 2001-83)..... 121, 148, 195, 841, 918.

WILSON COUNTY

H 657 72ND HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House) 278.

H 745 72ND HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House) 321.

H 7 AMEND WORTHLESS CHECK PROGRAM
(Ch. SL 2001-61)..... 49, 273, 624, 663, 857, 868.

H 579 WILSON COUNTY LOCAL ACT
(Rules, Calendar, and Operations of the House) 238.

WILSON COUNTY-Contd.

S 327 WILSON DEANNEXATION
 (Ch. SL 2001-161)..... 714, 835, 851,
 946, 951, 962, 979, 987, 1001.

WILSON, CONSTANCE K.

APPROVAL OF VOTE CHANGE ON S.B. 353 1147.
 APPROVAL OF VOTE CHANGE ON S.B. 748 1733.
 BILLS INTRODUCED - 25, 26, 41, 50, 69, 191, 227, 288, *289, *339,
 420, 433, 442, 458, 478, 479, 495, 526, 586, 587, 588, 589, 591, 597,
 598, 622, 645, 662, 669, 694, 695, 696, *704, 728, 737, *746, 764, 795,
 809, 810, 823, 843, 933, 974, 1038, 1117, 1121, 1124, 1127, 1131,
 1132, 1134, *1160, *1170, 1254, 1261, 1280, *1335, *1336, 1466.
 COMMITTEE ASSIGNMENTS - Finance; Insurance; Local Government II;
 Pensions and Retirement; Transportation.
 CONFEREE ON H.B. 355 1371.
 CONFEREE ON H.B. 969 1673.
 EXCUSED ABSENCES 920, 1250, 1533, 1728.
 INQUIRY OF CHAIR REGARDING H.B. 1025 1700.
 OATH 18.

WILSON, W. EUGENE

BILLS INTRODUCED - 23, 24, 41, 50, 54, 55, 69, 89, 107, 178, 188,
 190, 191, 192, 194, 195, 218, 219, 227, 288, 291, 292, 293, 294, 295,
 296, 297, 298, 299, 300, 301, 312, 313, 419, 433, 442, 455, 458, 478,
 479, 495, 526, 574, 622, 653, 654, 655, 688, 694, 728, 764, 795, 803,
 808, 823, 933, 965, 968, 983, 1092, 1124, 1135, 1219, 1258, 1259,
 1326, 1333, 1362, 1450, 1454, 1466, 1468.
 COMMITTEE ASSIGNMENTS - Aging; Agriculture; Appropriations;
 Appropriations Subcommittee on General Government; Legislative
 Redistricting; Local Government II; Mental Health; Pensions and
 Retirement.
 OATH 18.

WOMBLE, LARRY W.

BILLS INTRODUCED - 27, 30, 36, 37, 38, 39, 42, 50, 60, 63, 79, 80, 81,
 89, 107, *139, 140, 141, 142, 161, 169, 179, 180, 181, 194, 195, 204,
 213, 217, 227, 275, 312, 380, 409, 420, 423, 425, 428, 454, 478, 495,
 515, 599, 619, 620, 622, 624, 663, 688, 694, 703, 753, *758, 760, 808,
 930, 939, 979, 980, 981, 1015, 1031, 1041, 1112, 1116, 1182, 1261,
 1331, 1374, 1391, 1392, 1405, 1410, 1468, 1470.
 COMMITTEE ASSIGNMENTS - Cultural Resources; Economic Growth
 and Community Development; Education; Education Subcommittee on

WOMBLE, LARRY W.-Contd.

- Community Colleges, **Vice Chair**; Finance; Local Government II; State Personnel, **Chair**.
- EXCUSED ABSENCES 314, 379, 855, 986, 1141, 1328, 1556, 1561, 1633, 1782, 1787, 1791, 1804.
- OATH..... 49.
- POINT OF PERSONAL PRIVILEGE REGARDING E-MAIL SENT BY REPRESENTATIVE DAVIS..... 1451.

WORKERS' COMPENSATION ACT (G.S. 97)

- H 1139 APPEALS FROM CONTEMPT (Senate)..... 542, 597, 623, 646, 697.
- H 1045 RESTORE WORKERS' COMPENSATION STABILITY (Ch. SL 2001-216)..... 485, 629, 646, 664, 668, 1013, 1026, 1038, 1109.
- H 1099 SUBSTITUTE LETTER OF CREDIT FOR SURETY BOND (Senate) 510, 597, 623.
- H 353 WORKER'S COMPENSATION CANCELLATIONS AND RENEWALS (Insurance) 173.
- H 1088 WORKERS COMPENSATION/DRIVERS OF INTERSTATE CARRIERS (Senate)..... 508, 682, 740.
- S 466 WORKERS' COMPENSATION AMENDMENTS (Ch. SL 2001-232).... 491, 958, 1007, 1021, 1048, 1152.
- S 881 WORKERS' COMPENSATION AWARDS FILED AS JUDGMENTS (Ch. SL 2001-477)618, 1730, 1743, 1756, 1772, 1819.
- S 468 WORKERS' COMPENSATION CANCELLATIONS AND RENEWALS (Ch. SL 2001-241)..... 492, 1012, 1044, 1087, 1153.
- H 371 WORKERS' COMPENSATION FOR PICKUP FIREFIGHTERS (Environment and Natural Resources) 177.
- S 299 WORKERS' COMPENSATION FOR PICKUP FIREFIGHTERS (Ch. SL 2001-204)..... 475, 958, 981, 1010, 1108.
- H 462 WORKERS' COMPENSATION/CERTAIN PUBLIC SCHOOL STUDENTS (Judiciary III)..... 199, 526, 605.

WRIGHT, THOMAS E.

- BILLS INTRODUCED - 41, 63, 70, 89, 107, 109, 112, 194, 195, 218, 219, 240, 418, 419, 451, *452, *453, 454, *463, *464, *566, 599, 622, 624, 663, *691, *692, *693, 694, 728, *734, *735, 751, 770, *868, *869, *936, *937, *950, 973, 974, 981, 995, *1001, *1002, 1009, 1015,

WRIGHT, THOMAS E.-Contd.

1112, 1116, 1222, *1262, *1263, *1264, *1265, *1266, *1267, *1268, 1273, *1332, 1360, 1361, *1377, 1402, *1404, *1405, *1406, 1410, *1418, *1419, 1456, 1463, 1468, *1470, *1477.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Capital, **Chair**; Appropriations Subcommittee on Health and Human Services; Congressional Redistricting, **Senior Chair**; Health, **Chair**.

CONFEREE ON H.B. 253	1690.
CONFEREE ON H.B. 1284	1844.
CONFEREE ON H.B. 1388	1780.
CONFEREE ON S.B. 199	1525.
CONFEREE ON S.B. 721	1802.
CONFEREE ON S.B. 824	1181.
CONFEREE ON S.B. 1005	1205.
EXCUSED ABSENCES	139, 147, 167, 197, 465, 581, 792, 986, 1105, 1216, 1250, 1372, 1408, 1421, 1431, 1496, 1526, 1553, 1611, 1624, 1644, 1659, 1670, 1694, 1712, 1782.
OATH	18.
SECONDS ADJOURNMENT	258, 823, 1230, 1386.

-Y-

YADKIN COUNTY

H	201	41ST HOUSE DISTRICT LOCAL ACT (Rules, Calendar, and Operations of the House)	134.
H	202	41ST HOUSE DISTRICT LOCAL ACT (Rules, Calendar, and Operations of the House)	134.
H	203	41ST HOUSE DISTRICT LOCAL ACT (Rules, Calendar, and Operations of the House)	134.
H	237	41ST HOUSE DISTRICT LOCAL ACT (Rules, Calendar, and Operations of the House)	142.
H	238	41ST HOUSE DISTRICT LOCAL ACT (Rules, Calendar, and Operations of the House)	142.
H	6	MERGE JONESVILLE AND ARLINGTON (Ch. SL 2001-16).....	47, 122, 212, 275, 296, 307, 493, 502.
H	656	YADKIN PROPERTY TRANSFER (Ch. SL 2001-31).....	278, 368, 404, 650, 710.

YANCEY COUNTY

H	660	49TH HOUSE DISTRICT LOCAL ACT (Rules, Calendar, and Operations of the House)	279.
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YONGUE, DOUGLAS Y.

BILLS INTRODUCED - 41, 47, 50, ***54**, 60, 63, 68, 83, 84, 85, 86, 89, ***95**, ***96**, ***97**, ***98**, ***103**, ***104**, 109, 110, 139, 141, 142, 179, 194, 195, 241, 242, 243, 247, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 361, 362, 363, 364, 365, ***373**, ***386**, 417, 419, 428, ***438**, 478, 480, 495, 526, 622, 624, 663, 679, 688, 694, 724, 736, 808, 833, 835, ***874**, 965, 968, ***972**, 973, 974, 979, 980, 981, 995, 1015, 1017, ***1018**, 1104, 1112, ***1144**, ***1145**, ***1161**, 1163, 1182, 1261, 1273, 1289, 1331, 1354, 1361, 1386, 1407, 1410, 1463, 1468.

COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropriations Subcommittee on Education, **Chair**; Ethics, **Chair**; Highway Safety and Law Enforcement; Pensions and Retirement; Rules, Calendar, and Operations of the House.

CONFEREE ON H.B. 438, CHAIR	927.
CONFEREE ON H.B. 1144	1871.
CONFEREE ON S.B. 990.....	1826.
CONFEREE ON S.B. 1005.....	1205.
EXCUSED ABSENCES	205, 211, 219, 1745, 1772, 1781.
OATH.....	18.

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5	S 168	43	S 381	81	H 1117
6	H 175	44	H 516	82	H 410
7	S 138	45	S 557	83	H 182
8	S 237	46	H 651	84	S 25
9	S 212	47	S 655	85	H 736
10	H 597	48	H 664	86	H 979
11	H 163	49	S 677	87	H 150
12	S 779	50	H 682	88	S 439
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16	H 6	54	S 675	92	S 221
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18	H 198	56	H 879	94	S 538
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27	S 118	65	H 172	103	H 671
28	H 286	66	H 196	104	H 866
29	H 18	67	H 794	105	H 877
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32	H 702	70	S 158	108	S 262
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34	H 777	72	H 321	110	S 882
35	H 885	73	H 555	111	H 386
36	H 19	74	H 697	112	H 421
37	H 77	75	H 712	113	H 609
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118	H 608	159	S 396	200	S 397
119	H 723	160	S 434	201	S 795
120	H 837	161	S 327	202	H 429
121	H 434	162	H 105	203	S 318
122	H 352	163	H 800	204	S 299
123	S 735	164	H 891	205	S 967
124	S 542	165	H 931	206	S 1056
125	S 370	166	H 331	207	H 344
126	S 310	167	S 852	208	H 375
127	S 302	168	S 731	209	H 387
128	H 446	169	S 716	210	H 453
129	H 1285	170	H 752	211	H 938
130	H 1143	171	H 1090	212	S 91
131	H 667	172	H 1160	213	S 202
132	H 744	173	H 1149	214	S 300
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134	H 929	175	H 665	216	H 1045
135	H 935	176	H 436	217	S 854
136	H 449	177	H 1053	218	S 829
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140	S 431	181	S 311	222	S 801
141	S 1036	182	S 259	223	S 459
142	S 1070	183	S 258	224	S 432
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148	S 1004	189	H 817	230	S 160
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243	S 573	284	H 1111	325	H 868
244	S 811	285	H 334	326	S 848
245	S 614	286	S 243	327	H 1157
246	H 838	287	S 40	328	H 1169
247	S 668	288	H 1041	329	S 405
248	S 534	289	H 31	330	S 420
249	S 80	290	H 218	331	H 774
250	S 42	291	H 275	332	S 751
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252	S 217	293	H 558	334	H 360
253	S 824	294	H 440	335	H 146
254	H 1312	295	S 1023	336	S 627
255	S 1075	296	H 824	337	H 977
256	H 998	297	H 593	338	H 332
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258	H 109	299	S 367	340	S 815
259	H 1342	300	H 968	341	H 686
260	S 532	301	H 236	342	S 157
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263	S 860	304	S 407	345	H 432
264	H 1448	305	H 757	346	S 173
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267	H 1098	308	H 42	349	H 583
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270	S 395	311	S 690	352	S 278
271	S 681	312	H 1246	353	S 11
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363	H 195	404	H 1257	445	S 703
364	H 1084	405	H 719	446	S 199
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366	S 255	407	H 226	448	S 352
367	H 402	408	H 170	449	S 879
368	S 531	409	H 115	450	H 955
369	H 942	410	H 1147	451	H 13
370	S 1062	411	S 646	452	H 1006
371	S 195	412	H 435	453	H 1048
372	S 633	413	H 1070	454	H 1299
373	S 936	414	S 165	455	H 1362
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376	S 778	417	H 351	458	S 798
377	S 780	418	H 189	459	H 1025
378	S 137	419	S 1002	460	S 17
379	H 439	420	S 790	461	S 833
380	S 353	421	H 355	462	S 139
381	H 698	422	S 241	463	S 968
382	S 587	423	H 164	464	H 108
383	S 206	424	S 1005	465	S 826
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388	S 951	429	S 35	470	H 1468
389	S 729	430	H 571	471	H 1477
390	H 1073	431	S 181	472	H 250
391	S 723	432	H 1269	473	S 774
392	S 109	433	H 1154	474	S 920
393	S 904	434	H 685	475	S 970
394	H 882	435	H 943	476	S 748
395	S 61	436	H 359	477	S 881
396	H 1188	437	H 381	478	H 865
397	H 972	438	S 210	479	H 32
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501 S 1038
502 H 1061
503 H 1144
504 H 969
505 H 1019
506 H 253
507 H 1195

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5	H 228	17	H 990	29	H 1463
6	H 376	18	S 853	30	S 1102
7	H 481	19	S 585	31	H 467
8	H 1034	20	S 707	32	H 1465
9	H 701	21	H 663	33	S 359
10	H 652	22	S 362	34	H 833
11	S 689	23	H 270	35	H 60
12	S 770	24	H 1461	36	S 1109