

JOURNAL
OF THE
House of Representatives
OF THE
2003
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA

SECOND
SESSION 2004

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OFFICERS AND MEMBERS
OF THE
HOUSE OF REPRESENTATIVES
SECOND SESSION 2004

James B. Black, *Democratic Speaker* Matthews, Mecklenburg County
Richard T. Morgan, *Republican Speaker* Eagle Springs, Moore County
Denise G. Weeks, *Principal Clerk* Willow Springs, Wake County
Robert R. Samuels, *Sergeant-at-Arms* Charlotte, Mecklenburg County

REPRESENTATIVES

- 1st District (1): Camden, Currituck, Gates (Part), and Pasquotank.
William C. Owens, Jr. (D) Pasquotank Elizabeth City
- 2nd District (1): Chowan, Dare, Gates (Part), Perquimans, and Tyrrell.
William T. Culpepper, III (D) .. Chowan Edenton
- 3rd District (1): Craven (Part) and Pamlico.
Michael A. Gorman (R) Craven Trent Woods
- 4th District (1): Craven (Part), Martin and Pitt (Part).
Charles E. Johnson (D) Pitt Greenville
- 5th District (1): Bertie, Hertford, and Northampton.
Howard J. Hunter, Jr. (D) Hertford Winton
- 6th District (1): Beaufort, Hyde, and Washington.
Arthur J. Williams (D) Beaufort Washington
- 7th District (1): Halifax (Part) and Nash (Part).
John D. Hall (D) Halifax Scotland Neck
- 8th District (1): Greene, Martin (Part), and Pitt (Part).
Edith D. Warren (D) Pitt Farmville
- 9th District (1): Pitt (Part).
Marian N. McLawhorn (D) Pitt Grifton

- 10th District (1): Duplin (Part) and Lenoir (Part).
Stephen A. LaRoque (R).....Lenoir.....Kinston
- 11th District (1): Wayne (Part).
Louis M. Pate, Jr. (R).....Wayne.....Mt. Olive
- 12th District (1): Craven (Part), Jones, and Lenoir (Part).
William L. Wainwright (D) Craven..... Havelock
- 13th District (1): Carteret and Onslow (Part).
Jean R. Preston (R) Carteret Emerald Isle
- 14th District (1): Onslow (Part).
Keith P. Williams (R) Onslow Hubert
- 15th District (1): Onslow (Part).
W. Robert Grady (R) Onslow Jacksonville
- 16th District (1): New Hanover (Part) and Pender.
Carolyn H. Justice (R) Pender Hampstead
- 17th District (1): Brunswick (Part) and New Hanover (Part).
Bonner L. Stiller (R) Brunswick Oak Island
- 18th District (1): Brunswick (Part), Columbus (Part), and
New Hanover (Part).
Thomas E. Wright (D) New Hanover Wilmington
- 19th District (1): New Hanover (Part).
Daniel F. McComas (R) New Hanover Wilmington
- 20th District (1): Brunswick (Part) and Columbus (Part).
Dewey L. Hill (D) Columbus Lake Waccamaw
- 21st District (1): Duplin (Part), Sampson (Part), and Wayne (Part).
Larry M. Bell (D) Sampson Clinton
- 22nd District (1): Bladen and Sampson (Part).
Edd Nye (D) Bladen Elizabethtown

- 23rd District (1): Edgecombe (Part) and Wilson (Part).
Joe P. Tolson (D) Edgecombe Pinetops
- 24th District (1): Edgecombe (Part) and Wilson (Part).
Jean Farmer-Butterfield (D)..... Wilson..... Wilson
- 25th District (1): Nash (Part).
William G. Daughtridge, Jr. (R) ..Nash Rocky Mount
- 26th District (1): Johnston (Part) and Wayne (Part).
Billy J. Creech (R) Johnston Clayton
- 27th District (1): Granville (Part), Vance (Part), and Warren (Part).
Stanley H. Fox (D)..... Granville Oxford
- 28th District (1): Johnston (Part).
N. Leo Daughtry (R)..... Johnston Smithfield
- 29th District (1): Durham (Part).
Paul Miller (D)..... Durham Durham
- 30th District (1): Durham (Part).
Paul Luebke (D)..... Durham Durham
- 31st District (1): Durham (Part).
Henry M. Michaux, Jr. (D) Durham Durham
- 32nd District (1): Durham (Part), Granville (Part), and Vance (Part).
James W. Crawford, Jr. (D) Granville Oxford
- 33rd District (1): Wake (Part).
Bernard Allen (D) Wake Raleigh
- 34th District (1): Wake (Part).
Don Munford (R) Wake Raleigh
- 35th District (1): Wake (Part).
Jennifer Weiss (D) Wake Cary
- 36th District (1): Wake (Part).
David M. Miner (R) Wake Cary

- 37th District (1): Wake (Part).
Paul Stam (R)..... Wake.....Apex
- 38th District (1): Wake (Part).
Deborah K. Ross (D) Wake..... Raleigh
- 39th District (1): Wake (Part).
J. Sam Ellis (R)..... Wake..... Raleigh
- 40th District (1): Wake (Part).
Rick L. Eddins (R)..... Wake..... Raleigh
- 41st District (1): Cumberland (Part) and Harnett (Part).
Margaret H. Dickson (D)..... CumberlandFayetteville
- 42nd District (1): Cumberland (Part) and Harnett (Part).
Marvin W. Lucas (D)..... CumberlandSpring Lake
- 43rd District (1): Cumberland (Part).
Mary E. McAllister (D) CumberlandFayetteville
- 44th District (1): Cumberland (Part).
Rick Glazier (D) CumberlandFayetteville
- 45th District (1): Cumberland (Part).
Alex Warner (D)..... Cumberland Hope Mills
- 46th District (1): Hoke (Part), Robeson (Part), and Scotland (Part).
Douglas Y. Yongue (D)..... Scotland Laurinburg
- 47th District (1): Hoke (Part) and Robeson (Part).
Ronnie N. Sutton (D)..... Robeson Pembroke
- 48th District (1): Hoke (Part), Robeson (Part), and Scotland (Part).
Donald A. Bonner (D) Robeson Rowland
- 49th District (1): Franklin, Halifax (Part), and Warren (Part).
Lucy T. Allen (D) Franklin..... Louisburg
- 50th District (1): Wake (Part).
J. Russell Capps (R)..... Wake..... Raleigh
- 51st District (1): Harnett (Part), Lee, and Moore (Part).
John I. Sauls (R) LeeSanford

- 52nd District (1): Moore (Part).
Richard T. Morgan (R) Moore..... Eagle Springs
- 53rd District (1): Harnett (Part).
David R. Lewis (R)..... HarnettDunn
- 54th District (1): Chatham and Orange (Part).
Joe Hackney (D) Orange Chapel Hill
- 55th District (1): Orange (Part) and Person.
Gordon P. Allen (D) Person Roxboro
- 56th District (1): Orange (Part).
Verla C. Insko (D) Orange Chapel Hill
- 57th District (1): Guilford (Part).
Joanne W. Bowie (R)..... Guilford Greensboro
- 58th District (1): Guilford (Part).
Alma S. Adams (D) Guilford Greensboro
- 59th District (1): Guilford (Part).
Maggie Jeffus (D) Guilford Greensboro
- 60th District (1): Guilford (Part).
Earl Jones (D) Guilford Greensboro
- 61st District (1): Guilford (Part).
Stephen W. Wood (R)..... Guilford High Point
- 62nd District (1): Guilford (Part).
John M. Blust (R) Guilford Greensboro
- 63rd District (1): Alamance (Part).
Alice L. Bordsen (D) AlamanceMebane
- 64th District (1): Alamance (Part).
Cary D. Allred (R) Alamance Burlington
- 65th District (1): Caswell and Rockingham (Part).
E. Nelson Cole (D) Rockingham..... Reidsville
- 66th District (1): Forsyth (Part) and Rockingham (Part).
P. Wayne Sexton, Sr. (R)..... Rockingham..... Eden

- 67th District (1): Randolph (Part).
Arlie F. Culp (R)..... Randolph..... Ramseur
- 68th District (1): Richmond and Stanly (Part).
G. Wayne Goodwin (D)..... Richmond..... Rockingham
- 69th District (1): Anson, Montgomery, and Union (Part).
Pryor A. Gibson, III (D)..... Montgomery Wadesboro
- 70th District (1): Stanly (Part) and Union (Part).
Bobby H. Barbee, Sr. (R)..... Stanly Locust
- 71st District (1): Forsyth (Part).
Larry W. Womble (D) Forsyth Winston-Salem
- 72nd District (1): Forsyth (Part).
Earline W. Parmon (D) Forsyth Winston-Salem
- 73rd District (1): Union (Part).
J. Curtis Blackwood, Jr. (R)..... Union Matthews
- 74th District (1): Cabarrus (Part).
Linda P. Johnson (R) Cabarrus Kannapolis
- 75th District (1): Cabarrus (Part).
Jeffrey L. Barnhart (R)..... Cabarrus Concord
- 76th District (1): Rowan (Part).
Fred F. Steen, II (R)..... Rowan Landis
- 77th District (1): Rowan (Part).
Lorene T. Coates (D) Rowan Salisbury
- 78th District (1): Randolph (Part).
Harold J. Brubaker (R) Randolph..... Asheboro
- 79th District (1): Davidson (Part), Davie, and Iredell (Part).
Julia C. Howard (R)..... Davie..... Mocksville
- 80th District (1): Davidson (Part).
Jerry C. Dockham (R)..... Davidson..... Denton
- 81st District (1): Davidson (Part).
L. Hugh Holliman (D) Davidson..... Lexington

- 82nd District (1): Ashe and Watauga.
W. Eugene Wilson (R)..... Watauga Boone
- 83rd District (1): Wilkes.
R. Tracy Walker (R) Wilkes Wilkesboro
- 84th District (1): Avery, Caldwell (Part), and Mitchell.
Phillip D. Frye (R) Mitchell Spruce Pine
- 85th District (1): Burke (Part), Caldwell (Part), and McDowell.
Mitch Gillespie (R) McDowell Marion
- 86th District (1): Burke (Part).
Walter G. Church, Sr. (D)..... Burke Valdese
- 87th District (1): Alexander and Caldwell (Part).
Edgar V. Starnes (R)..... Caldwell Granite Falls
- 88th District (1): Catawba (Part).
Mark K. Hilton (R) Catawba Conover
- 89th District (1): Catawba (Part).
Mitchell S. Setzer (R) Catawba Catawba
- 90th District (1): Alleghany and Surry (Part).
James A. Harrell, III (D)..... Surry Elkin
- 91st District (1): Forsyth (Part), Stokes, and Surry (Part).
Rex L. Baker (R)..... Stokes King
- 92nd District (1): Forsyth (Part) and Yadkin.
George M. Holmes (R) Yadkin Hamptonville
- 93rd District (1): Forsyth (Part).
William C. McGee (R)..... Forsyth Clemmons
- 94th District (1): Forsyth (Part).
Michael P. Decker (R) Forsyth Walkertown
- 95th District (1): Catawba (Part) and Iredell (Part).
Karen B. Ray (R) Iredell Mooresville
- 96th District (1): Iredell (Part).
W. Franklin Mitchell (R) Iredell Olin

- 97th District (1): Lincoln.
Joe L. Kiser (R)..... Lincoln..... Vale
- 98th District (1): Mecklenburg (Part).
John W. Rhodes (R)..... Mecklenburg..... Cornelius
- 99th District (1): Mecklenburg (Part).
Drew P. Saunders (D)..... Mecklenburg..... Huntersville
- 100th District (1): Mecklenburg (Part).
James B. Black (D)..... Mecklenburg..... Matthews
- 101st District (1): Mecklenburg (Part).
Beverly M. Earle (D)..... Mecklenburg..... Charlotte
- 102nd District (1): Mecklenburg (Part).
Becky Carney (D)..... Mecklenburg..... Charlotte
- 103rd District (1): Mecklenburg (Part).
Jim Gulley (R)..... Mecklenburg..... Matthews
- 104th District (1): Mecklenburg (Part).
Constance K. Wilson (R)..... Mecklenburg..... Charlotte
- 105th District (1): Mecklenburg (Part).
W. Edwin McMahan (R)..... Mecklenburg..... Charlotte
- 106th District (1): Mecklenburg (Part).
Martha B. Alexander (D)..... Mecklenburg..... Charlotte
- 107th District (1): Mecklenburg (Part).
W. Pete Cunningham (D)..... Mecklenburg..... Charlotte
- 108th District (1): Gaston (Part).
John M. Rayfield (R)..... Gaston..... Belmont
- 109th District (1): Gaston (Part).
Patrick T. McHenry (R)..... Gaston..... Cherryville
- 110th District (1): Cleveland (Part) and Gaston (Part).
Debbie A. Clary (R)..... Cleveland..... Cherryville
- 111th District (1): Cleveland (Part).
Tim Moore (R)..... Cleveland..... Kings Mountain

- 112th District (1): Cleveland (Part) and Rutherford.
Bobby F. England (D)..... Rutherford.....Ellenboro
- 113th District (1): Henderson (Part), Polk and Transylvania (Part).
Trudi Walend (R)..... TransylvaniaBrevard
- 114th District (1): Buncombe (Part).
Susan C. Fisher (D)..... Buncombe Asheville
- 115th District (1): Buncombe (Part).
D. Bruce Goforth (D)..... Buncombe Asheville
- 116th District (1): Buncombe (Part).
Wilma M. Sherrill (R)..... Buncombe Asheville
- 117th District (1): Henderson (Part) and Transylvania (Part).
Carolyn K. Justus (R)..... Henderson Hendersonville
- 118th District (1): Haywood (Part), Madison, and Yancey.
Raymond C. Rapp (D) Madison Mars Hill
- 119th District (1): Haywood (Part), Jackson, Macon (Part), and Swain.
R. Phillip Haire (D)..... Jackson..... Sylva
- 120th District (1): Cherokee, Clay, Graham, and Macon (Part).
Roger West (R) Cherokee Marble

HOUSE JOURNAL

SECOND SESSION 2004

ONE HUNDRED FOURTH DAY

HOUSE OF REPRESENTATIVES
Monday, May 10, 2004

The House meets at 12:00 Noon pursuant to adjournment and is called to order by Speaker Black.

The following prayer is offered by the Reverend Jim Harry, Trinity United Methodist Church, Raleigh, North Carolina:

"Almighty God,

"You alone are sovereign over every nation under heaven. And, only You have ultimate control over the world in which we live. Yet, by Your great love and mercy, You have allowed for the possibility of self-governance over Your principalities. We offer You our thanks as we attempt to be good stewards of this gift. Lord God, as we start anew this Legislative Session, grant unto this Body of Legislators a fresh understanding of their duties and responsibilities. Make them acutely aware of their need to serve and not to be served, to give and not to take, to understand the needs of others as they have been entrusted with the care of the people of this great State. In all things we give You thanks and continually pray, 'Lord, have mercy upon us.' Amen."

Speaker Black appoints Reverend Harry to serve as House Chaplain for the remainder of the 2003 Session.

Speaker Black leads the Body in the Pledge of Allegiance.

Representative Hackney, for the Committee on Rules, Calendar, and Operations of the House, reports the Journals of July 20, 2003, and August 27, 2003, have been examined and found correct. Upon his motion, the Journals are approved as written.

Leaves of absence are granted Representatives Culpepper, McComas, and Stiller for today. Representative Wainwright is excused for a portion of the session.

**THE RECEIVING OF PETITIONS, MEMORIALS AND
PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR TO
THE HOUSE**

THE APPOINTMENT OF FRED F. STEEN, II

2003-2004

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable W. Eugene McCombs, elected Representative from the North Carolina House District 76 has died in office; and

WHEREAS, the provisions of General Statute § 163-11 require that the vacancy created by the death of the Honorable W. Eugene McCombs be filled by appointment of the person recommended by the Rowan County Republican Party Executive Committee; and

WHEREAS, the North Carolina House District 76 Republican Party Executive Committee has notified me of its recommendation of Fred F. Steen, II of Rowan County, North Carolina, to fill the vacancy created in North Carolina House District 76.

I do by these presents appoint

FRED F. STEEN, II

as a member of the

HOUSE OF REPRESENTATIVES

2003-2004 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 16th day of February, 2004.

S/ Michael F. Easley
Governor

May 10, 2004T

ATTEST:

S/ Elaine F. Marshall
Secretary of State
by Rodney Maddox
Chief Deputy Secretary

The following oath of office was administered to Fred F. Steen, II, by Beth Dixon, District Court Judge, on March 13, 2004.

**OATH FOR MEMBERS OF THE
HOUSE OF REPRESENTATIVES
2003 SESSION**

"I, FRED F. STEEN, II, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God."

Speaker Black states that Representative Steen will occupy Seat Number 64 and appoints him to the following committees: Environment and Natural Resources; Finance; Local Government I; Military, Veterans, and Indian Affairs; and Pensions and Retirement.

**THE RECEIVING OF PETITIONS, MEMORIALS AND
PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR TO
THE HOUSE**

THE APPOINTMENT OF SUSAN C. FISHER

2003-2004

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable Martin L. Nesbitt, elected Representative from the 114th House District 2003-2004 General Assembly, has resigned; and

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WHEREAS, the provisions of General Statute § 163-11 require that the vacancy created by the resignation of the Honorable Martin L. Nesbitt be filled by appointment of the person recommended by the Buncombe County Democratic Executive Committee representative of the 114th House District.

WHEREAS, the 114th House District Executive Committee of the Democratic Party has notified me of its recommendation of SUSAN C. FISHER of Buncombe County, North Carolina, to fill the said vacancy,

I do by these presents appoint

SUSAN C. FISHER

as a member of the

HOUSE

2003-2004 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 25th day of February, 2004.

S/ Michael F. Easley
Governor

ATTEST:

S/ Elaine F. Marshall
Secretary of State
by Rodney Maddox
Chief Deputy Secretary

The following oath of office was administered to Susan C. Fisher, by Senator Martin L. Nesbitt, Jr., on March 3, 2004.

**OATH FOR MEMBERS OF THE
HOUSE OF REPRESENTATIVES
2003 SESSION**

"I, SUSAN C. FISHER, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government

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thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God."

Speaker Black states that Representative Fisher will occupy Seat Number 20 and appoints her to the following committees: Appropriations; Appropriations Subcommittee on Justice and Public Safety; Education; Education Subcommittee on Preschool, Elementary and Secondary Education; Election Law and Campaign Finance Reform; Judiciary II; and Ways and Means.

ADDENDA TO COMMITTEE ASSIGNMENTS

May 10, 2004

Speaker Black makes the following committee assignments:

JUDICIARY I: Remove Representative Harrell.

JUDICIARY II: Add Representative Harrell.

SPECIAL MESSAGE TO THE SENATE

Speaker Black orders that a Special Message be sent to the Senate informing that Honorable Body that Representatives Fisher and Steen have been seated as Members of the 2003 House of Representatives.

GUESTS

Speaker Black recognizes and extends the courtesies of the floor to the following former Members and House Principal Clerk who are in attendance for the first day of Session in the newly refurbished House Chamber:

Phil Baddour, Jr.; Wesley Bailey; Thomas Bebbler; Roger Bone; George Brannan; George Breece; John Bridgeman; E. C. Brooks, III; John Brown; Brewster Brown; Dock Brown; Norwood Bryan, Jr.; Monroe Buchanan; Lanier Cansler; Lester Carter, Jr.; John Cocklereece; James Cole; Ruth Cook; Leslie Cox, Jr.; Jim Crawford; Frances Cummings; John Davenport; Don Davis; Dan DeVane; David Diamont; Steve Dolley, Jr.; Ruth Easterling; Elton Edwards; James H. Edwards; Chancy Edwards; Zeno Edwards, Jr.; Bob Etheridge; Robert Farmer; David Flaherty, Jr.; Jimmie Ford; Henry Frye; Karen Gottovi; Claude Hamrick; Thomas Hardaway;

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John Henley; Foyle Hightower, Jr.; Ed Holmes; Casper Holroyd, Jr.; Bertha Holt; Doris Huffman; Jack Hunt; Sam Hunt, III; Bob Hunter; Bill Hurley; Glenn Jernigan; Joe Johnson; Wayne Kahl; John Kerr, III; Ken Kiser; Martin Lancaster; Hugh Lee; Horace Locklear; Clayton Loflin; Jim Long; Lester Martin; Ronald Mason; Tom Matthews; Tim McDowell; R. D. McMillan, Jr.; Bill McMillan; Leo Mercer; Brad Miller; George Miller; Jack Moody; Chuck Neely, Jr.; Mary Odom; Hollis Owens, Jr.; Henry Oxendine; David Parnell; Wade Penny, Jr.; Aaron Plyler; Arlene Pulley; Paul Pulley; Tom Rabon, Jr.; John Radford; Joe Raynor; Tommy Rhodes; Jonathan Robinson; Addison Smith; Ray Sparrow; Owen Spears, Jr.; James Speed; James Sugg; Graham Tart; W. B. Teague, Jr.; Greg Thompson; Norris Tolson; Russell Tucker; Lois Walker; Nurham O. Warwick; Cindy Watson; Betty Wisser; Sam Whitehurst; Wade Wilmoth; Richard Wright; and Jo Ann Smith, former Clerk of the North Carolina House of Representatives.

It shall be noted that the following renovations have been made to the House Chamber:

Original desks were refinished, movable book shelves removed and rail added;

Glass added to desks to protect finish;

Benches installed for perimeter seating;

Correction Enterprise recovered original chairs and installed a new base with adjustable height and tilt feature;

New sound system installed with additional speakers under gallery;

Old wiring removed in raceways;

Electronic voting cabinet at rear of Chamber removed and equipment relocated to Principal Clerk's Office;

Desks wired for power and data connection;

New carpet installed;

New drape placed behind Speaker;

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New lighting with ultra-violet (UV) protection installed behind dais;
Tapestries encased in cabinetry for preservation;
New voting buttons installed; and
Added a new "call to front" feature.

SPECIAL MESSAGE FROM THE SENATE

**2003 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
July 18, 2003

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. 934** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO REQUIRE THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO STUDY THE SUBSTANCE ABUSE SERVICES OFFERED BY AN ASSESSING AGENCY AND THE ADEQUACY OF THE FEE IMPOSED FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN ASSESSING AGENCY.

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

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Mitchell, Adams, Alexander, B. Allen, Carney, Coates, Cunningham, Daughtridge, Dickson, Farmer-Butterfield, Frye, Gibson, Gillespie, Glazier, Goodwin, Hilton, Insko, McAllister, McLawhorn, Moore, Parmon, Pate, Rayfield, Sauls, Setzer, Starnes, Steen, Wainwright, Warren, Weiss, and K. Williams:

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H.J.R. 1342, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLARD EUGENE "GENE" MCCOMBS, FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Crawford and K. Williams:

H.B. 1343, A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPED IDENTIFICATION TAGS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Crawford, Gillespie, and K. Williams:

H.B. 1344, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO DEFINE THE INTRASTATE HIGHWAY SYSTEM OF THE STATE AND TO MAKE THE INTRASTATE SYSTEM ELIGIBLE FOR HIGHWAY TRUST FUND FUNDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Crawford and K. Williams:

H.B. 1345, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Crawford and K. Williams:

H.B. 1346, A BILL TO BE ENTITLED AN ACT TO MODIFY THE RATE OF INTEREST ALLOWED ON HIGHWAY CONDEMNATION AWARDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wright:

H.B. 1347, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NEW DEPUTY CLERK OF COURT AND A NEW ASSISTANT CLERK OF COURT IN PENDER COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Owens:

H.B. 1348, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM

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DEVELOPMENT TAX, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hill:

H.B. 1349, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hill:

H.B. 1350, A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF CHADBOURN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Owens:

H.B. 1351, A BILL TO BE ENTITLED AN ACT GIVING COUNTIES THE AUTHORITY TO ALLOW THE OPERATION OF A LOTTERY IN THAT COUNTY, TO PROVIDE FOR STATE REGULATION OF LOCALLY APPROVED LOTTERY OPERATIONS, AND TO DISTRIBUTE TO EACH COUNTY AND THE CITIES LOCATED IN THE COUNTY TWENTY-FIVE PERCENT OF THE NET PROCEEDS OF LOTTERY OPERATIONS TO THE COUNTIES FOR SCHOOL CONSTRUCTION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Owens, Goodwin, and Glazier:

H.B. 1352, A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

Senate Committee Substitute for **H.B. 354** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN

May 10, 2004T

CHILDREN, is returned for concurrence in the 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.

RE-REFERRAL

On motion of Speaker Black, and without objection, **S.B. 623** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE EVALUATION OF THE STATE'S INFORMATION TECHNOLOGY SECURITY POLICY AND STANDARDS, is withdrawn from the Committee on Science and Technology and re-referred to the Committee on Rules, Calendar, and Operations of the House.

INTRODUCTION OF PAGES

Pages for the week of May 10 are introduced to the membership. They are: Kristine Booker of Iredell; Clarence Gobble of Franklin; Bethany Handline of New Hanover; David Harper of Jackson; Sarah Isenhour of Rowan; Scott Lassiter of Wake; Brittany Lovelace of Rutherford; Kelsey McDaniel of Davie; Jamie Pearson of Brunswick; Griffin Rice of Stanly; Juan Tuset of Wake; and Michael Wright of Rutherford.

CALENDAR

Action is taken on the following:

S.B. 243, A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

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

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 1303** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX, is withdrawn from the Calendar

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pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Hackney, seconded by Representative Miller, the House adjourns at 12:41 p.m. to reconvene May 11 at 12:00 Noon.

ONE HUNDRED FIFTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, May 11, 2004

The House meets at 12:00 Noon pursuant to adjournment and is called to order by Speaker Morgan.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Merciful God:

"As we gather together on this day, giving thanks for the celebration of yesterday...the dedication of this newly remodeled Chamber, in honor of those who have served before us, and in the hope of establishing good policies during this short session...we offer unto You our thanks and praise. Your goodness abounds and Your mercy falls gently upon our hearts like fresh rain upon the parched earth renewing and rededicating us to our calling and to the charge before us. Grant unto this Body of men and women a fresh anointing of Your spirit that by Your grace they may seek creative and imaginative avenues for new opportunities of service that will bring good will and better opportunities for living to the people of this great State of ours. To You goes all the honor and the praise, dear Lord, we pray. Amen."

Representative Gorman, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 10 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Bonner, Culpepper, and Miller for today.

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SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
May 10, 2004

Mr. Speaker:

It is ordered that a message be sent your Honorable Body with the information that pursuant to a Proclamation issued by Governor Michael F. Easley on February 6, 2004, Martin L. Nesbitt has been administered the oath of office as a Member of the Senate for the remainder of the 2003 General Assembly. Senator Nesbitt has been seated to fill the vacancy created by the resignation of the Honorable Stephen M. Metcalf from the Forty-Ninth Senatorial District.

Pursuant to a Proclamation issued by Governor Michael F. Easley on April 21, 2004, Ralph A. Hunt has been administered the oath of office as a Member of the Senate for the remainder of the 2003 General Assembly. Senator Hunt has been seated to fill the vacancy created by the resignation of the Honorable Wilbur P. Gulley from the Eighteenth Senatorial District.

Pursuant to a Proclamation issued by Governor Michael F. Easley on May 5, 2004, Woody White has been administered the oath of office as a Member of the Senate for the remainder of the 2003 General Assembly. Senator White has been seated to fill the vacancy created by the resignation of the Honorable Patrick Ballantine from the Ninth Senatorial District.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives McLawhorn, Warren, C. Johnson, and Tolson (Primary Sponsors); Crawford, Cunningham, Daughtridge, Farmer-Butterfield, Glazier, Goodwin, LaRoque, Parmon, Stiller, Wainwright, and Weiss:

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H.B. 1353, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO CONSTRUCT THE NORTH CAROLINA CARDIOVASCULAR DISEASES INSTITUTE AT EAST CAROLINA UNIVERSITY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McLawhorn and Sherrill (Primary Sponsors); Adams, Alexander, L. Allen, Bordsen, Bowie, Carney, Coates, Crawford, Cunningham, Dickson, Farmer-Butterfield, Fisher, Frye, Gibson, Glazier, Goforth, Howard, Insko, Jeffus, Justice, Luebke, McAllister, Moore, Parmon, Pate, Rapp, Rayfield, Ross, Stam, Stiller, Wainwright, Warren, Weiss, and K. Williams:

H.B. 1354, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives C. Wilson, Crawford, Frye, Hill, Hilton, LaRoque, Moore, and Parmon:

H.B. 1355, A BILL TO BE ENTITLED AN ACT TO SHIFT THE STATE'S ECONOMIC DEVELOPMENT RESOURCES TO MORE EFFICIENT AND EFFECTIVE INCENTIVES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Alexander, Sauls, and Insko (Primary Sponsors); Glazier and Rapp:

H.B. 1356, A BILL TO BE ENTITLED AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives A. Williams, B. Allen, Allred, Barbee, Crawford, Creech, Culp, Daughtridge, Frye, Glazier, Goforth, Hill, LaRoque, McHenry, McLawhorn, Mitchell, Moore, Pate, Rapp, Rayfield, Starnes, Steen, Stiller, Wainwright, Walker, Warren, and G. Wilson:

H.B. 1357, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives A. Williams, B. Allen, Barbee, Culp, Gillespie, Hill, McLawhorn, Moore, Rapp, Wainwright, Walker, Warren, K. Williams, and G. Wilson:

H.B. 1358, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROL OFFICERS TO PURCHASE RETIRED HIGHWAY PATROL SPECIAL REGISTRATION PLATES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives K. Williams, Alexander, B. Allen, Moore, Parmon, Stiller, and Warren:

H.B. 1359, A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives K. Williams, Crawford, Daughtridge, Moore, Steen, and Stiller:

H.B. 1360, A BILL TO BE ENTITLED AN ACT TO EXEMPT MOVEMENT AROUND EMERGENCY VEHICLES FROM HOV LANE RESTRICTIONS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Walend, Crawford, Rayfield, and Starnes:

H.B. 1361, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA FOR ALLOCATING SMALL SCHOOL SYSTEM SUPPLEMENTAL FUNDING, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Walend:

H.B. 1362, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SOUTHERN APPALACHIAN SCIENCE & TECHNOLOGY CENTER (SASTC) LOCATED IN POLK COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Walend:

H.B. 1363, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Walend and Rayfield:

H.B. 1364, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Haire, Parmon, Rapp, and Setzer:

H.J.R. 1365, A JOINT RESOLUTION HONORING THE MEMORY OF MAGGIE SETZER PYLANT FOR WHOM THE TOWN OF MAGGIE VALLEY IS NAMED UPON THE TOWN'S CENTENNIAL OBSERVANCE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Insko, Farmer-Butterfield, Parmon, and Weiss:

H.B. 1366, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Insko, Glazier, B. Allen, Farmer-Butterfield, and Parmon:

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H.B. 1367, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMITTEE ON HIGH-RISK HEALTH INSURANCE POOLS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wright and Nye (Primary Sponsors); Alexander, Bordsen, Bowie, Cunningham, Farmer-Butterfield, Gillespie, Glazier, Insko, Parmon, Rapp, Wainwright, and Weiss:

H.B. 1368, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR GRANTS-IN-AID TO COMMUNITY HEALTH CENTERS, PUBLIC HEALTH DEPARTMENTS, FREE CLINICS, AND OTHER HEALTH CARE FACILITIES TO INCREASE ACCESS TO HEALTH CARE TO INDIGENT CLIENTS AND TO PROVIDE AN EFFECTIVE ALTERNATIVE TO MORE COSTLY HEALTH CARE, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Preston and Cunningham:

H.B. 1369, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Saunders, Crawford, Cunningham, Gillespie, Hilton, Stiller, and K. Williams:

H.B. 1370, A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICATION OF THE WORKERS' COMPENSATION LAW TO CERTAIN MOTOR CARRIERS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Saunders, Crawford, Cunningham, and Stiller:

H.B. 1371, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION

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ENGINEERS AND ENGINEERING TECHNICIANS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Saunders, Crawford, Cunningham, and Stiller:

H.B. 1372, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Saunders, Crawford, and Stiller:

H.B. 1373, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative A. Williams:

H.B. 1374, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HYDE COUNTY TO INCREASE REVENUES TO ACQUIRE REAL PROPERTY FOR PUBLIC PURPOSES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Goforth, Bordsen, Carney, Coates, Crawford, Daughtridge, Farmer-Butterfield, Hilton, LaRoque, McHenry, McLawhorn, Moore, Parmon, Rapp, Rayfield, Ross, Stiller, Wainwright, Warner, and Warren:

H.B. 1375, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SMALL BUSINESSES THAT PROVIDE EMPLOYEE HEALTH INSURANCE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Nye, Alexander, Cunningham, Farmer-Butterfield, Insko, Luebke, McLawhorn, Wainwright, and Weiss:

H.B. 1376, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AUTISM SOCIETY TO COVER INCREASES IN PERSONNEL CONTRACT COSTS FOR AUTISM SERVICES AND INFLATION, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Nye, Alexander, Cunningham, Farmer-Butterfield, Insko, Rayfield, Wainwright, and Weiss:

H.B. 1377, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TEACCH SUPPORTED PROGRAM AT THE SCHOOL OF MEDICINE OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Tolson and Farmer-Butterfield (Primary Sponsors); and Cunningham:

H.B. 1378, A BILL TO BE ENTITLED AN ACT TO PERMIT THE EDGEcombe AND WILSON COUNTY BOARDS OF COMMISSIONERS TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Cole, Crawford, and Stiller:

H.B. 1379, A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Cole, Hill, and Parmon:

H.B. 1380, A BILL TO BE ENTITLED AN ACT TO ALLOW A REFUND OF THE TAX PAID ON STALE OR OTHERWISE UNSALABLE TOBACCO PRODUCTS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Cole, Crawford, Cunningham, and McAllister:

H.B. 1381, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Cole, Bowie, Crawford, Gillespie, and K. Williams:

H.B. 1382, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS

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FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Gillespie, Bowie, Cole, Crawford, Frye, Stiller, and K. Williams:

H.B. 1383, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, is referred to the Committee on Rules, Calendar, and Operations of the House.

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

S.J.R. 1032, A JOINT RESOLUTION HONORING THE MEMORY OF MAGGIE SETZER PYLANT FOR WHOM THE TOWN OF MAGGIE VALLEY IS NAMED UPON THE TOWN'S CENTENNIAL OBSERVANCE, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 1042, A BILL TO BE ENTITLED AN ACT TO ALLOW A SUPERIOR COURT JUDGE OR A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 802 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATED TO MEDICAL PROVIDERS' INSURANCE AND CIVIL JUSTICE ISSUES, AS RECOMMENDED BY THE SENATE SELECT COMMITTEE ON INSURANCE AND CIVIL JUSTICE REFORM, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Gorman moves, seconded by Representative Stiller, that the House adjourn, subject to the introduction and referral of bills filed for tomorrow's Calendar, to reconvene May 12 at 11:30 a.m.

The motion carries.

Pursuant to the adjournment motion, the following bills are introduced, read the first time and referred to Committee:

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By Representatives Hackney, Alexander, B. Allen, L. Allen, Bell, Bonner, Bordsen, Carney, Church, Crawford, Dickson, Ellis, England, Farmer-Butterfield, Fisher, Frye, Gibson, Glazier, Goforth, Gorman, Haire, Hall, Hill, Insko, Jeffus, Jones, LaRoque, Lucas, Luebke, McComas, McLawhorn, Michaux, Mitchell, Munford, Parmon, Pate, Preston, Rapp, Ross, Sauls, Steen, Stiller, Wainwright, Warner, Warren, Weiss, G. Wilson, Womble, and Yongue:

H.B. 1384, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO PROVIDE TO PUBLIC SCHOOL PERSONNEL AND TO STATE EMPLOYEES A LEGISLATIVE PAY INCREASE OF FIVE PERCENT AND ESTABLISHING A MINIMUM LIVING WAGE FOR STATE-FUNDED EMPLOYEES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative A. Williams:

H.B. 1385, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS BY THE CITY OF WASHINGTON AND THE TOWN OF CRESWELL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Blackwood and Gibson:

H.B. 1386, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Glazier and Womble (Primary Sponsors); B. Allen, Barbee, Bell, Bonner, Bordsen, Carney, England, Fisher, Gibson, Goodwin, Gorman, Haire, Hill, Insko, Jones, LaRoque, Luebke, Parmon, Pate, Wainwright, and Weiss:

H.B. 1387, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE TEACHING FELLOWS PROGRAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Glazier, Womble, and Bordsen (Primary Sponsors); B. Allen, Barbee, England, Fisher, Gibson, Goforth, Goodwin, Gorman, Hill, Insko, Jeffus, Jones, Parmon, Wainwright, and Weiss:

H.B. 1388, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR BONUSES UNDER THE ABCS OF PUBLIC EDUCATION

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PROGRAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McComas, Crawford, Stiller, and K. Williams:

H.B. 1389, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Sherrill and Crawford (Primary Sponsors); Church, Gibson, and Owens:

H.B. 1390, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Grady, Barnhart, Church, Gorman, Hill, Jeffus, Lucas, McHenry, McLawhorn, Moore, Pate, Preston, Steen, Stiller, Wainwright, Warner, K. Williams, and Wood:

H.B. 1391, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SATURDAY INTERMENT SERVICES IN STATE VETERANS CEMETERIES AND TO APPROPRIATE FUNDS FOR THIS PURPOSE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Grady, L. Allen, Barnhart, Farmer-Butterfield, Gibson, Jones, Lucas, McHenry, Moore, Preston, Steen, Warner, and Womble:

H.B. 1392, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FEDERAL FUNDS UNDER THE TANF BLOCK GRANT FOR BOYS AND GIRLS CLUBS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wainwright, Bell, Church, Hill, Jones, Pate, Stiller, Warner, and K. Williams:

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H.B. 1393, A BILL TO BE ENTITLED AN ACT TO ALLOW MARINE FISHERIES INSPECTORS TO ACCEPT DELEGATION OF LAW ENFORCEMENT POWERS FROM THE NATIONAL MARINE FISHERIES SERVICE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Gillespie, Bell, Bonner, Crawford, Frye, Gibson, Gorman, Hilton, Pate, Stiller, K. Williams, and Wood:

H.B. 1394, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Nye and G. Wilson (Primary Sponsors); Bell, Church, England, Farmer-Butterfield, Glazier, Goforth, Gorman, Insko, Wainwright, and Warner:

H.B. 1395, A BILL TO BE ENTITLED AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Nye, Clary, Weiss, and G. Wilson (Primary Sponsors); Bordsen, Carney, Church, England, Farmer-Butterfield, Fisher, Gibson, Glazier, Hill, Insko, Jones, LaRoque, Luebke, McLawhorn, Moore, Wainwright, Warner, and Womble:

H.B. 1396, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SENIOR CENTER DEVELOPMENT AND OUTREACH, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Allred, Capps, Eddins, Frye, Gorman, Hilton, McHenry, Mitchell, Moore, Pate, Walker, West, C. Wilson, and Wood:

H.B. 1397, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ELECTED STATE EMPLOYEES FROM APPEARING IN PUBLIC SERVICE ANNOUNCEMENTS PAID FOR FROM STATE FUNDS OR

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FROM FUNDS RECEIVED FROM SETTLEMENT OF LITIGATION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Allred, Baker, Capps, Eddins, Frye, Gibson, Gorman, McHenry, Mitchell, Moore, Pate, Walker, C. Wilson, and Wood:

H.B. 1398, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE I-40 CORRIDOR IN NORTH CAROLINA AS THE US VETERANS MEMORIAL HIGHWAY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Stiller, Bell, Crawford, and K. Williams:

H.B. 1399, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION CONCERNING DRIVEWAY CONNECTIONS TO STATE HIGHWAYS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Daughtridge and Wainwright (Primary Sponsors); G. Allen, L. Allen, Dickson, Farmer-Butterfield, Glazier, Gorman, Harrell, Jeffus, L. Johnson, LaRoque, McComas, Moore, Owens, Tolson, Walker, and Warren:

H.B. 1400, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ONE NORTH CAROLINA FUND AND TO CODIFY PROVISIONS RELATING TO THE ONE NORTH CAROLINA FUND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Walker:

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Crawford and Sherrill (Primary Sponsors); Gibson and Owens:

H.B. 1402, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Crawford and Sherrill (Primary Sponsors); Gibson and Owens:

H.B. 1403, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Tolson, McLawhorn, Warren and Bordsen (Primary Sponsors); Church, Crawford, England, Fisher, Gibson, Glazier, Haire, Insko, Jeffus, L. Johnson, Jones, Justice, LaRoque, Luebke, Mitchell, Moore, Preston, Sauls, Steen, Wainwright, Warner, Womble, and Wood:

H.B. 1404, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PLAN FOR MOVING FACULTY AND PROFESSIONAL STAFF SALARIES IN THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO THE NATIONAL AVERAGE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Sutton:

H.B. 1405, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN INVESTIGATORIAL ASSISTANT POSITION IN PROSECUTORIAL DISTRICT 16A, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Bordsen and Crawford (Primary Sponsors); Carney, England, Glazier, Insko, Jones, Luebke, Warren, and Womble:

H.B. 1406, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO THE CONVICTION AND SENTENCING OF YOUTHFUL OFFENDERS AND TO APPROPRIATE FUNDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Nye and Farmer-Butterfield:

H.B. 1407, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CAROLINA CHILDREN'S COMMUNICATIVE DISORDERS PROGRAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Nye, Clary, and Weiss (Primary Sponsors); Bell, England, Farmer-Butterfield, Glazier, Insko, Jones, Luebke, McLawhorn, and Moore:

H.B. 1408, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HOME AND COMMUNITY CARE BLOCK GRANT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Nye, Weiss, and G. Wilson (Primary Sponsors); Farmer-Butterfield, Fisher, Insko, Luebke, and Warner:

H.B. 1409, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON STATE GUARDIANSHIP LAWS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hill and Stiller:

H.B. 1410, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF SUNSET BEACH IS AN EMPLOYING UNIT UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culpepper:

H.B. 1411, A BILL TO BE ENTITLED AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEANFRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE CONSTRUCTION OF AN EMERGENCY BERM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Setzer, Barnhart, Gorman, McHenry, Moore, and Pate:

H.B. 1412, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE FEES CHARGED BY THE REGISTER OF DEEDS TO FILE A POWER OF ATTORNEY OR THE REVOCATION OF A POWER OF

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ATTORNEY MADE BY AN ACTIVE DUTY MILITARY MEMBER, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Nye, Howard, Earle, and England (Primary Sponsors); L. Allen, Barnhart, Bell, Church, Farmer-Butterfield, Glazier, Insko, Jones, McLawhorn, Moore, Rapp, Stiller, Wainwright, Warner, Warren, Weiss, and Wood:

H.B. 1413, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Sherrill and Crawford (Primary Sponsors); and Owens:

H.B. 1414, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Daughtride and Wainwright (Primary Sponsors); G. Allen, L. Allen, Blackwood, Dickson, Fisher, Glazier, Harrell, Jeffus, L. Johnson, LaRoque, McComas, McGee, Moore, Owens, Tolson, and Walker:

H.B. 1415, A BILL TO BE ENTITLED AN ACT TO CREATE AN ALTERNATIVE RESEARCH AND DEVELOPMENT TAX CREDIT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Daughtride and Wainwright (Primary Sponsors); G. Allen, L. Allen, Dickson, Farmer-Butterfield, Fisher, Glazier, Goodwin, Gorman, Harrell, Jeffus, L. Johnson, Jones, LaRoque, McComas, McHenry, Moore, Owens, Preston, Steen, Tolson, Walker, and Womble:

H.B. 1416, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM AND TO ALLOW THE ECONOMIC INVESTMENT COMMITTEE TO ENTER INTO MORE AGREEMENTS UNDER THE PROGRAM AND TO COMMIT MORE FUNDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Daughtride and Wainwright (Primary Sponsors); G. Allen, L. Allen, Bell, Blackwood, Dickson, Farmer-Butterfield, Fisher,

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Frye, Glazier, Gorman, Harrell, Jeffus, L. Johnson, LaRoque, Lucas, Luebke, McComas, McGee, Moore, Owens, Preston, Rapp, Steen, Tolson, Walker, and Wood:

H.B. 1417, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Daughtridge and Wainwright (Primary Sponsors); G. Allen, Blackwood, Dickson, Farmer-Butterfield, Fisher, Harrell, Jeffus, L. Johnson, LaRoque, McComas, McGee, Moore, Owens, Stam, Tolson, and Walker:

H.B. 1418, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Brubaker:

H.R. 1419, A HOUSE RESOLUTION HONORING L.T. "BECK" COX, THE FIRST PRESIDENT OF RANDOLPH TELEPHONE MEMBERSHIP CORPORATION, ON THE FIFTIETH ANNIVERSARY OF RANDOLPH TELEPHONE MEMBERSHIP CORPORATION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative LaRoque:

H.B. 1420, A BILL TO BE ENTITLED AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE, is referred to the Committee on Rules, Calendar, and Operations of the House.

The House stands adjourned at 3:26 p.m.

ONE HUNDRED SIXTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, May 12, 2004

May 12, 2004T

The House meets at 11:30 a.m. pursuant to adjournment and is called to order by Speaker Black.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Gracious God:

"Life is full of decisions. And, of course, these decisions affect us both personally and professionally. Sometimes, our decisions can affect both at the same time. We would like to think that we are always sharp and on target concerning the discernment of our decision making, but we know that even when we are at our very best, we fall short. Since all good things come from You, and since You have promised that when we seek we shall find and when we knock You will open the door for us, grant us the ability to see what we cannot yet see, to understand what we cannot yet conceive, and to reason with logic that stems from Your gift of grace, freely given to us. Thank You for loving us so recklessly that You would leave us to make our own decisions. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 11 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Fox, Howard, Lewis, Miller, Munford, and Sherrill for today.

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.B. 1411, A BILL TO BE ENTITLED AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEAN-FRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE CONSTRUCTION OF AN EMERGENCY BERM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

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

H.R. 1419, A HOUSE RESOLUTION HONORING L.T. "BECK" COX, THE FIRST PRESIDENT OF RANDOLPH TELEPHONE MEMBERSHIP CORPORATION, ON THE FIFTIETH ANNIVERSARY OF RANDOLPH TELEPHONE MEMBERSHIP CORPORATION, with recommendation that the committee substitute resolution be adopted, the original resolution not be adopted.

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

S.J.R. 1032, A JOINT RESOLUTION HONORING THE MEMORY OF MAGGIE SETZER PYLANT FOR WHOM THE TOWN OF MAGGIE VALLEY IS NAMED UPON THE TOWN'S CENTENNIAL OBSERVANCE, with a favorable report.

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

S.B. 1042, A BILL TO BE ENTITLED AN ACT TO ALLOW A SUPERIOR COURT JUDGE OR A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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 the following bills are placed on today's Calendar.

H.R. 1419 (Committee Substitute), A HOUSE RESOLUTION HONORING L.T. "BECK" COX, THE FIRST PRESIDENT OF RANDOLPH TELEPHONE MEMBERSHIP CORPORATION, ON THE FIFTIETH ANNIVERSARY OF RANDOLPH TELEPHONE MEMBERSHIP CORPORATION.

S.J.R. 1032, A JOINT RESOLUTION HONORING THE MEMORY OF MAGGIE SETZER PYLANT FOR WHOM THE TOWN OF

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MAGGIE VALLEY IS NAMED UPON THE TOWN'S CENTENNIAL OBSERVANCE.

H.B. 1411 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEANFRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE CONSTRUCTION OF AN EMERGENCY BERM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

S.B. 1042 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A SUPERIOR COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

CALENDAR

Action is taken on the following:

H.R. 1419 (Committee Substitute), A HOUSE RESOLUTION HONORING L.T. "BECK" COX, THE FIRST PRESIDENT OF RANDOLPH TELEPHONE MEMBERSHIP CORPORATION, ON THE FIFTIETH ANNIVERSARY OF RANDOLPH TELEPHONE MEMBERSHIP CORPORATION.

The committee substitute resolution is adopted, by electronic vote (105-0), and ordered printed.

S.J.R. 1032, A JOINT RESOLUTION HONORING THE MEMORY OF MAGGIE SETZER PYLANT FOR WHOM THE TOWN OF MAGGIE VALLEY IS NAMED UPON THE TOWN'S CENTENNIAL OBSERVANCE, passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

H.B. 1411 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEANFRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE CONSTRUCTION OF AN EMERGENCY BERM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW

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COMMISSION, passes its second reading, by electronic vote (108-0), 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. 1042 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A SUPERIOR COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

Representative Stam inquires of the Chair if the resolution is eligible under the adjournment resolution. Speaker Black rules that it is.

The resolution passes its second reading, by electronic vote (76-34), and there being no objection is read a third time.

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

ENROLLED BILLS

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

S.J.R. 1032, A JOINT RESOLUTION HONORING THE MEMORY OF MAGGIE SETZER PYLANT FOR WHOM THE TOWN OF MAGGIE VALLEY IS NAMED UPON THE TOWN'S CENTENNIAL OBSERVANCE. (RESOLUTION 2004-1)

On motion of Representative Culpepper, seconded by Representative Miner, the House adjourns at 12:17 p.m. to reconvene May 13 at 12:00 Noon.

ONE HUNDRED SEVENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, May 13, 2004

The House meets at 12:00 Noon pursuant to adjournment and is called to order by Speaker Morgan.

May 13, 2004T

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Almighty God:

"Out of chaos You created order so all things that have life and breath might find their way. So now, as this first week of Short Session comes to an end, we ask that out of the chaos of introduced bills, budget concerns, and impending election year stress, You would bring order to this Body, but more importantly to our hearts and minds, allowing us to focus on Thee and all that is truly important flowing down from heaven above. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 12 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Gibson, Haire, Hill, Howard, Lewis, McAllister, Miller, Rhodes, Sauls, Sherrill, Sutton, and K. Williams for today.

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. 623 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE EVALUATION OF THE STATE'S INFORMATION TECHNOLOGY SECURITY POLICY AND STANDARDS, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of May 18. The Senate committee substitute bill is placed on the Unfavorable Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

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By Representatives Wright, Jeffus, and Warren:

H.B. 1421, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO DEVELOP A PILOT PROGRAM TO IMPLEMENT THE PROGRAM FOR ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE) IN THE SOUTHEAST AND WESTERN AREAS OF THE STATE, is referred to the Committee on Appropriations.

By Representative Gulley:

H.B. 1422, A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS, is referred to the Committee on Transportation.

By Representatives Howard and Sherrill (Primary Sponsors); Bowie, Goodwin, Gorman, LaRoque, Moore, Parmon, and Pate:

H.B. 1423, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR EMPLOYERS WHO PARTICIPATE IN AN APPRENTICESHIP PROGRAM APPROVED BY THE DEPARTMENT OF LABOR, is referred to the Committee on Finance.

By Representatives Coates, Cole, Crawford, and Pate:

H.B. 1424, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC CONSTRUCTION CONTRACT SURETY BOND STATUTE, is referred to the Committee on Insurance.

By Representatives Church and Gillespie:

H.B. 1425, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE COUNTY SHERIFF'S OFFICE, is referred to the Committee on Local Government II.

By Representatives McLawhorn and Warren (Primary Sponsors); and C. Johnson:

H.B. 1426, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN

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THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT, is referred to the Committee on Local Government I.

By Representative Wainwright:

H.B. 1427, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A RECREATIONAL SHELLFISH LICENSE, TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH, is referred to the Committee on Finance.

By Representatives Wainwright and Stiller:

H.B. 1428, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A VIOLATIONS POINTS SYSTEM FOR THE SUSPENSION, REVOCATION, AND REISSUANCE OF MARINE FISHING LICENSES, is referred to the Committee on Environment and Natural Resources.

By Representatives Wainwright and Stiller:

H.B. 1429, A BILL TO BE ENTITLED AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING THE FISHERY, is referred to the Committee on Environment and Natural Resources.

By Representatives Miner, G. Allen, Brubaker, Hill, LaRoque, Luebke, McGee, Wainwright, and Wood:

H.B. 1430, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, is referred to the Committee on Finance.

By Representatives Farmer-Butterfield and Insko (Primary Sponsors); Adams, Bordsen, Bowie, Carney, Coates, Fox, Glazier, Gorman, Hackney, Luebke, McLawhorn, Moore, and Pate:

H.B. 1431, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON THE CARE AND SAFETY OF RESIDENTS OF RESIDENTIAL CARE FACILITIES,

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is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Daughtridge and Wainwright (Primary Sponsors); G. Allen, Dickson, Goodwin, Gorman, Harrell, Jeffus, L. Johnson, LaRoque, McComas, Owens, Rapp, Stiller, Tolson, Walker, and Warren:

H.B. 1432, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FILM INDUSTRY DEVELOPMENT ACCOUNT AND TO APPROPRIATE FIVE MILLION DOLLARS TO THAT ACCOUNT, is referred to the Committee on Appropriations.

By Representatives Ross, Adams, B. Allen, Eddins, Miner, Munford, Stam, and Weiss:

H.B. 1433, A BILL TO BE ENTITLED AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY, is referred to the Committee on Local Government I.

By Representatives Ross, B. Allen, Capps, Eddins, Miner, Munford, Stam, and Weiss:

H.B. 1434, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A FAMILY COURT PILOT PROGRAM IN DISTRICT COURT DISTRICT 10, is referred to the Committee on Appropriations.

By Representatives Ross, B. Allen, Capps, Carney, Dickson, Eddins, Ellis, Miner, Munford, Parmon, Stam, and Weiss:

H.J.R. 1435, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES WESLEY "WILLIE" YORK, PROMINENT CIVIC LEADER, VISIONARY BUILDER, AND ENTREPRENEUR, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Goodwin and Goforth (Primary Sponsors); B. Allen, G. Allen, L. Allen, Bonner, Bordsen, Bowie, Carney, Church, Coates, Cole, Dickson, Gorman, Hackney, Haire, Hall, Harrell, Hill, Insko, Jeffus, Jones, LaRoque, Lucas, McLawhorn, Michaux, Moore, Nye, Saunders, Starnes, Sutton, Tolson, Warner, Warren, and A. Williams:

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H.B. 1436, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SMALL BUSINESSES THAT PROVIDE EMPLOYEE HEALTH INSURANCE, is referred to the Committee on Finance.

By Representatives Goodwin, B. Allen, G. Allen, L. Allen, Bonner, Bowie, Church, Coates, Cole, Dickson, Gorman, Hackney, Hall, Hill, Insko, Jeffus, Jones, LaRoque, Lucas, McLawhorn, Michaux, Moore, Nye, Parmon, Saunders, Sutton, Tolson, Warner, Warren, and A. Williams:

H.B. 1437, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR EMPLOYERS WHO PARTICIPATE IN AN APPRENTICESHIP PROGRAM APPROVED BY THE DEPARTMENT OF LABOR, is referred to the Committee on Finance.

By Representatives Moore and Weiss (Primary Sponsors); Adams, B. Allen, Barbee, Barnhart, Blackwood, Bordsen, Carney, Dickson, Earle, England, Farmer-Butterfield, Frye, Glazier, Goforth, Gorman, Insko, Jeffus, Lucas, McLawhorn, McMahan, Munford, Parmon, Pate, Rapp, Ray, Rayfield, Ross, Wainwright, Walend, and Warner:

H.B. 1438, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE CHILDREN'S TRUST FUND AND RESPONSIBILITY FOR AWARDED GRANTS FOR CHILD ABUSE AND NEGLECT PREVENTION PROGRAMS FROM THE DEPARTMENT OF PUBLIC INSTRUCTION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AS RECOMMENDED BY THE HOUSE INTERIM COMMITTEE ON CHILD ABUSE AND NEGLECT, FOSTER CARE, AND ADOPTION, is referred to the Committee on State Government.

By Representatives Moore and Weiss (Primary Sponsors); Adams, Alexander, B. Allen, Barbee, Barnhart, Blackwood, Bordsen, Bowie, Carney, Dickson, Earle, England, Farmer-Butterfield, Fisher, Frye, Glazier, Goforth, Gorman, Insko, Jeffus, Lucas, McLawhorn, McMahan, Munford, Parmon, Pate, Rapp, Ray, Rayfield, Ross, Steen, Wainwright, Walend, Warner, and Wood:

H.R. 1439, A HOUSE RESOLUTION TO URGE CONGRESS TO CONSIDER AMENDING FEDERAL LAW TO PERMIT CHILD PROTECTIVE SERVICES WORKERS TO OBTAIN FEDERAL CRIMINAL HISTORIES WHEN INVESTIGATING ALLEGATIONS OF CHILD ABUSE AND NEGLECT, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Weiss and Moore (Primary Sponsors); Adams, Alexander, B. Allen, Barbee, Blackwood, Bordsen, Bowie, Capps, Carney, Dickson, Earle, England, Farmer-Butterfield, Fisher, Frye, Glazier, Gorman, Insko, Jeffus, Lucas, McLawhorn, McMahan, Munford, Parmon, Pate, Rapp, Rayfield, Ross, Wainwright, Walend, and Warner:

H.B. 1440, A BILL TO BE ENTITLED AN ACT TO RECOMMEND FURTHER CONSIDERATION AND STUDY OF ISSUES RELATING TO THE PROVISION OF CHILD PROTECTIVE SERVICES AS RECOMMENDED BY THE HOUSE INTERIM COMMITTEE ON CHILD ABUSE AND NEGLECT, FOSTER CARE, AND ADOPTION, is referred to the Committee on Appropriations.

By Representatives Weiss and Moore (Primary Sponsors); Adams, Alexander, B. Allen, Barbee, Carney, Dickson, Earle, England, Farmer-Butterfield, Fisher, Frye, Glazier, Goforth, Gorman, Insko, Jeffus, Lucas, McLawhorn, McMahan, Munford, Parmon, Pate, Rapp, Rayfield, Ross, Wainwright, Walend, and Warner:

H.B. 1441, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PURPOSE OF CHILD PROTECTIVE SERVICES AND CHILD ABUSE PREVENTION, is referred to the Committee on Appropriations.

By Representatives LaRoque and Church (Primary Sponsors); Allred, Blackwood, Bordsen, Bowie, Capps, Daughtridge, Decker, Glazier, Goodwin, Gorman, Hilton, Jones, McHenry, Moore, Munford, Pate, Starnes, Steen, Stiller, Warner, C. Wilson, and Wood:

H.B. 1442, A BILL TO BE ENTITLED AN ACT TO REDUCE CORPORATE INCOME TAXES, is referred to the Committee on Finance.

By Representatives LaRoque and Church (Primary Sponsors); Allred, Bordsen, Bowie, Daughtridge, Decker, Glazier, Goodwin, Gorman, Jones, Moore, Pate, Steen, Warner, and C. Wilson:

H.B. 1443, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BUSINESS SERVICE CENTER IN THE DEPARTMENT OF COMMERCE, is referred to the Committee on Commerce.

By Representatives LaRoque and Church (Primary Sponsors); Allred, Bordsen, Bowie, Capps, Daughtridge, Decker, Glazier, Goodwin, Gorman, Jones, McHenry, Moore, Starnes, Steen, Warner, and C. Wilson:

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H.B. 1444, A BILL TO BE ENTITLED AN ACT REQUIRING JOB DEVELOPMENT INVESTMENT GRANT (JDIG) PROGRAM AGREEMENTS TO CONTAIN A PROVISION ENCOURAGING THE USE OF SMALL BUSINESSES HEADQUARTERED IN NORTH CAROLINA, is referred to the Committee on Commerce.

By Representatives Daughtridg and LaRoque (Primary Sponsors); Bowie, Fox, Goodwin, Gorman, Hilton, McGee, McHenry, Moore, Munford, Pate, Starnes, and Wood:

H.B. 1445, A BILL TO BE ENTITLED AN ACT TO PROVIDE A CORPORATE INCOME TAX EXEMPTION, is referred to the Committee on Finance.

By Representatives Daughtridg and Wainwright (Primary Sponsors); B. Allen, G. Allen, L. Allen, Bowie, Carney, Dickson, Farmer-Butterfield, Fox, Glazier, Goodwin, Gorman, Harrell, L. Johnson, LaRoque, Luebke, McComas, Moore, Owens, Pate, Tolson, Walker, and Warren:

H.B. 1446, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FIFTEEN MILLION DOLLARS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED TO CREATE A NORTH CAROLINA ECONOMIC INFRASTRUCTURE PROGRAM, is referred to the Committee on Appropriations.

By Representatives Warren, C. Johnson, and McLawhorn:

H.B. 1447, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE, is referred to the Committee on Local Government I.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

H.B. 1411 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEANFRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE CONSTRUCTION OF AN EMERGENCY BERM, AS

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RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of May 18.

ADDENDA TO COMMITTEE ASSIGNMENTS

May 13, 2004

Speaker Morgan makes the following committee assignments:

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION: Add Representative Steen; remove Representative Daughtridge.

FINANCE: Add Representative Daughtridge; remove Representative Steen.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bills are withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Finance:

H.B. 1343, A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPED IDENTIFICATION TAGS.

H.B. 1348, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

H.B. 1355, A BILL TO BE ENTITLED AN ACT TO SHIFT THE STATE'S ECONOMIC DEVELOPMENT RESOURCES TO MORE EFFICIENT AND EFFECTIVE INCENTIVES.

H.B. 1356, A BILL TO BE ENTITLED AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION

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TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES.

H.B. 1358, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROL OFFICERS TO PURCHASE RETIRED HIGHWAY PATROL SPECIAL REGISTRATION PLATES.

H.B. 1369, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS.

H.B. 1375, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SMALL BUSINESSES THAT PROVIDE EMPLOYEE HEALTH INSURANCE.

H.B. 1380, A BILL TO BE ENTITLED AN ACT TO ALLOW A REFUND OF THE TAX PAID ON STALE OR OTHERWISE UNSALABLE TOBACCO PRODUCTS.

H.B. 1385, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS BY THE CITY OF WASHINGTON AND THE TOWN OF CRESWELL.

H.B. 1389, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS.

H.B. 1412, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE FEES CHARGED BY THE REGISTER OF DEEDS TO FILE A POWER OF ATTORNEY OR THE REVOCATION OF A POWER OF ATTORNEY MADE BY AN ACTIVE DUTY MILITARY MEMBER.

H.B. 1415, A BILL TO BE ENTITLED AN ACT TO CREATE AN ALTERNATIVE RESEARCH AND DEVELOPMENT TAX CREDIT.

H.B. 1416, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE JOB DEVELOPMENT INVESTMENT GRANT

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PROGRAM AND TO ALLOW THE ECONOMIC INVESTMENT COMMITTEE TO ENTER INTO MORE AGREEMENTS UNDER THE PROGRAM AND TO COMMIT MORE FUNDS.

H.B. 1417, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY.

H.B. 1418, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bills are withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Transportation:

H.B. 1344, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO DEFINE THE INTRASTATE HIGHWAY SYSTEM OF THE STATE AND TO MAKE THE INTRASTATE SYSTEM ELIGIBLE FOR HIGHWAY TRUST FUND FUNDS.

H.B. 1345, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES.

H.B. 1346, A BILL TO BE ENTITLED AN ACT TO MODIFY THE RATE OF INTEREST ALLOWED ON HIGHWAY CONDEMNATION AWARDS.

H.B. 1359, A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION.

H.B. 1360, A BILL TO BE ENTITLED AN ACT TO EXEMPT MOVEMENT AROUND EMERGENCY VEHICLES FROM HOV LANE RESTRICTIONS.

H.B. 1372, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES.

H.B. 1379, A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.

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H.B. 1381, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT.

H.B. 1382, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS.

H.B. 1383, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES.

H.B. 1394, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES.

H.B. 1398, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE I-40 CORRIDOR IN NORTH CAROLINA AS THE U.S. VETERANS MEMORIAL HIGHWAY.

H.B. 1399, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION CONCERNING DRIVEWAY CONNECTIONS TO STATE HIGHWAYS.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bills are withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Local Government II:

H.B. 1350, A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF CHADBOURN.

H.B. 1363, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY.

H.B. 1364, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY

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PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES.

H.B. 1378, A BILL TO BE ENTITLED AN ACT TO PERMIT THE EDGECOMBE AND WILSON COUNTY BOARDS OF COMMISSIONERS TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY.

H.B. 1410, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF SUNSET BEACH IS AN EMPLOYING UNIT UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

H.B. 1420, A BILL TO BE ENTITLED AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bill is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Wildlife Resources:

H.B. 1349, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bill is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary I and, if favorable, to the Committee on Finance:

H.B. 1354, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bills are withdrawn from the Committee on

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Rules, Calendar, and Operations of the House and re-referred to the Committee on Appropriations:

H.B. 1347, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NEW DEPUTY CLERK OF COURT AND A NEW ASSISTANT CLERK OF COURT IN PENDER COUNTY.

H.B. 1352, A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM.

H.B. 1353, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO CONSTRUCT THE NORTH CAROLINA CARDIOVASCULAR DISEASES INSTITUTE AT EAST CAROLINA UNIVERSITY.

H.B. 1357, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

H.B. 1361, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA FOR ALLOCATING SMALL SCHOOL SYSTEM SUPPLEMENTAL FUNDING.

H.B. 1362, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SOUTHERN APPALACHIAN SCIENCE & TECHNOLOGY CENTER (SASTC) LOCATED IN POLK COUNTY.

H.B. 1368, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR GRANTS-IN-AID TO COMMUNITY HEALTH CENTERS, PUBLIC HEALTH DEPARTMENTS, FREE CLINICS, AND OTHER HEALTH CARE FACILITIES TO INCREASE ACCESS TO HEALTH CARE TO INDIGENT CLIENTS AND TO PROVIDE AN EFFECTIVE ALTERNATIVE TO MORE COSTLY HEALTH CARE, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE.

H.B. 1376, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AUTISM SOCIETY TO COVER INCREASES IN PERSONNEL CONTRACT COSTS FOR AUTISM SERVICES AND INFLATION.

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H.B. 1377, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TEACCH SUPPORTED PROGRAM AT THE SCHOOL OF MEDICINE OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

H.B. 1384, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO PROVIDE TO PUBLIC SCHOOL PERSONNEL AND TO STATE EMPLOYEES A LEGISLATIVE PAY INCREASE OF FIVE PERCENT AND ESTABLISHING A MINIMUM LIVING WAGE FOR STATE-FUNDED EMPLOYEES.

H.B. 1387, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE TEACHING FELLOWS PROGRAM.

H.B. 1388, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR BONUSES UNDER THE ABCS OF PUBLIC EDUCATION PROGRAM.

H.B. 1390, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.

H.B. 1392, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FEDERAL FUNDS UNDER THE TANF BLOCK GRANT FOR BOYS AND GIRLS CLUBS.

H.B. 1396, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SENIOR CENTER DEVELOPMENT AND OUTREACH, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

H.B. 1400, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ONE NORTH CAROLINA FUND AND TO CODIFY PROVISIONS RELATING TO THE ONE NORTH CAROLINA FUND.

H.B. 1402, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.

H.B. 1403, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF

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2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.

H.B. 1404, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PLAN FOR MOVING FACULTY AND PROFESSIONAL STAFF SALARIES IN THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO THE NATIONAL AVERAGE.

H.B. 1405, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN INVESTIGATORIAL ASSISTANT POSITION IN PROSECUTORIAL DISTRICT 16A.

H.B. 1407, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CAROLINA CHILDREN'S COMMUNICATIVE DISORDERS PROGRAM.

H.B. 1408, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HOME AND COMMUNITY CARE BLOCK GRANT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

H.B. 1413, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT.

H.B. 1414, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bill is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary I:

H.B. 1366, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bill is withdrawn from the Committee on

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Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary III:

H.B. 1373, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bill is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Pensions and Retirement:

H.B. 1371, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bills are withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Local Government I:

H.B. 1386, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS.

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bill is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Environment and Natural Resources:

H.B. 1393, A BILL TO BE ENTITLED AN ACT TO ALLOW MARINE FISHERIES INSPECTORS TO ACCEPT DELEGATION OF LAW ENFORCEMENT POWERS FROM THE NATIONAL MARINE FISHERIES SERVICE.

On motion of Representative Culpepper, seconded by Representative Womble, the House adjourns at 12:29 p.m. to reconvene Monday, May 13, 2004, at 7:00 p.m.

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ONE HUNDRED EIGHTH DAY

HOUSE OF REPRESENTATIVES
Monday, May 17, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Gracious God:

"It took only a word from You and light and darkness separated. It took only a breath and planets filled celestial skies. Throughout time Your words have brought peace and the divine plan to human history. These utterances from You must have been powerful reminders of Your omnipotence and wonder. Thus, as a part of Your created order, and more importantly, as Your children, send us a word this night. Send to us the power of words that transcend parties and battle lines. Grant unto us the ability to hear, shape, form, and phrase words that all of us can use to bring peace and prosperity to one another. Great God of heaven, by Your loving mercy...send us Your word. Amen."

Speaker Morgan leads the Body in the Pledge of Allegiance.

Representative Gorman, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 13 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Bonner, Cole, England, Gibson, Hill, Hilton, Howard, LaRoque, McMahan, Miller, and Sexton for today.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Luebke, G. Allen, Brubaker, Hill, McGee, Miner, Wainwright, and Wood:

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H.B. 1448, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SELLERS BE PROVIDED WITH NOTICE AND A SIXTY-DAY PERIOD TO RESPOND TO A REQUEST FOR A REFUND OF OVER-COLLECTED SALES OR USE TAXES BEFORE A PURCHASER MAY BRING A CAUSE OF ACTION AGAINST THE SELLER, is referred to the Committee on Finance.

By Representative Fisher:

H.B. 1449, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, is referred to the Committee on Judiciary I.

By Representative Miller:

H.B. 1450, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STOLEN REGISTRATION PLATES WILL BE REPLACED BY THE DIVISION OF MOTOR VEHICLES WITHOUT THE PAYMENT OF A FEE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives LaRoque and Church (Primary Sponsors); Allred, Bordsen, Daughtridge, Decker, Glazier, Gorman, Jones, Moore, Preston, Warner, and C. Wilson:

H.B. 1451, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE EXPRESS REVIEW PROGRAM, is referred to the Committee on Environment and Natural Resources.

By Representatives LaRoque and Church (Primary Sponsors); Allred, Blackwood, Daughtridge, Decker, Goodwin, Gorman, Jones, Lewis, McHenry, Moore, Preston, Warner, C. Wilson, and Wood:

H.B. 1452, A BILL TO BE ENTITLED AN ACT TO REDUCE PERSONAL INCOME TAXES, is referred to the Committee on Finance and, if favorable, to the Committee on Appropriations.

By Representatives Moore and Clary (Primary Sponsors); Glazier, Gorman, and Pate:

H.B. 1453, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE

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CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, is referred to the Committee on Judiciary III.

By Representative A. Williams:

H.B. 1454, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY, is referred to the Committee on Local Government I.

By Representatives Preston and Warner (Primary Sponsors); Bell, Blackwood, Bonner, Fisher, Glazier, Gorman, Insko, Parmon, Sauls, Warren, and Womble:

H.B. 1455, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS, is referred to the Committee on Education.

By Representatives Preston and Warner (Primary Sponsors); B. Allen, Bell, Blackwood, Bonner, Fisher, Insko, Lucas, McLawhorn, Parmon, Sauls, Warren, and Womble:

H.B. 1456, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS, is referred to the Committee on Education.

By Representatives Preston and Warner (Primary Sponsors); B. Allen, Bell, Bonner, Farmer-Butterfield, Fisher, Gorman, Insko, Lucas, Luebke, Parmon, Sauls, Warren, and Womble:

H.B. 1457, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO ENCOURAGE THE IDENTIFICATION AND DEVELOPMENT OF A CONTINUUM OF COMMUNITY

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SOLUTIONS TO MEET THE EDUCATIONAL NEEDS OF STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS, AND TO REQUIRE EVERY LOCAL SCHOOL ADMINISTRATIVE UNIT TO OFFER AN ALTERNATIVE SETTING TO STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS, is referred to the Committee on Education.

By Representatives Preston and Warner (Primary Sponsors); B. Allen, L. Allen, Bell, Blackwood, Bonner, Farmer-Butterfield, Fisher, Glazier, Insko, Lucas, Luebke, McLawhorn, Parmon, Sauls, Warren, and Womble:

H.B. 1458, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO PROVIDE SCHOOL COUNSELORS IN EVERY ALTERNATIVE SCHOOL AND TO MEET THE RECOMMENDED RATIO OF COUNSELORS TO STUDENTS IN EVERY MIDDLE SCHOOL IN NORTH CAROLINA, AND TO APPROPRIATE FUNDS, is referred to the Committee on Appropriations.

By Representatives Preston and Warner (Primary Sponsors); Bell, Blackwood, Bonner, Fisher, Lucas, McLawhorn, Parmon, Sauls, Warren, and Womble:

H.B. 1459, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE ALL TEACHERS AND ADMINISTRATORS TO TAKE THREE RENEWAL CREDITS IN DIVERSITY TRAINING, ANGER MANAGEMENT, CONFLICT RESOLUTION, OR CLASSROOM MANAGEMENT AND TO DETERMINE WHETHER TEACHER PREPARATION PROGRAMS SHOULD REQUIRE SIMILAR COURSES, is referred to the Committee on Education.

By Representatives Preston and Warner (Primary Sponsors); Bell, Blackwood, Bonner, Farmer-Butterfield, Fisher, Gorman, Lucas, Luebke, Parmon, Sauls, Warren, and Womble:

H.B. 1460, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO REQUIRE SCHOOLS TO DEVELOP

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AND IMPLEMENT INTERVENTION PLANS FOR STUDENTS WHO ARE SUSPENDED FROM SCHOOL, is referred to the Committee on Education.

By Representative Frye:

H.J.R. 1461, A JOINT RESOLUTION HONORING THE PENLAND SCHOOL OF CRAFTS ON ITS 75TH ANNIVERSARY AND THE MEMORY OF LUCY MORGAN, THE FOUNDER OF THE PENLAND SCHOOL OF CRAFTS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Frye:

H.B. 1462, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES, is referred to the Committee on Local Government II.

By Representatives C. Wilson, LaRoque, and Church (Primary Sponsors); Allred, Barnhart, Bordsen, Daughtridge, Decker, Glazier, Gorman, Jones, Steen, and Warner:

H.B. 1463, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION, is referred to the Committee on Insurance.

By Representatives C. Wilson, Culpepper, Miner, and Hill (Primary Sponsors); Church, Daughtridge, Decker, Jones, LaRoque, McHenry, Parmon, Preston, and K. Williams:

H.B. 1464, A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN AFTER AUGUST 25 AND CLOSE NOT AFTER JUNE 10, EXCEPT IN UNUSUAL CIRCUMSTANCES OR IN YEAR-ROUND SCHOOLS; TO ENSURE THAT TEACHERS MAY BE PAID IN AUGUST IF THEY SO DESIRE; AND TO PROVIDE THAT SALARIES NOT DECREASE AS A RESULT OF THE REDUCTION IN TEACHER WORKDAYS, is referred to the Committee on Commerce.

By Representatives Brubaker, G. Allen, Glazier, Goodwin, Hill, Luebke, McGee, Miner, Mitchell, Wainwright, and Wood:

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H.B. 1465, A BILL TO BE ENTITLED AN ACT TO ALLOW FARMLAND OWNED BY A FAMILY BUSINESS TO KEEP ITS PRESENT-USE VALUE TAX STATUS WHEN LEASED FOR FARM USE, is referred to the Committee on Finance.

By Representative Brubaker:

H.B. 1466, A BILL TO BE ENTITLED AN ACT TO REPEAL THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' EXEMPTION FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WHEN ADOPTING NEW OR AMENDING EXISTING MEDICAL COVERAGE POLICIES UNDER THE STATE MEDICAID PROGRAM, is referred to the Committee on Appropriations.

By Representatives Nye, Daughtridge, England, Glazier, Goodwin, Insko, Luebke, Walend, and Warner:

H.B. 1467, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON COUNTY MEDICAID COST-SHARING, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Nye, Bowie, Barbee, and Justus (Primary Sponsors); Glazier, Insko, Preston, and Warner:

H.B. 1468, A BILL TO BE ENTITLED AN ACT TO DIRECT THE EXECUTIVE ADMINISTRATOR OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO INITIATE OR CONTINUE CERTAIN DISEASE MANAGEMENT ACTIVITIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE, is referred to the Committee on Health.

By Representatives Nye, Barbee, Justus, and Insko (Primary Sponsors); Glazier and Warner:

H.B. 1469, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INITIATE OR CONTINUE CERTAIN DISEASE MANAGEMENT ACTIVITIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE, is referred to the Committee on Health.

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By Representatives Nye, Clary, Blackwood, and Goforth (Primary Sponsors); Barnhart, Glazier, Gorman, Lewis, and Steen:

H.B. 1470, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE, is referred to the Committee on Finance.

By Representative Frye:

H.B. 1471, A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE, is referred to the Committee on Finance.

By Representatives Rhodes, Alexander, Carney, Cunningham, Earle, Gulley, McMahan, Saunders, and C. Wilson:

H.B. 1472, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CORNELIUS TO PROVIDE FOR STREET OR SIDEWALK IMPROVEMENTS WITHOUT PETITION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McLawhorn, C. Johnson, and Warren:

H.B. 1473, A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN PITT COUNTY, is referred to the Committee on Public Utilities.

By Representative Rapp:

H.B. 1474, A BILL TO BE ENTITLED AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE, is referred to the Committee on Local Government II.

By Representative Goodwin:

H.B. 1475, A BILL TO BE ENTITLED AN ACT TO ANNEX THE ALBEMARLE CORRECTIONAL INSTITUTION TO THE TOWN OF BADIN, is referred to the Committee on Finance.

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By Representatives Owens, Bowie, Justus, and Blackwood (Primary Sponsors):

H.B. 1476, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON HEALTH INSURANCE MANDATES TO JULY 1, 2006, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY HEALTH INSURANCE MANDATES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McComas:

H.B. 1477, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYEES TO REPORT TO THE DIVISION OF MOTOR VEHICLES THE NAME OF THE EMPLOYEE AND THE RESULTS OF ANY FEDERALLY REQUIRED AND TRANSPORTATION RELATED FAILED DRUG AND ALCOHOL TEST, AND TO REQUIRE THE DIVISION TO PROVIDE THE INFORMATION IT COLLECTS TO OTHER EMPLOYERS REQUIRED BY FEDERAL LAW TO TEST TRANSPORTATION RELATED EMPLOYEES, is referred to the Committee on Transportation.

By Representatives Hackney, Adams, Farmer-Butterfield, Glazier, and Parmon:

H.B. 1478, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE, is referred to the Committee on Pensions and Retirement.

By Representatives Weiss and Insko (Primary Sponsors); Fisher, Glazier, Luebke, McLawhorn, Rapp, and Warren:

H.B. 1479, A BILL TO BE ENTITLED AN ACT TO PROTECT NORTH CAROLINIANS BY AMENDING THE SEX OFFENDER REGISTRATION LAW TO PROVIDE ADDITIONAL NOTIFICATION MEASURES DESIGNED TO NOTIFY NEW RESIDENTS OF THE STATE WHO ARE SEX OFFENDERS OF THE DUTY TO REGISTER IN THIS STATE AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, is referred to the Committee on Judiciary III and, if favorable, to the Committee on Appropriations.

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By Representatives C. Wilson, Hill, Brubaker, and Wainwright (Primary Sponsors); Barbee, Barnhart, Capps, Dickson, Frye, Gillespie, Glazier, Goodwin, Gorman, L. Johnson, Justus, Lewis, McHenry, Moore, Parmon, Pate, Preston, Steen, Walend, K. Williams, and Wood:

H.B. 1480, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN "IN GOD WE TRUST" SPECIAL REGISTRATION PLATE WITH THE PROCEEDS GOING TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED NORTH CAROLINA NATIONAL GUARDSMEN, is referred to the Committee on Finance.

By Representatives C. Wilson and Moore (Primary Sponsors); Barnhart, Capps, Daughtridge, Goodwin, L. Johnson, Steen, Sutton, Walend, and Warner:

H.B. 1481, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPACE ON THE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE DONATIONS TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Sutton, Bordsen, Goodwin, and Warner:

H.B. 1482, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PAVING OF ROADS AT THE INDIAN CULTURAL CENTER IN ROBESON COUNTY, is referred to the Committee on Appropriations.

By Representatives Sutton, Bordsen, and Warner:

H.B. 1483, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE OUTDOOR DRAMA "STRIKE AT THE WIND" IN ROBESON COUNTY, is referred to the Committee on Appropriations.

By Representatives Moore, Clary, and England (Primary Sponsors):

H.B. 1484, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE

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BOARD OF ELECTIONS, is referred to the Committee on Local Government I.

By Representatives Nye, Barbee, Goforth, and Jeffus (Primary Sponsors); Adams, Barnhart, Bordsen, Glazier, Insko, and Steen:

H.B. 1485, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND COMMUNITY CARE OF NORTH CAROLINA, THE MANAGED CARE PROGRAM IN MEDICAID THAT HAS A DISEASE MANAGEMENT COMPONENT, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE, is referred to the Committee on Appropriations.

By Representatives Clary, Nye, and Weiss (Primary Sponsors); Adams, L. Allen, Bordsen, Culp, Farmer-Butterfield, Glazier, Luebke, and Moore:

H.B. 1486, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS AND TO REQUIRE THE SOCIAL SERVICES COMMISSION TO ADOPT A RATE INCREASE FOR ADULT DAY SERVICES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Appropriations.

By Representatives Clary, Nye, and Weiss (Primary Sponsors); Adams, Bell, Culp, Fisher, Glazier, Gorman, Insko, Luebke, and Moore:

H.B. 1487, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTRACT WITH A THIRD PARTY TO STUDY WHETHER AN INSTITUTIONAL BIAS EXISTS IN THE STATE'S MEDICAID PROGRAM, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Health and, if favorable, to the Committee on Appropriations.

By Representatives Clary, Nye, Weiss, and G. Wilson (Primary Sponsors); Adams, Bordsen, Culp, Farmer-Butterfield, Fisher, Glazier, Gorman, Insko, LaRoque, Lewis, Moore, Parmon, and Warner:

H.B. 1488, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SENIOR ADULT HOUSING, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Appropriations.

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By Representatives Clary, Nye, and Weiss (Primary Sponsors); L. Allen, Barnhart, Culp, Fisher, Glazier, Gorman, Insko, Lewis, Moore, Steen, Walend, and Warner:

H.B. 1489, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Finance.

By Representatives Clary, Nye, and Weiss (Primary Sponsors); Adams, Bell, Bordsen, Culp, Farmer-Butterfield, Fisher, Glazier, Gorman, Insko, Lewis, Luebke, Moore, and Walend:

H.B. 1490, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATED TO MENTALLY ILL RESIDENTS IN LONG-TERM CARE FACILITIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Health and, if favorable, to the Committee on Appropriations.

By Representatives LaRoque, Gorman, and Moore:

H.B. 1491, A BILL TO BE ENTITLED AN ACT TO PROTECT NORTH CAROLINIANS BY AMENDING THE SEX OFFENDER REGISTRATION LAW TO PROVIDE ADDITIONAL NOTIFICATION MEASURES DESIGNED TO NOTIFY NEW RESIDENTS OF THE STATE WHO ARE SEX OFFENDERS OF THE DUTY TO REGISTER IN THIS STATE AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, is referred to the Committee on Judiciary III, and, if favorable, to the Committee on Appropriations.

By Representatives Stiller, Owens, Bowie, and Justus (Primary Sponsors):

H.B. 1492, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Jeffus, Adams, Alexander, B. Allen, Culp, Cunningham, Dickson, Fisher, Glazier, Goforth, L. Johnson, Lucas, Luebke, McAllister, Parmon, Rapp, Warner, and Weiss:

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H.B. 1493, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE KIDS VOTING NORTH CAROLINA PROGRAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Insko, Bowie, Justus, and Allred (Primary Sponsors); Adams and Preston:

H.B. 1494, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMITTEE ON HIGH-RISK HEALTH INSURANCE POOLS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Luebke, Coates, and Cole (Primary Sponsors); Bell, Bordsen, Dickson, Fisher, Fox, Glazier, Hackney, Haire, C. Johnson, McLawhorn, Parmon, Rapp, Sutton, Wainwright, Warren, Weiss, A. Williams, and Yongue:

H.B. 1495, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PUBLICATION, MONITORING, AND REPORTING ON ECONOMIC DEVELOPMENT INCENTIVE CLAWBACKS AND TO PROVIDE FOR FIRST SOURCE HIRING AGREEMENTS FOR INCENTIVE GRANTS AND LOANS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives C. Wilson and Culpepper (Primary Sponsors); and Goodwin:

H.B. 1496, A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO AUTHORIZE A PERSON TO PETITION AN AGENCY TO DETERMINE THE NEED FOR A RULE, is referred to the Committee on Rules, Calendar, and Operations of the House.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
May 13, 2004

Mr. Speaker:

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It is ordered that a message be sent to the House of Representatives informing that Honorable Body that the following officers have been elected by the Republican Caucus:

Senator James S. Forrester
Senator Tom Apodaca

Republican Leader
Deputy Republican Leader

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

INTRODUCTION OF PAGES

Pages for the week of May 17 are introduced to the membership. They are: Danielle Bagley of Granville; Jasmine Bullard of Robeson; Jessica Dial of Wake; Jonathan Furnas of Rowan; Emily Johnson of Iredell; Lawrence Kovalcin of Watauga; Trey Newman of Guilford; Shannon Power of Granville; Justin Reece of Wayne; John Rudd of Transylvania; and Ashley Williams of Onslow.

On motion of Representative Gorman, seconded by Representative McLawhorn, the House adjourns at 7:33 p.m. to reconvene May 18 at 3:00 p.m.

ONE HUNDRED NINTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, May 18, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Extravagant God:

"In the midst of life, all of us search for acceptance. This is a normal part of our human nature, and Your unconditional acceptance of us is a cherished and welcomed gift. But, like every good gift given to us under heaven, Your gifts can be exploited or misused. Some of us seek acceptance in the forms of money or power. Others of us seek acceptance

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in the ways of status, privilege or prestige. Still others of us search a myriad of other avenues in our yearning for acceptance. With an outpouring of Thine all victorious love, pour out Your mercy upon us and help us to believe what we cannot always see, namely that Your love for us is nothing less than the total acceptance of who we are and whose we are. We belong to You, and nothing in life or in death can be more reassuring than this form of divine extravagance. Thank You. Amen."

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

Leaves of absence are granted Representatives Howard, Miller, and Preston for today.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Wainwright, G. Allen, Brubaker, Hill, Luebke, McGee, Miner, and Wood:

H.B. 1497, A BILL TO BE ENTITLED AN ACT TO ADOPT A FLAT COLLECTION ASSISTANCE FEE UNDER THE SETOFF DEBT COLLECTION ACT, is referred to the Committee on Finance.

By Representatives Tolson, Goforth, Allred, and Bell (Primary Sponsors); Carney, Farmer-Butterfield, Glazier, Jeffus, and Wainwright:

H.B. 1498, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HEALTH CARE WORKFORCE DEVELOPMENT STUDY COMMISSION, is referred to the Committee on Health and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Yongue and Warner (Primary Sponsors); B. Allen, L. Allen, Allred, Bell, Blackwood, Bonner, Coates, Culp, Dickson, Fox, Frye, Glazier, Gorman, Hilton, Insko, Jeffus, Lewis, Lucas, McLawhorn, Pate, Rapp, Sauls, Steen, Tolson, Wainwright, Warren, and A. Williams:

H.B. 1499, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION

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OVERSIGHT COMMITTEE TO MODIFY AND EXTEND THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS, is referred to the Committee on Pensions and Retirement.

By Representatives Yongue and Warner (Primary Sponsors); Bell, Bonner, Glazier, Gorman, Hilton, Lewis, Lucas, Pate, Sauls, Steen, and Tolson:

H.B. 1500, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO AUTHORIZE THE STATE BOARD OF EDUCATION TO DETERMINE WHICH APPLICANTS FOR TEACHING POSITIONS ARE REQUIRED TO DEMONSTRATE PREPARATION ON A STANDARD EXAMINATION, is referred to the Committee on Education.

By Representatives Nye, Alexander, Farmer-Butterfield, and Lewis:

H.B. 1501, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR BEGINNINGS FOR PARENTS OF CHILDREN WHO ARE DEAF OR HARD OF HEARING, INC., is referred to the Committee on Appropriations.

By Representatives Nye and Alexander:

H.B. 1502, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHARLOTTE TEACCH CENTER, A REGIONAL CENTER SUPERVISED BY THE DIVISION TEACCH PROGRAM AT THE SCHOOL OF MEDICINE OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, is referred to the Committee on Appropriations.

By Representative Wright:

H.B. 1503, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT TECHNICAL AND CONFORMING CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, is referred to the Committee on Appropriations.

ADDENDA TO COMMITTEE ASSIGNMENTS

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Speaker Black makes the following committee assignments:

FINANCE: Representatives Daughtridge and Wood, Vice Chairs.

CALENDAR

Action is taken on the following:

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

H.B. 1411 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEANFRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE CONSTRUCTION OF AN EMERGENCY BERM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

On motion of Representative Culpepper, 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.

Speaker Morgan is recorded as voting "aye". The adjusted vote total is (110-0).

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

S.B. 623 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A SPECIAL DEADLINE FOR EXEMPT ADULT HOUSING FACILITIES LOCATED IN A DOWNTOWN AREA AND BEING RELOCATED DUE TO A MAJOR ECONOMIC DEVELOPMENT PROJECT, 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 the House committee substitute bill by Special Message.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1357**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE

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FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Pensions and Retirement.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1492**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, 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, pursuant to Rule 39.2 and without objection, **H.B. 1493**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE KIDS VOTING NORTH CAROLINA PROGRAM, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Appropriations.

On motion of Representative Culpepper, seconded by Representative Cole, the House adjourns at 3:25 p.m. to reconvene May 19 at 3:00 p.m.

ONE HUNDRED TENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, May 19, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Merciful God:

"As we travel the roads of life, we often find that there are many forks, twists and turns with which we are unfamiliar. Sometimes taking an unknown road can become an adventure that leads to new life. Sometimes taking the wrong road can lead us astray and ultimately, we find ourselves lost. However, in our modern world of cell phones, automobiles equipped with GPS systems, and On Star buttons that can summon help from just about anywhere, we might find ourselves depending too much upon gadgetry than instinct. So, it is with our spiritual lives as well.

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"Lord, we know that You speak to our hearts always. We know that if we follow the map You provide for us, we are less prone to get lost. Nonetheless, in our harried efforts to be the masters' of our own souls, we do, indeed, get lost. But, we thank You that through Your Holy Spirit, Your presence is always with us. We do not need to press any special button or device to find You. We need not rely on gadgetry to summon You. All we need to do is to humble ourselves and ask for You, and You are there. What greater gift of love can there be than to know that the God of heaven and earth cares enough about each one of us to know even the road map of our souls. Amen."

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

Leaves of absence are granted Representatives Capps, Daughtridge, Glazier, Howard, and Ray for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Baker, Clary, Crawford, Earle, Grady, Owens, Sherrill, and Wright, Chairs, for the Committee on Appropriations:

H.B. 1352, A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of May 20. The original bill is placed on the Unfavorable Calendar.

By Representative Walker, Chair, for the Committee on Local Government I:

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA, with a favorable report.

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Pursuant to Rule 36(b), the bill is placed on the Calendar of May 20.

H.B. 1447, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of May 20.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Hill:

H.B. 1504, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COLUMBUS COUNTY PRISON BE CONSTRUCTED IN ACCORDANCE WITH THE SAME NORTH CAROLINA STATE BUILDING CODE UNDER WHICH THE PRISONS IN SCOTLAND, ANSON, ALEXANDER, GREENE, AND BERTIE COUNTIES WERE CONSTRUCTED, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Rapp, Bell, and McLawhorn (Primary Sponsors); B. Allen, Fisher, Glazier, Lucas, Wainwright, and Warren:

H.B. 1505, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON POSTRETIREMENT EARNINGS AND RETENTION INCENTIVES FOR TEACHERS AND STATE EMPLOYEES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Bonner:

H.B. 1506, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ROWLAND FIRE DEPARTMENT, is referred to the Committee on Appropriations.

By Representatives Bonner, Adams, and Parmon:

H.B. 1507, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ROBESON COUNTY AFRICAN-AMERICAN CULTURAL CENTER, is referred to the Committee on Appropriations.

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By Representatives Barnhart and L. Johnson (Primary Sponsors); and Steen:

H.B. 1508, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND KANNAPOLIS AS MUTUALLY AGREED UPON, is referred to the Committee on Finance.

By Representatives Barnhart and L. Johnson (Primary Sponsors); and Steen:

H.B. 1509, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD ADVANCED DEGREES TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE, is referred to the Committee on Health.

By Representatives Kiser and Haire (Primary Sponsors); Coates, England, Gillespie, Glazier, Gorman, Hilton, Insko, Justus, Moore, Pate, Steen, and Stiller:

H.B. 1510, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, is referred to the Committee on Judiciary IV.

By Representatives Kiser and Haire (Primary Sponsors):

H.B. 1511, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, is referred to the Committee on Judiciary IV.

By Representatives Kiser and Haire (Primary Sponsors); Bowie, England, Gillespie, Glazier, Gorman, Justus, Moore, Steen, and Stiller:

H.B. 1512, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER AS RECOMMENDED BY THE JOINT

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LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, is referred to the Committee on Judiciary IV.

By Representatives Bell and G. Wilson (Primary Sponsors); Glazier, McLawhorn, Pate, and Wainwright:

H.B. 1513, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM DEATH BENEFIT PAYABLE FROM THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement.

By Representatives Bell, G. Wilson, and Hackney (Primary Sponsors); Adams, Alexander, Farmer-Butterfield, Glazier, Goodwin, Insko, Lewis, Luebke, McComas, McLawhorn, Parmon, Pate, Ross, Wainwright, Warren, Weiss, and Womble:

H.B. 1514, A BILL TO BE ENTITLED AN ACT TO PROVIDE A COST-OF-LIVING ADJUSTMENT FOR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement.

By Representatives Dickson, Glazier, Gorman, and Lewis (Primary Sponsors); Alexander, B. Allen, Blackwood, Bordsen, Goodwin, McAllister, Pate, Rapp, Sauls, Steen, Wainwright, and Warren:

H.B. 1515, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Frye, Adams, Barnhart, Blackwood, Capps, Creech, Culp, Daughtridge, Dockham, Gillespie, Gulley, Hilton, Justus, Lucas, McGee, McHenry, Mitchell, Moore, Parmon, Pate, Ray, Rayfield, Starnes, Steen, Walend, Walker, C. Wilson, G. Wilson, and Womble:

H.B. 1516, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONTINUED FINANCIAL SECURITY OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement.

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By Representatives Sauls and K. Williams (Primary Sponsors); Culp, Goodwin, Hilton, McHenry, Moore, and Pate:

H.B. 1517, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENT FOR THE USE OF HELMETS BY OPERATORS AND PASSENGERS ON MOTORCYCLES AND TO ADJUST THE FEE ON PRIVATE MOTORCYCLE REGISTRATIONS IN ORDER TO PROVIDE ADDITIONAL FUNDS FOR THE MOTORCYCLE SAFETY PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MOTORCYCLE HELMET LAWS, is referred to the Committee on Rules, Calendar, and Operations of the House.

ENROLLED BILLS

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

S.B. 623, AN ACT TO PROVIDE FOR A SPECIAL DEADLINE FOR EXEMPT ADULT HOUSING FACILITIES LOCATED IN A DOWNTOWN AREA AND BEING RELOCATED DUE TO A MAJOR ECONOMIC DEVELOPMENT PROJECT.

H.B. 1411, AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEANFRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE CONSTRUCTION OF AN EMERGENCY BERM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Eddins and Holliman (Primary Sponsors); B. Allen, Gillespie, Glazier, Harrell, Hilton, Justus, McLawhorn, Pate, A. Williams, and K. Williams:

H.B. 1518, A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD, is referred to the Committee on Judiciary IV.

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By Representatives Eddins and Holliman (Primary Sponsors); B. Allen, Gillespie, Harrell, Hilton, Justus, McLawhorn, Pate, Stiller, A. Williams, and K. Williams:

H.B. 1519, A BILL TO BE ENTITLED AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS AND CIVIL JUDGMENTS ENTERED AGAINST THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME, is referred to the Committee on Judiciary IV.

By Representatives Clary and Rayfield (Primary Sponsors):

H.B. 1520, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY, is referred to the Committee on Finance.

By Representative Eddins:

H.B. 1521, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO COMPLETE STORMWATER CONTROL PROGRAMS REQUIRED UNDER THE PHASE II STORMWATER RULES FOR MUNICIPALITIES WITH A POPULATION OF TWO THOUSAND OR LESS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, is referred to the Committee on Environment and Natural Resources.

By Representatives Weiss, Coates, Farmer-Butterfield, Fisher, Glazier, Hackney, Insko, Lewis, Luebke, McLawhorn, Pate, Ross, Warren, and Womble:

H.B. 1522, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO CONDUCT NATIONAL CRIMINAL HISTORY RECORD CHECKS OF PERSONS SEEKING EMPLOYMENT TO PROVIDE DIRECT CARE IN ADULT CARE HOMES AND CONTRACT AGENCIES OF ADULT CARE HOMES, AND TO MAKE CONFORMING CHANGES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Judiciary I, and, if favorable, to the Committee on Appropriations.

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By Representatives Weiss, Insko, and Earle (Primary Sponsors); Adams, B. Allen, Coates, Culp, Farmer-Butterfield, Fisher, Glazier, Gorman, Hackney, Lewis, Luebke, McLawhorn, Parmon, Pate, Ross, Wainwright, and Womble:

H.B. 1523, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW CRIMINAL HISTORY RECORD CHECKS TO DETERMINE IF PERSONS EMPLOYED IN OR SEEKING EMPLOYMENT IN NURSING HOMES AND ADULT CARE HOMES ARE FIT TO BE RESPONSIBLE FOR THE SAFETY AND WELL-BEING OF AGED OR DISABLED PERSONS RESIDING IN THE HOMES; AND TO PROVIDE THAT INDIVIDUALS DETERMINED TO BE UNFIT TO BE RESPONSIBLE FOR THE SAFETY AND WELL-BEING OF AGED OR DISABLED INDIVIDUALS RESIDING IN NURSING HOMES OR ADULT CARE HOMES MAY NOT BE EMPLOYED BY THE NURSING HOME OR ADULT CARE HOME; AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW CRIMINAL HISTORY RECORD CHECKS TO DETERMINE FITNESS FOR EMPLOYMENT IN NURSING HOMES AND ADULT CARE HOMES, is referred to the Committee on Judiciary I and, if favorable, to the Committee on Appropriations.

By Representatives Weiss and Moore (Primary Sponsors); Adams, B. Allen, Farmer-Butterfield, Fisher, Glazier, Insko, Lewis, Lucas, Luebke, McLawhorn, and Parmon:

H.B. 1524, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD WELFARE COLLABORATIVE, is referred to the Committee on Appropriations.

By Representatives Moore and Weiss (Primary Sponsors); B. Allen, Farmer-Butterfield, Fisher, Glazier, Hackney, Insko, Luebke, McLawhorn, Ross, and Wainwright:

H.B. 1525, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILD CARE SUBSIDIES, is referred to the Committee on Appropriations.

By Representative Culp:

H.B. 1526, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE CITY OF RANDLEMAN, is referred to the Committee on Finance.

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By Representatives B. Allen, Farmer-Butterfield, Fisher, Goodwin, Hall, Hunter, Jones, Munford, Pate, Sauls, Stiller, Wainwright, Womble, and Wright:

H.B. 1527, A BILL TO BE ENTITLED AN ACT TO LIMIT OUT-OF-STATE UNDERGRADUATE ENROLLMENT AT EACH CONSTITUENT INSTITUTION EXCEPT THE NORTH CAROLINA SCHOOL OF THE ARTS TO EIGHTEEN PERCENT OF THE ENTERING FRESHMAN CLASS AT THE INSTITUTION AND TO APPROPRIATE FUNDS TO ASSIST IN IMPLEMENTING THE ACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives B. Allen and Ross (Primary Sponsors); Alexander, Fisher, Insko, and Weiss:

H.B. 1528, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE LATIN AMERICAN RESOURCE CENTER, is referred to the Committee on Appropriations.

By Representatives Culpepper and Hackney:

H.B. 1529, A BILL TO BE ENTITLED AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE U. S. OPEN GOLF TOURNAMENT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culpepper:

H.B. 1530, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is referred to the Committee on Judiciary IV.

By Representatives Culpepper and Parmon:

H.B. 1531, A BILL TO BE ENTITLED AN ACT TO BAN PIGEON SHOTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is referred to the Committee on Judiciary IV.

By Representative Culpepper:

H.B. 1532, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO

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THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Rapp, Goforth, and Brubaker (Primary Sponsors); Adams, B. Allen, Carney, England, Farmer-Butterfield, Fisher, Glazier, Goodwin, Luebke, Parmon, A. Williams, and Womble:

H.B. 1533, A BILL TO BE ENTITLED AN ACT TO INCREASE HOMEOWNERSHIP IN NORTH CAROLINA BY DEVELOPING A PUBLIC EDUCATION CAMPAIGN REGARDING HOMEOWNERSHIP PROGRAMS AND THE BENEFITS OF HOMEOWNERSHIP, TO PROVIDE BETTER HOME BUYER PREPARATION AND CONSUMER CREDIT COUNSELING, TO CREATE REGIONAL COALITIONS TO IDENTIFY AND REDUCE BARRIERS TO HOMEOWNERSHIP, AND TO APPROPRIATE FUNDS TO ESTABLISH THOSE PROGRAMS, is referred to the Committee on Appropriations.

By Representative Hill:

H.B. 1534, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF CHADBOURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS, is referred to the Committee on Local Government II.

By Representatives K. Williams, Preston, and Grady (Primary Sponsors); Gorman and Wainwright:

H.B. 1535, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MARINE CORPS MUSEUM OF THE CAROLINAS, is referred to the Committee on Appropriations.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 486** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT SYSTEM THE AMBER ALERT SYSTEM, is withdrawn from the Committee on Ways and Means and re-referred to the Committee on Insurance.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 854**, A BILL TO BE ENTITLED AN ACT TO

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PROHIBIT COVERAGE FOR ABORTIONS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, is withdrawn from the Committee on Health and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1098**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO RECOGNIZE THE RIGHT TO HEALTH CARE, 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 Barbee, the House adjourns at 3:23 p.m. to reconvene May 20 at 10:00 a.m.

ONE HUNDRED ELEVENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, May 20, 2004

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by Speaker Black.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Patient God:

"Our lives are so filled with 'stuff'...stuff that is both important and stuff that we think is important. We tend to move quickly from task to task rarely stopping long enough to offer You even a moment of thanksgiving, yet alone lengthy moments of solitude and prayer. It is easy for us to become all-consumed with our work, with our hobbies, indeed, with ourselves. We are sorry when, in the midst of our search for self-fulfillment, we forget about You being the source of our strength. Come to us. Abide with us. Pick us up and draw us closely to Your side. Let us find our life's work and play, let us find our haven while we rest in the bosom of a wise, patient and loving God. Amen."

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

Leaves of absence are granted Representatives Capps, Daughtridge, Daughtry, Howard, McMahan, and Miller for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Walker, Chair, for the Committee on Local Government I:

H.B. 1386, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of May 24. The original bill is placed on the Unfavorable Calendar.

H.B. 1426, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of May 24. The original bill is placed on the Unfavorable Calendar.

H.B. 1433, A BILL TO BE ENTITLED AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

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Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of May 24. The original bill is placed on the Unfavorable Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Haire and Kiser (Primary Sponsors); Barnhart, England, Frye, Gillespie, Glazier, Insko, Justus, Lewis, Moore, Parmon, and Steen:

H.B. 1536, A BILL TO BE ENTITLED AN ACT TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, is referred to the Committee on Judiciary IV.

By Representatives Haire and Kiser (Primary Sponsors); Barnhart, England, Frye, Gillespie, Glazier, Insko, Justus, Lewis, Moore, Parmon, and Steen:

H.B. 1537, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, is referred to the Committee on Judiciary IV.

By Representatives Haire and Kiser (Primary Sponsors); Frye and Insko:

H.B. 1538, A BILL TO BE ENTITLED AN ACT TO AMEND THE MEMBERSHIP REQUIREMENTS OF THE JUVENILE CRIME PREVENTION COUNCILS, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, is referred to the Committee on Judiciary IV.

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By Representatives Lucas and Coates (Primary Sponsors); B. Allen, Bonner, Glazier, Goodwin, Grady, McLawhorn, Parmon, Pate, Steen, Sutton, Wainwright, Warner, and K. Williams:

H.B. 1539, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA DEPARTMENT OF VETERANS AFFAIRS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Warner, Church, Hilton, Lucas, McAllister, Parmon, Sauls, Stiller, Tolson, Wainwright, and Warren:

H.J.R. 1540, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO LIMIT OUT-OF-STATE UNDERGRADUATE ENROLLMENT AT EACH CONSTITUENT INSTITUTION EXCEPT THE NORTH CAROLINA SCHOOL OF THE ARTS TO EIGHTEEN PERCENT OF THE ENTERING FRESHMAN CLASS AT THE INSTITUTION AND TO APPROPRIATE FUNDS TO ASSIST IN IMPLEMENTING THE ACT, is referred to the Committee on Education.

By Representatives Warner and Gorman (Primary Sponsors); Church, Hilton, Lucas, McAllister, Parmon, Pate, Sauls, Stiller, Tolson, Wainwright, Warren, and Womble:

H.B. 1541, A BILL TO BE ENTITLED AN ACT TO LIMIT OUT-OF-STATE UNDERGRADUATE ENROLLMENT AT EACH CONSTITUENT INSTITUTION EXCEPT THE NORTH CAROLINA SCHOOL OF THE ARTS TO EIGHTEEN PERCENT OF THE ENTERING FRESHMAN CLASS AT THE INSTITUTION AND TO APPROPRIATE FUNDS TO ASSIST IN IMPLEMENTING THE ACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Moore:

H.B. 1542, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF SHELBY FOR ECONOMIC DEVELOPMENT GRANTS, is referred to the Committee on Appropriations.

By Representatives Sherrill, Goforth, and Fisher (Primary Sponsors):

H.B. 1543, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL, is referred to the Committee on Local Government I.

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By Representatives Moore, Lewis, and Gorman:

H.J.R. 1544, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO MURDERS THE OTHER PARENT OF THE CHILD, is referred to the Committee on Judiciary II.

By Representatives Insko and Hackney:

H.B. 1545, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GRANTS FROM UNIFORM PROGRAMS FOR PUBLIC CAMPAIGN FINANCING OF THE TOWN OF CHAPEL HILL DO NOT CONSTITUTE "CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON CONTRIBUTIONS; AND TO CLARIFY THAT THE TOWN OF CHAPEL HILL IS AUTHORIZED TO CONDUCT THOSE PROGRAMS, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Insko and Hackney (Primary Sponsors):

H.B. 1546, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TRANSFER OF DEVELOPMENT RIGHTS INTO THE URBAN AREA OF THE TOWN OF CHAPEL HILL IN ASSOCIATION WITH CONSERVATION EASEMENTS PURCHASED IN RURAL AREAS OF ORANGE COUNTY, is referred to the Committee on Local Government II.

By Representatives Insko and Hackney (Primary Sponsors):

H.B. 1547, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE, is referred to the Committee on Local Government II.

By Representatives Insko and Hackney (Primary Sponsors):

H.B. 1548, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CHAPEL HILL TO EXTEND THE PERIOD OF TIME IN WHICH A SPECIAL USE PERMIT CAN BE DELAYED WHEN PROPERTY IS IDENTIFIED AS A POTENTIAL SCHOOL SITE, is referred to the Committee on Local Government II.

By Representatives Sutton, Glazier, Gorman, C. Johnson, Lewis, Lucas, Pate, Sauls, Wainwright, Warner, and K. Williams:

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H.B. 1549, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN NORTH CAROLINA, is referred to the Committee on Military, Veterans and Indian Affairs.

By Representatives Sutton, Gorman, C. Johnson, Lucas, Pate, Wainwright, Warner, and K. Williams:

H.B. 1550, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS, is referred to the Committee on Military, Veterans and Indian Affairs.

By Representatives Sherrill, Goforth, and Fisher (Primary Sponsors):

H.B. 1551, A BILL TO BE ENTITLED AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE, is referred to the Committee on Local Government I.

By Representatives C. Johnson, Warren, and McLawhorn (Primary Sponsors):

H.B. 1552, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HELP CONSTRUCT THE NEW PITT COUNTY SENIOR CENTER, is referred to the Committee on Appropriations.

By Representative C. Johnson:

H.B. 1553, A BILL TO BE ENTITLED AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY, is referred to the Committee on Finance.

By Representatives Hill, Frye, Gillespie, Lewis, McGee, Moore, and Pate:

H.B. 1554, A BILL TO BE ENTITLED AN ACT TO MAKE THE OFFENSE OF SIMPLE ASSAULT OR AFFRAY ON A LAW ENFORCEMENT OFFICER, FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, MEDICAL RESPONDER, EMERGENCY DEPARTMENT NURSE, OR EMERGENCY DEPARTMENT PHYSICIAN A FELONY OFFENSE RATHER THAN A MISDEMEANOR OFFENSE AND TO INCREASE THE PENALTY FOR AN ASSAULT THAT INFLECTS SERIOUS BODILY

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INJURY OR ASSAULT WITH A DEADLY WEAPON ON EMERGENCY PERSONNEL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Sutton:

H.B. 1555, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES, is referred to the Committee on Finance.

By Representatives Goforth and Parmon:

H.J.R. 1556, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE TO MINORS OF CERTAIN SUBSTANCES THAT MAY BE HARMFUL IF USED INAPPROPRIATELY, is referred to the Committee on Judiciary IV.

By Representatives K. Williams and Sutton (Primary Sponsors); Goodwin, Gorman, Moore, Steen, Wainwright, and Warren:

H.B. 1557, A BILL TO BE ENTITLED AN ACT TO WAIVE AN AMOUNT EQUAL TO ONE-THIRD OF THE FUEL TAX COLLECTED ON MILITARY INSTALLATIONS EACH YEAR TO ENABLE THE ARMED FORCES TO IMPROVE QUALITY-OF-LIFE PROGRAMS FOR MILITARY MEMBERS AND THEIR FAMILIES IN NORTH CAROLINA, is referred to the Committee on Appropriations.

By Representatives K. Williams, Glazier, Goodwin, Gorman, C. Johnson, Lucas, McGee, Moore, Pate, Steen, Sutton, Wainwright, Warner, and Warren:

H.J.R. 1558, A JOINT RESOLUTION RECOGNIZING THE IMPORTANCE OF MILITARY BASES LOCATED IN THIS STATE TO ALL NORTH CAROLINIANS AND EXPRESSING THE GENERAL ASSEMBLY'S INTENT TO SUPPORT PROGRAMS AND STRATEGIES THAT PREVENT ENCROACHMENT UPON MILITARY INSTALLATIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives K. Williams, Glazier, Gorman, C. Johnson, Lewis, Lucas, Pate, Sutton, Wainwright, and Warner:

H.B. 1559, A BILL TO BE ENTITLED AN ACT TO CREATE A MILITARY BASE LAND PRESERVATION FUND AND TO APPROPRIATE FUNDS TO PROTECT LANDS AROUND MILITARY BASES, is referred to the Committee on Appropriations.

By Representatives Insko and B. Allen (Primary Sponsors); L. Allen, Farmer-Butterfield, Fisher, Glazier, Jones, Luebke, McLawhorn, Parmon, Wainwright, Warren, and Weiss:

H.B. 1560, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE OSTEOPOROSIS PREVENTION, TREATMENT, AND DIAGNOSIS PROGRAM IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, is referred to the Committee on Health.

By Representatives Insko and B. Allen (Primary Sponsors); L. Allen, Farmer-Butterfield, Fisher, Jones, Luebke, McLawhorn, Parmon, Wainwright, Warren, and Weiss:

H.B. 1561, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR OSTEOPOROSIS EDUCATION AND AWARENESS ACTIVITIES, AS RECOMMENDED BY THE OSTEOPOROSIS EDUCATION TASK FORCE, is referred to the Committee on Appropriations.

By Representatives Parmon and Womble (Primary Sponsors); Farmer-Butterfield and McGee:

H.B. 1562, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WINSTON-SALEM DELTA FINE ARTS, INC., is referred to the Committee on Appropriations.

By Representatives LaRoque, McLawhorn, Wainwright, and Warren (Primary Sponsors); and Gorman:

H.B. 1563, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NEUSE REGIONAL WATER AND SEWER AUTHORITY FOR THE CONSTRUCTION OF A NEW REGIONAL WATER SUPPLY TREATMENT PLANT, is referred to the Committee on Appropriations.

By Representatives Earle, Alexander, Carney, Cunningham, Gulley, McMahan, Saunders, and C. Wilson:

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H.B. 1564, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY, is referred to the Committee on Local Government II.

By Representatives Baker, Crawford, Haire, and Sherrill (Primary Sponsors):

H.B. 1565, A BILL TO BE ENTITLED AN ACT TO RECODIFY MANY OF THE PROVISIONS OF THE EXECUTIVE BUDGET ACT AND THE CAPITAL IMPROVEMENT PLANNING ACT INTO A STATE BUDGET ACT THAT REVISES AND CLARIFIES THE PROCEDURES FOR PREPARING, ENACTING, AND ADMINISTERING THE STATE BUDGET AND TO MAKE CONFORMING CHANGES AS RECOMMENDED BY THE JOINT COMMITTEE ON EXECUTIVE BUDGET ACT REVISIONS, is referred to the Committee on Appropriations.

By Representative Walker:

H.B. 1566, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY, is referred to the Committee on Local Government I.

By Representatives Sutton and K. Williams (Primary Sponsors); Glazier, Gorman, Lewis, and Wainwright:

H.B. 1567, A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY INSTALLATIONS, is referred to the Committee on Military, Veterans and Indian Affairs.

By Representative Hill:

H.B. 1568, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A SEPTIC TANK SYSTEM THAT IS FOR A LOT PLATTED PRIOR TO JULY 1, 1977, AND THAT IS OPERATED IN SOILS THAT ARE IN SOIL GROUP 1 MAY BE LOCATED TEN FEET OR MORE FROM ANY OTHER SEPTIC TANK SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Health.

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By Representative Hill:

H.B. 1569, A BILL TO BE ENTITLED AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY AND THE MUNICIPALITIES LOCATED WITHIN THAT COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES, is referred to the Committee on Local Government II.

By Representative A. Williams:

H.J.R. 1570, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REQUIRE APPROVAL OF THE COUNCIL OF STATE BEFORE EXCLUSIVE FEDERAL JURISDICTION IS GRANTED, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative A. Williams:

H.B. 1571, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE WINDOWS ON THE WORLD TECHNOLOGY CENTER, is referred to the Committee on Appropriations.

By Representatives Insko and Hackney:

H.B. 1572, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL TO CONTINUE TO OPERATE THE HORACE WILLIAMS AIRPORT, is referred to the Committee on Health.

By Representatives Luebke, Insko, Ross, and Weiss:

H.B. 1573, A BILL TO BE ENTITLED AN ACT TO STATE THE INTENT OF THE GENERAL ASSEMBLY TO EVALUATE THE TUITION GRANT PROGRAM AVAILABLE TO NORTH CAROLINA RESIDENTS WHO GRADUATE FROM THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS, TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS FOR THE SCHOOL OF SCIENCE AND MATHEMATICS TO COLLECT INFORMATION REGARDING THE PROGRAM, AND TO DIRECT THE BOARD OF GOVERNORS AND THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO REPORT THEIR FINDINGS AND RECOMMENDATIONS TO THE 2005 GENERAL ASSEMBLY AS TO WHETHER THAT TUITION GRANT

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PROGRAM SHOULD CONTINUE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hackney and Insko:

H.B. 1574, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and Natural Resources.

By Representatives Hackney, Bordsen, Fisher, Insko, Luebke, Parmon, Weiss, and Womble:

H.B. 1575, A BILL TO BE ENTITLED AN ACT TO REQUIRE HOLDERS OF CERTAIN ABC PERMITS TO RECYCLE ALL RECYCLABLE BEVERAGE CONTAINERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and Natural Resources.

By Representatives Justice and Womble (Primary Sponsors); Insko, Parmon, and Weiss:

H.J.R. 1576, A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE TRAFFICKING OF PERSONS AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH, is referred to the Committee on Children, Youth and Families.

By Representatives Justice and Womble (Primary Sponsors); Fisher, Insko, Luebke, Ross, and Weiss:

H.B. 1577, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON CIGARETTES AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH AND TO MAKE OTHER TECHNICAL CORRECTIONS, is referred to the Committee on Finance.

By Representative Justice:

H.B. 1578, A BILL TO BE ENTITLED AN ACT TO ALLOW PENDER COUNTY TO ASSESS AN EMERGENCY MEDICAL SERVICE FEE, is referred to the Committee on Finance.

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By Representatives Harrell and McComas (Primary Sponsors); Bowie, Goodwin, Jones, Parmon, Wainwright, and Warren:

H.B. 1579, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FILM INDUSTRY DEVELOPMENT ACCOUNT, is referred to the Committee on Appropriations.

By Representatives Wright, Farmer-Butterfield, Glazier, Jones, Parmon, Wainwright, and Womble:

H.B. 1580, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE OFFICE OF MINORITY HEALTH, is referred to the Committee on Appropriations.

By Representatives Gibson and McComas (Primary Sponsors); Wainwright, and Womble:

H.B. 1581, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and Natural Resources.

By Representative Gibson:

H.B. 1582, A BILL TO BE ENTITLED AN ACT TO PROMOTE WATER CONSERVATION IN MULTIFAMILY RESIDENTIAL PROPERTIES BY AMENDING VARIOUS STATE LAWS REGARDING THE USE OF SUBMETERS IN CONSECUTIVE WATER SYSTEMS IN LIGHT OF CHANGES IN POLICY RELATED TO WATER TESTING REQUIREMENTS AND WATER CONSERVATION BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and Natural Resources.

By Representatives Gibson and Glazier:

H.B. 1583, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERCENTAGE OF REVENUE CREDITED TO THE DRY-CLEANING SOLVENT CLEANUP FUND THAT MAY BE USED TO PAY COSTS OF ASSESSMENT OR REMEDIATION OF DRY-CLEANING SOLVENT

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CONTAMINATION THAT OCCURRED PRIOR TO 1 JULY 2001, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and Natural Resources.

By Representative Gibson:

H.B. 1584, A BILL TO BE ENTITLED AN ACT TO IMPROVE AND ACCELERATE PROCESSING OF CLAIMS UNDER THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and Natural Resources.

By Representatives Gibson, McComas, and Hackney (Primary Sponsors); Alexander, B. Allen, L. Allen, Bordsen, Carney, Farmer-Butterfield, Fisher, Haire, Insko, Justice, Luebke, Parmon, Ross, Wainwright, Weiss, and Womble:

H.B. 1585, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and Natural Resources.

By Representative Gibson:

H.B. 1586, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE NORTH CAROLINA BOARD OF MASSAGE AND BODYWORK THERAPY DOES NOT HAVE THE AUTHORITY TO ESTABLISH FEES RELATED TO THE APPROVAL OF MASSAGE AND BODYWORK THERAPY SCHOOLS, is referred to the Committee on Finance.

By Representatives Gibson and Parmon:

H.B. 1587, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE, is referred to the Committee on Finance.

By Representative Gibson:

H.B. 1588, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY

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COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY, is referred to the Committee on Local Government I.

By Representative Gibson:

H.B. 1589, A BILL TO BE ENTITLED AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, is referred to the Committee on Local Government I.

By Representatives Gibson, Bowie, and Lewis:

H.B. 1590, A BILL TO BE ENTITLED AN ACT TO REMOVE THE MINIMUM FRANCHISE TAX BASE FOR CORPORATIONS EXPERIENCING A NET ECONOMIC LOSS, is referred to the Committee on Finance.

By Representatives Nye, Insko, Luebke, and Wainwright:

H.B. 1591, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE PARTNERS IN AUTISM TREATMENT AND HABILITATION PROGRAM (PATH), is referred to the Committee on Appropriations.

By Representatives Nye, Alexander, Farmer-Butterfield, Insko, Luebke, McLawhorn, Parmon, Wainwright, Warren, and Weiss:

H.B. 1592, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO FUND SERVICES AND SUPPORT FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES COMMUNITY-BASED PROGRAM, AS REQUESTED BY COALITION 2001, is referred to the Committee on Appropriations.

By Representatives Preston and K. Williams (Primary Sponsors):

H.B. 1593, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF SWANSBORO, is referred to the Committee on Finance.

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By Representative Haire:

H.B. 1594, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT, is referred to the Committee on Finance.

By Representatives Culp and Lewis:

H.B. 1595, A BILL TO BE ENTITLED AN ACT TO SUSPEND FOR ONE WEEK THE FEE FOR FILING A DOCUMENT WITH THE ADVANCE HEALTH CARE DIRECTIVE REGISTRY IN THE OFFICE OF THE SECRETARY OF STATE, SO AS TO PROMOTE PUBLIC AWARENESS AND TO SHARPLY INCREASE UTILIZATION OF THE REGISTRY, is referred to the Committee on Finance.

By Representatives Lewis and Sauls (Primary Sponsors):

H.B. 1596, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE CAROLINA LAKES PROPERTY OWNERS' ASSOCIATION IN HARNETT COUNTY, is referred to the Committee on Local Government I.

By Representatives Culpepper and Glazier:

H.B. 1597, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A PUBLIC DEFENDER'S OFFICE IN THE FIRST DEFENDER DISTRICT, is referred to the Committee on Appropriations Subcommittee on Justice and Public Safety.

By Representatives Culpepper and Gorman:

H.B. 1598, A BILL TO BE ENTITLED AN ACT TO INCREASE THE LICENSING FEE AND PRIZE LIMITS FOR CHARITABLE BINGO, is referred to the Committee on Finance.

By Representative Goodwin:

H.B. 1599, A BILL TO BE ENTITLED AN ACT TO ALLOW INCOME TAX CREDITS TO EMPLOYERS THAT IMPLEMENT AUTOMATED TRACEABLE AUDIT SYSTEMS TO TRACK HOURLY EMPLOYEE

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WORK TIME AND ATTENDANCE, is referred to the Committee on Finance.

By Representatives Wright, Fisher, Glazier, Insko, Jones, Luebke, McLawhorn, Parmon, Wainwright, and Warren:

H.B. 1600, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR STATEWIDE ASTHMA MANAGEMENT AND CONTROL ACTIVITIES, is referred to the Committee on Appropriations.

By Representatives Wright, Fisher, Glazier, Insko, Jones, Luebke, McLawhorn, Parmon, Wainwright, Warren, and Womble:

H.B. 1601, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR DIABETES CONTROL ACTIVITIES, is referred to the Committee on Appropriations.

By Representative McComas:

H.B. 1602, A BILL TO BE ENTITLED AN ACT TO RECODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS AND TO INCREASE THE CREDIT FOR CERTAIN PASS-THROUGH ENTITIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Finance.

By Representative McComas:

H.B. 1603, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT BY FACILITATING THE REUSE OF CONTAMINATED REAL PROPERTY BY LIMITING THE LIABILITY OF PURCHASERS OF CONTAMINATED PROPERTY IN CIRCUMSTANCES WHERE THE SELLER OF THE PROPERTY OR ANOTHER PARTY ASSUMES RESPONSIBILITY FOR RESPONSE, REMEDIATION, AND NATURAL RESOURCES RESTORATION OF THE PROPERTY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and Natural Resources and, if favorable, to the Committee on Finance.

By Representatives Bowie, Adams, Blust, Jeffus, Jones, and Wood:

H.B. 1604, A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF

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THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS, is referred to the Committee on Local Government II.

By Representatives Bowie, McLawhorn, and Sherrill (Primary Sponsors); Luebke, Parmon, Ross, Wainwright, and Warren:

H.B. 1605, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THREE NEW FAMILY COURT PILOT PROGRAMS, is referred to the Committee on Appropriations Subcommittee on Justice and Public Safety.

By Representatives Moore, Crawford, Gorman, and Hill (Primary Sponsors); Allred, Baker, Barbee, Barnhart, Blackwood, Blust, Bowie, Brubaker, Capps, Church, Coates, Cole, Creech, Culp, Daughtridge, Daughtry, Decker, Dockham, Eddins, Ellis, England, Frye, Gillespie, Gulley, Hall, Hilton, Holmes, Hunter, C. Johnson, L. Johnson, Justice, Justus, Kiser, LaRoque, Lewis, McAllister, McComas, McGee, McHenry, McMahan, Mitchell, Owens, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Sexton, Stam, Starnes, Steen, Stiller, Walend, Walker, Warner, West, A. Williams, C. Wilson, G. Wilson, Wood, and Yongue:

H.B. 1606, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT MARRIAGE IS THE UNION OF ONE MAN AND ONE WOMAN AT ONE TIME, AND THIS IS THE ONLY MARRIAGE THAT IS RECOGNIZED AS VALID IN THIS STATE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Weiss and Miner (Primary Sponsors):

H.B. 1607, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE AND TO DELETE A PORTION OF A PARK FROM THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and Natural Resources.

By Representatives Adams, Blust, Bowie, Jeffus, Jones, and Wood:

H.B. 1608, A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE

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GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES, is referred to the Committee on Local Government II.

By Representative Miner:

H.B. 1609, A BILL TO BE ENTITLED AN ACT TO ADOPT A PROVISION ALLOWED UNDER THE STREAMLINED SALES TAX AGREEMENT THAT TREATS ALL PRINTERS EQUALLY, is referred to the Committee on Finance.

By Representatives Adams, Bordsen, Bowie, Fisher, Jeffus, Jones, Luebke, Parmon, Wainwright, and Weiss:

H.B. 1610, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INTERNATIONAL CIVIL RIGHTS CENTER AND MUSEUM, is referred to the Committee on Appropriations.

By Representatives Adams, Bowie, Farmer-Butterfield, Jeffus, Jones, Parmon, and Wainwright:

H.B. 1611, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY TO USE AS MATCHING FUNDS, is referred to the Committee on Appropriations.

By Representatives Adams, Bowie, Jeffus, Jones, and Parmon:

H.B. 1612, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE EAST MARKET STREET DEVELOPMENT CORPORATION, is referred to the Committee on Appropriations.

By Representative Culpepper:

H.B. 1613, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW IN CHOWAN COUNTY REGULATING HUNTING ON PRIVATE LAND, TO REGULATE THE DISCHARGE OF A CENTER-FIRE RIFLE IN CHOWAN COUNTY, AND TO ADD CHOWAN COUNTY TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS, is referred to the Committee on Wildlife Resources.

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By Representatives LaRoque and Wainwright:

H.B. 1614, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM, is referred to the Committee on Local Government I.

By Representative Gibson:

H.B. 1615, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and Natural Resources.

By Representative Gibson:

H.B. 1616, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Wildlife Resources.

CALENDAR

Action is taken on the following:

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA, 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.

H.B. 1447, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE.

On motion of Representative Warren and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of May 24.

H.B. 1352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH

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CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND.

Representative Luebke offers Amendment No. 1.

Representative Munford requests that he be excused from voting on this bill, because of a conflict of interest, under Rule 24.1A and this request is granted.

Amendment No. 1 fails of adoption by electronic vote (24-86).

The bill passes its second reading by electronic vote (99-14).

Representative Luebke 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 G. Allen, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1227, A BILL TO BE ENTITLED AN ACT TO PROVIDE A STATUTORY FRAMEWORK FOR THE FINANCING OF CAPITAL FACILITIES BY THE STATE AND TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, AND THE PRESERVATION OF NATURAL HERITAGE, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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. 1356, A BILL TO BE ENTITLED AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE

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THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES, with a favorable report.

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

H.B. 1448, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SELLERS BE PROVIDED WITH NOTICE AND A SIXTY-DAY PERIOD TO RESPOND TO A REQUEST FOR A REFUND OF OVER-COLLECTED SALES OR USE TAXES BEFORE A PURCHASER MAY BRING A CAUSE OF ACTION AGAINST THE SELLER, with a favorable report.

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

H.B. 1465, A BILL TO BE ENTITLED AN ACT TO ALLOW FARMLAND OWNED BY A FAMILY BUSINESS TO KEEP ITS PRESENT-USE VALUE TAX STATUS WHEN LEASED FOR FARM USE, with a favorable report.

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

H.B. 1497, A BILL TO BE ENTITLED AN ACT TO ADOPT A FLAT COLLECTION ASSISTANCE FEE UNDER THE SETOFF DEBT COLLECTION ACT, with a favorable report.

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

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 868** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF ASSAULT IN THE PRESENCE OF A CHILD, is withdrawn from the Committee on Judiciary III and re-referred to the Committee on Finance.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1425**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO

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MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE COUNTY SHERIFF'S OFFICE, is withdrawn from the Committee on Local Government II and re-referred to the Committee on Local Government I.

On motion of Representative Culpepper, seconded by Representative Cunningham, the House adjourns at 10:57 a.m. to reconvene Monday, May 24, 2004, at 7:00 p.m.

ONE HUNDRED TWELFTH DAY

HOUSE OF REPRESENTATIVES
Monday, May 24, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Glorious God, who ruleth over heaven and earth:

"We greet You this evening with full and thankful hearts for the restful weekend past and the opportunity for good work ahead. We are glad that You have given each one of us the privilege of representative leadership. It is, indeed, a high and sacred honor to think and feel, to act and vote on behalf of others and their needs. Lord, be our guardian; and never let us forget that we are here to represent others. Though always present and important, our own needs and egos are not that which we have been sent here to feed. This is not an easy road we travel. But, we are confident that You are present with us always, even unto the end of the age. Amen."

Speaker Black 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 May 20 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Dockham, Ellis, Goodwin, Harrell, Hill, Hilton, Holmes, Justice, McMahan, Miller, Rayfield, Sexton, and Sherrill for today.

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INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Rapp, Goforth, and Sherrill (Primary Sponsors):

H.B. 1617, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUED OPERATION OF NORTH CAROLINA'S BURLEY TOBACCO MARKETING CENTER IN ASHEVILLE, is referred to the Committee on Appropriations.

By Representatives Insko, Hackney, Alexander, and Goforth (Primary Sponsors); Fisher, Luebke, and Weiss:

H.B. 1618, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THREE MENTAL HEALTH TREATMENT COURT PILOT PROGRAMS WITHIN THE EXISTING DRUG TREATMENT COURT PROGRAM TO SERVE REPEAT ADULT OFFENDERS NEEDING MENTAL HEALTH SERVICES, is referred to the Committee on Appropriations.

By Representative Nye:

H.B. 1619, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN, is referred to the Committee on Local Government I.

By Representative Wainwright:

H.B. 1620, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE NC DARE OFFICERS ASSOCIATION OF ALAMANCE COUNTY, INC., A NONPROFIT CORPORATION PROMOTING DRUG ABUSE RESISTANCE IN NORTH CAROLINA SCHOOLS, is referred to the Committee on Appropriations.

By Representatives Wainwright and Gorman (Primary Sponsors):

H.B. 1621, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF HAVELOCK TO ASSIST IN THE CONSTRUCTION OF A SENIOR CITIZENS CENTER, is referred to the Committee on Appropriations.

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By Representative Holliman:

H.B. 1622, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING, AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, AND INCREASING FEES, is referred to the Committee on Finance.

By Representatives Barnhart and Steen:

H.B. 1623, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF RESEARCH, DEMONSTRATIONS, AND RURAL HEALTH DEVELOPMENT, FOR A GRANT PROGRAM TO ASSIST IN THE PROVISION OF PRIMARY AND PREVENTIVE MEDICAL AND DENTAL SERVICES TO UNINSURED OR MEDICALLY INDIGENT PATIENTS, is referred to the Committee on Appropriations.

By Representatives Bell and G. Wilson (Primary Sponsors); Hackney, McLawhorn, and Wainwright:

H.B. 1624, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement, and, if favorable, to the Committee on Appropriations.

By Representative Haire:

H.B. 1625, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT AND EQUIP THE CENTER FOR SECURITY TECHNOLOGY AND TRAINING AT THE MACON COUNTY CAMPUS OF SOUTHWESTERN COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

By Representatives Goodwin, B. Allen, L. Allen, Carney, Coates, England, Gibson, Goforth, Harrell, Insko, Jones, Lucas, McLawhorn, Parmon, Rapp, Saunders, Wainwright, and Yongue:

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H.B. 1626, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SAFE WORKPLACES THAT HAS THE EFFECT OF REDUCING WORKERS' COMPENSATION INSURANCE PREMIUMS FOR CERTAIN EMPLOYERS, is referred to the Committee on Finance.

By Representatives Goodwin, B. Allen, Bordsen, Coates, Gibson, Jones, Lucas, Luebke, McLawhorn, Parmon, Rapp, Saunders, Wainwright, and Weiss:

H.B. 1627, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF LABOR TO PROVIDE NON-ENGLISH LANGUAGE SAFETY TRAINING TO CONSTRUCTION WORKERS; ALLOWING THE REDUCTION OR WAIVER OF CERTAIN CIVIL PENALTIES FOR EMPLOYERS PARTICIPATING IN THE TRAINING; AND, APPROPRIATING FUNDS FOR THAT PURPOSE, is referred to the Committee on Appropriations.

By Representatives Goodwin, B. Allen, England, Goforth, Insko, Jones, Lucas, Parmon, and Wainwright:

H.B. 1628, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE DEPARTMENT OF LABOR ADVISORY COUNCIL AND APPROPRIATING FUNDS FOR THAT PURPOSE, is referred to the Committee on Occupational Safety and Health and, if favorable, to the Committee on Appropriations.

By Representatives Goodwin, B. Allen, Bell, Bonner, Bordsen, Carney, England, Farmer-Butterfield, Lucas, Rapp, Ross, and Wainwright:

H.B. 1629, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO PROVIDE TO PUBLIC SCHOOL PERSONNEL AND TO STATE EMPLOYEES, EXCEPT MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, A PAY INCREASE OF FIVE PERCENT AND ESTABLISHING A MINIMUM LIVING WAGE FOR STATE-FUNDED EMPLOYEES, is referred to the Committee on Appropriations.

By Representatives Goodwin, B. Allen, Bordsen, England, Gibson, Insko, Jones, Lucas, Parmon, Wainwright, and Yongue:

H.B. 1630, A BILL TO BE ENTITLED AN ACT TO ADDRESS THE COMPETITIVENESS OF CERTAIN NORTH CAROLINA BORDER COUNTIES AND LOW-TIER COUNTIES BY PROVIDING AN

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INCENTIVE FOR INVESTMENT IN REAL PROPERTY IN ORDER TO MATCH AN INCENTIVE PROVIDED IN SOUTH CAROLINA, is referred to the Committee on Finance.

By Representatives Owens, Miner, and G. Allen (Primary Sponsors); Gibson, Glazier, Steen, and Wainwright:

H.B. 1631, A BILL TO BE ENTITLED AN ACT TO CREATE NEW JOBS BY RECRUITING NEW BUSINESSES, GROWING EXISTING BUSINESSES, AND ENCOURAGING ENTREPRENEURS, is referred to the Committee on Finance.

By Representatives Yongue, Sauls, and Carney (Primary Sponsors); Adams, L. Allen, Barnhart, Bell, Bonner, Bordsen, Church, Coates, Culp, England, Farmer-Butterfield, Fox, Frye, Gibson, Glazier, Goforth, Hackney, Insko, Jeffus, C. Johnson, L. Johnson, Justice, Justus, McLawhorn, Munford, Parmon, Pate, Preston, Rapp, Ross, Steen, Stiller, Sutton, Wainwright, Walker, Warner, A. Williams, K. Williams, G. Wilson, and Wood:

H.B. 1632, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FUNDING FORMULA FOR MULTICAMPUS COMMUNITY COLLEGES AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, is referred to the Committee on Appropriations.

By Representatives Yongue, Sutton, and Bonner (Primary Sponsors); L. Allen, Bell, Carney, Church, Crawford, Culp, England, Farmer-Butterfield, Fox, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Jeffus, C. Johnson, L. Johnson, Justice, Lucas, Luebke, McLawhorn, Parmon, Preston, Rapp, Wainwright, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, and G. Wilson:

H.B. 1633, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE SUPPLEMENTAL FUNDING FOR LOW-WEALTH SCHOOL SYSTEMS, is referred to the Committee on Appropriations.

By Representatives Yongue and Sauls (Primary Sponsors); Adams, L. Allen, Bell, Bonner, Carney, Church, Coates, Crawford, Culp, England, Farmer-Butterfield, Fox, Gibson, Glazier, Goforth, Goodwin, Hackney, Insko, Jeffus, C. Johnson, L. Johnson, Justus, Lewis, Lucas, Luebke, McLawhorn, Moore, Parmon, Pate, Preston, Rapp, Ross, Steen, Sutton, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, and G. Wilson:

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H.B. 1634, A BILL TO BE ENTITLED AN ACT TO RESTORE FUNDING FOR VOCATIONAL EDUCATION FOR SEVENTH GRADE STUDENTS, is referred to the Committee on Appropriations.

By Representatives Miner, Weiss, Ross, and Stam (Primary Sponsors); and Munford:

H.B. 1635, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF RALEIGH AND THE STATE PROPERTY OFFICE TO DEVELOP A MASTER PLAN FOR THE DOROTHEA DIX PROPERTY, TO AUTHORIZE THE DOROTHEA DIX PROPERTY STUDY COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS REGARDING THE PROPOSED MASTER PLAN, AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, is referred to the Committee on Rules, Calendar, and Operations of the House and, if favorable, to the Committee on Appropriations.

By Representatives Tolson, Goodwin, Luebke, McLawhorn, and A. Williams:

H.B. 1636, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR PURCHASING, DISPENSING, AND PROCESSING RENEWABLE FUELS, is referred to the Committee on Finance.

By Representative Gorman:

H.B. 1637, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT BEACH BINGO OPERATORS BE LICENSED IN THE SAME MANNER AS EXEMPT ORGANIZATIONS OPERATING BINGO GAMES AND TO APPROPRIATE FUNDS FOR THE REGULATION OF BEACH BINGO, is referred to the Committee on Finance.

By Representatives Gorman, Eddins, L. Johnson, McGee, Moore, Munford, Pate, Stam, K. Williams, C. Wilson, and Wood:

H.B. 1638, A BILL TO BE ENTITLED AN ACT TO ACCELERATE THE REPEAL OF THE ADDITIONAL ONE-HALF CENT STATE SALES TAX, is referred to the Committee on Finance.

By Representatives Gorman, Wainwright, and C. Johnson (Primary Sponsors); K. Williams and C. Wilson:

H.B. 1639, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE NORTH CAROLINA

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HISTORY EDUCATION CENTER AT TRYON PALACE, is referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

The following is received from the Senate:

S.B. 1098, A BILL TO BE ENTITLED AN ACT TO IMPROVE HEALTH CARE BY AUTHORIZING SPECIAL INDEBTEDNESS TO FINANCE A CANCER TREATMENT CENTER AT THE UNIVERSITY OF NORTH CAROLINA HOSPITALS AT CHAPEL HILL AND A CARDIOVASCULAR DISEASES INSTITUTE AT EAST CAROLINA UNIVERSITY, is read the first time and referred to the Committee on Finance.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 1227** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, AND THE PRESERVATION OF NATURAL HERITAGE, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Appropriations.

INTRODUCTION OF PAGES

Pages for the week of May 24 are introduced to the membership. They are: Vivian Ariail of Richmond; Ashley Brooks of Halifax; Ashley Corsi of Wake; David Craven of Randolph; Chad Currin of Granville; Elizabeth Edwards of Rowan; Robert Gurdian of Mecklenburg; Elizabeth Hall of Robeson; Courtney Hughes of Avery; Madeline Jones of Lincoln; Nikida Koraly of Carteret; Lee Perry of Wake; Christopher Rich of Wayne County, Georgia; Daniel Stevens of Wake; Katharina Stevens of Wake; and Jordan Van Dyke of Cleveland.

SPEAKER MORGAN PRESIDING.

CALENDAR

Action is taken on the following:

H.B. 1386 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL

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TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS, 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.

H.B. 1433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE 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.

H.B. 1426 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT, 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.

H.B. 1447, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE.

Representative Haire offers Amendment No. 1 which is adopted. This amendment changes the title.

The bill, as amended, passes its second reading. The caption having been amended, the bill remains on the Calendar.

H.B. 1352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND.

Pursuant to Rule 24.1A, the request that Representative Munford be excused from voting on May 20 is continued.

Representative Insko offers Amendment No. 2 which fails of adoption by electronic vote (24-78).

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Representative McComas requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (23-79).

The bill passes its third reading, by electronic vote (88-14), and is ordered sent to the Senate.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1616**, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is withdrawn from the Committee on Wildlife Resources and re-referred to the Committee on Environment and Natural Resources.

On motion of Representative Culpepper, seconded by Representative Justus, the House adjourns at 8:11 p.m. to reconvene May 25 at 3:00 p.m.

ONE HUNDRED THIRTEENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, May 25, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Patient God:

"The Scriptures tell us that a day is like a thousand years and a thousand years is but a day in Your sight. Lord, we have a little problem. We do not have a thousand years to build legislation yet alone to fix a budget. We do have, what many of us feel, is but a day. We cannot possibly complete our work and the myriad of our initiatives without Your divine intervention. Thus, we humbly beseech Thee, O Lord, our God, to grant unto this Body a clear understanding of our tasks and priorities as we

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go about our work. Remind us that though we do not have a thousand years, we have You...and that, in and of itself, is sufficient. Amen."

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

Leaves of absence are granted Representatives Ellis, Holmes, McMahan, Miller, and Stiller for today.

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:

H.B. 1366, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of May 26.

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

H.B. 1373, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

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

H.B. 1479, A BILL TO BE ENTITLED AN ACT TO PROTECT NORTH CAROLINIANS BY AMENDING THE SEX OFFENDER REGISTRATION LAW TO PROVIDE ADDITIONAL NOTIFICATION MEASURES DESIGNED TO NOTIFY NEW RESIDENTS OF THE STATE WHO ARE SEX OFFENDERS OF THE DUTY TO REGISTER IN THIS STATE AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT,

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with a favorable report as to the committee substitute bill, unfavorable as to the original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

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

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

H.B. 1455, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of May 26.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Culpepper:

H.B. 1640, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Owens:

H.B. 1641, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF TOURISM, FILM AND SPORT DEVELOPMENT, is referred to the Committee on Appropriations.

By Representatives Glazier and Luebke:

H.B. 1642, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REVENUE LAWS STUDY COMMITTEE TO CONDUCT A REVIEW

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OF ALL TAX EXPENDITURES AT LEAST ONCE EVERY FIVE YEARS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hunter, Culp, Goodwin, and Insko:

H.B. 1643, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A FIVE-YEAR PERIOD AND TO PROVIDE IMMEDIATE RELIEF FOR TIER ONE COUNTIES, is referred to the Committee on Appropriations.

By Representatives Alexander, Insko, and Luebke:

H.B. 1644, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR INTERPRETER SERVICES IN LOCAL HEALTH DEPARTMENTS AND LOCAL DEPARTMENTS OF SOCIAL SERVICES, is referred to the Committee on Appropriations.

By Representatives Insko and Glazier (Primary Sponsors); Alexander, Luebke, Ross, Warner, Weiss, G. Wilson, and Womble:

H.B. 1645, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TRUST FUND FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE FUNDING NEEDS FOR ONETIME EXPENDITURES BY AREA AND COUNTY PROGRAMS TO BUILD COMMUNITY CAPACITY, is referred to the Committee on Appropriations.

By Representatives Insko, Alexander, Luebke, Warner, Weiss, G. Wilson, and Womble:

H.B. 1646, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR EQUALIZING STATE FUNDING AMONG AREA AND COUNTY PROGRAMS, is referred to the Committee on Appropriations.

By Representatives Insko, Luebke, Warner, G. Wilson, and Womble:

H.B. 1647, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS PAYABLE TO MEMBERS OF THE TEACHERS' AND STATE

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EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement.

By Representatives Insko and Hackney (Primary Sponsors); Warner, G. Wilson, and Womble:

H.B. 1648, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CREATION OF THE STATE FIRE PROTECTION STUDY COMMISSION AND APPROPRIATING FUNDS FOR THE COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Munford, B. Allen, Capps, Ross, Stam, and Weiss:

H.B. 1649, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF ALCOHOL AND OTHER IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS, is referred to the Committee on Wildlife Resources.

By Representative Walend:

H.B. 1650, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EQUIPMENT AT THE TRANSYLVANIA COUNTY CAMPUS OF BLUE RIDGE COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

By Representatives Gibson and Pate:

H.B. 1651, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION TO RECOMMEND CHANGES TO THE STATE PERSONNEL ACT AND APPROPRIATING FUNDS FOR THAT PURPOSE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gibson:

H.B. 1652, A BILL TO BE ENTITLED AN ACT TO ALLOW THE UNION COUNTY BOARD OF COMMISSIONERS AND THE UNION COUNTY BOARD OF EDUCATION TO CHANGE THE SIZE OF THE BOARD AND PROVIDE FOR THE ELECTION OF SOME OR ALL OF ITS MEMBERS BY DISTRICTS, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Wainwright:

H.B. 1653, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NIA, INC., TO SUPPORT THE ORGANIZATION'S YOUTH PROGRAMS IN MECKLENBURG COUNTY, is referred to the Committee on Appropriations.

By Representative Wainwright:

H.B. 1654, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE NORTH CAROLINA D.A.R.E. (DRUG ABUSE RESISTANCE EDUCATION) OFFICERS ASSOCIATION, INC., A NON-PROFIT CORPORATION, is referred to the Committee on Appropriations.

By Representatives Luebke, Insko, and Womble:

H.B. 1655, A BILL TO BE ENTITLED AN ACT TO LIMIT THE CORPORATE DEDUCTION FOR EXCESSIVE COMPENSATION OF CORPORATE EXECUTIVES RELATIVE TO RANK AND FILE EMPLOYEES, is referred to the Committee on Finance.

By Representatives Luebke and Weiss (Primary Sponsors); and Insko:

H.B. 1656, A BILL TO BE ENTITLED AN ACT TO REDUCE AND ELIMINATE THE TAX CREDITS FOR CIGARETTE EXPORTATION, is referred to the Committee on Finance.

By Representatives Luebke, Insko, and Weiss (Primary Sponsors):

H.B. 1657, A BILL TO BE ENTITLED AN ACT TO PROHIBIT SALES TAX REFUNDS FOR NONPROFIT ENTITIES' PURCHASES OF ALCOHOLIC BEVERAGES AND TOBACCO PRODUCTS, is referred to the Committee on Finance.

By Representatives Jeffus, Adams, Blust, Bowie, Jones, and Wood:

H.B. 1658, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE LIMITATION ON POSTRETIREMENT EARNINGS BY RETIREES AND TO APPROPRIATE FUNDS TO IMPLEMENT THAT STUDY, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Culpepper and Hunter:

H.B. 1659, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF HUNTING STANDS IN PERQUIMANS COUNTY, is referred to the Committee on Wildlife Resources.

CALENDAR

Action is taken on the following:

H.B. 1447, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE AND THE TOWN OF WAYNESVILLE.

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

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

H.B. 1356, A BILL TO BE ENTITLED AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Baker, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield,

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Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 108.

Voting in the negative: Representatives Allred, Barbee, Steen, and Wood - 4.

Excused absences: Representatives Ellis, Holmes, McMahan, Miller, and Stiller - 5.

Representative Eddins requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (109-4).

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

H.B. 1497, A BILL TO BE ENTITLED AN ACT TO ADOPT A FLAT COLLECTION ASSISTANCE FEE UNDER THE SETOFF DEBT COLLECTION ACT.

Representative Wainwright offers Amendment No. 1 which is adopted by electronic vote (114-0).

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

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 114.

Voting in the negative: None.

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Excused absences: Representatives Ellis, Holmes, McMahan, Miller, and Stiller - 5.

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

H.B. 1448, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SELLERS BE PROVIDED WITH NOTICE AND A SIXTY-DAY PERIOD TO RESPOND TO A REQUEST FOR A REFUND OF OVER-COLLECTED SALES OR USE TAXES BEFORE A PURCHASER MAY BRING A CAUSE OF ACTION AGAINST THE SELLER, 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.

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

H.B. 1465, A BILL TO BE ENTITLED AN ACT TO ALLOW FARM-LAND OWNED BY A FAMILY BUSINESS TO KEEP ITS PRESENT-USE VALUE TAX STATUS WHEN LEASED FOR FARM USE, 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.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1350**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF CHADBOURN, is withdrawn from the Committee on Local Government II and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Culpepper moves, seconded by Representative Bowie, that the House adjourn, subject to the appointment of committees and the first reading and referral to committee of a resolution, to reconvene May 26 at 3:00 p.m.

The motion carries.

ADDENDA TO COMMITTEE ASSIGNMENTS

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Speaker Morgan makes the following committee assignments:

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION: Add Representatives Michaux and LaRoque.

INTRODUCTION OF BILLS AND RESOLUTIONS

Pursuant to the adjournment motion, the following is introduced, read the first time and referred to committee:

By Representatives Barnhart, Allred, Gillespie, Lewis, Lucas, Luebke, McGee, McHenry, Moore, Parmon, Pate, Preston, Rapp, Rayfield, Wainwright, Warner, and Womble:

H.R. 1683, A HOUSE RESOLUTION PAYING TRIBUTE TO THE VETERANS OF WORLD WAR II AND HONORING THE MEMORY OF THOSE WHO LOST THEIR LIVES IN SERVICE TO OUR COUNTRY, is referred to the Committee on Rules, Calendar, and Operations of the House.

The House stands adjourned at 4:23 p.m.

ONE HUNDRED FOURTEENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, May 26, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Gracious God:

"We thank You for the beauty of the earth and for the glory of both this and every day. The firmaments tell of Your wonder as beautifully as the birds sing of Your glory. As we move hurriedly through our daily responsibilities from committee to committee, it is very easy for us to miss the splendor of Thy creation. Lord God, literally help us to stop and smell the roses. Remind us as important as what we are doing is, that spending a moment in quiet reflection and simple thanksgiving will provide inner

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strength and a depth of resolve to carry out the duties of our work with even greater zeal. Open our eyes that we may see the glimpses of truth You provide for us so freely and graciously. Amen."

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

There are no excused absences for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Adams, Chair, for the Committee on Local Government II:

H.B. 1363, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of May 27.

H.B. 1364, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of May 27.

H.B. 1378, A BILL TO BE ENTITLED AN ACT TO PERMIT THE EDGEcombe AND WILSON COUNTY BOARDS OF COMMISSIONERS TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of May 27.

H.B. 1420, A BILL TO BE ENTITLED AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT

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COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE, with a favorable report.

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

H.B. 1462, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of May 27.

H.B. 1474, A BILL TO BE ENTITLED AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE, with a favorable report.

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

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

H.B. 1456, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS, with a favorable report as to the committee substitute bill, unfavorable as to the 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 Bell and G. Wilson, Chairs, for the Committee on Pensions and Retirement:

H.B. 1357, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

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The bill is re-referred to the Committee on Appropriations.

H.B. 1514, A BILL TO BE ENTITLED AN ACT TO PROVIDE A COST-OF-LIVING ADJUSTMENT FOR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, 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.

By Representative Walker, Chair, for the Committee on Local Government I:

H.B. 1484, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS, with a favorable report.

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

H.B. 1551, A BILL TO BE ENTITLED AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE, with a favorable report.

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

H.B. 1566, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of May 27.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Tolson, Hill, Parmon, Wainwright, and Womble:

H.B. 1660, A BILL TO BE ENTITLED AN ACT TO CREATE A TOURISM DEVELOPMENT INVESTMENT GRANT PROGRAM AND A TOURISM DEVELOPMENT ACCOUNT TO FACILITATE THE EXPANSION OF THE TOURISM INDUSTRY IN THE STATE AND TO

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PROVIDE JOBS FOR CITIZENS OF THE STATE, is referred to the Committee on Appropriations.

By Representatives Decker and Pate (Primary Sponsors); Frye, Goodwin, Hill, Justice, LaRoque, McGee, McHenry, Moore, Munford, and Warner:

H.B. 1661, A BILL TO BE ENTITLED AN ACT TO CAP THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUELS TAX RATE AT ITS CURRENT RATE, is referred to the Committee on Finance.

By Representative West:

H.B. 1662, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN CHEROKEE AND CLAY COUNTIES, is referred to the Committee on Wildlife Resources.

By Representative West:

H.B. 1663, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRAHAM COUNTY TO IMPOSE A USER TAX ON THE BUSINESS OF PROVIDING RIVER RAFTING IN GRAHAM COUNTY, is referred to the Committee on Finance.

By Representatives Tolson, Goodwin, Hill, and Wainwright:

H.B. 1664, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE E-NC AUTHORITY TO CREATE JOBS THROUGH THE DEVELOPMENT OF UP TO FOUR BUSINESS AND TECHNOLOGY TELECENTERS AND REQUIRING THE E-NC AUTHORITY TO REPORT TO THE GENERAL ASSEMBLY ON THE TECHNOLOGY EDUCATION AND PUBLIC ACCESS NEEDS OF CITIZENS AND BUSINESSES IN DISTRESSED URBAN AREAS OF THE STATE, is referred to the Committee on Appropriations.

By Representative Frye:

H.B. 1665, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISPOSITIONAL HEARING OF A JUVENILE WHO IS IN RESIDENTIAL TREATMENT BE HELD IN THE COUNTY IN WHICH THE JUVENILE

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IS RECEIVING TREATMENT AND TO APPROPRIATE FUNDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Ross and Ellis (Primary Sponsors); and Stam:

H.B. 1666, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF GARNER TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS, is referred to the Committee on Local Government I.

By Representative L. Allen:

H.B. 1667, A BILL TO BE ENTITLED AN ACT TO EXTEND TO SANITARY DISTRICTS THE SETOFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Tolson:

H.B. 1668, A BILL TO BE ENTITLED AN ACT TO AMEND THE ACT ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WILSON, is referred to the Committee on Pensions and Retirement.

By Representative Bell:

H.B. 1669, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC., is referred to the Committee on Local Government II.

By Representatives Setzer and Ray:

H.B. 1670, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK, is referred to the Committee on Local Government I.

By Representatives Ray and Setzer:

H.B. 1671, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE,

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SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY, is referred to the Committee on Finance.

By Representative Insko:

H.B. 1672, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF INSURANCE TO STUDY THE ISSUE OF MEDICAL MALPRACTICE PREMIUMS IN CASES IN WHICH THE INSURED PRACTICES MEDICINE PART-TIME AND TO DEVELOP LEGISLATIVE PROPOSALS AND RECOMMENDATIONS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Insko:

H.B. 1673, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX CONTRIBUTIONS BY A PARENT OR GRANDPARENT TO A PARENTAL SAVINGS TRUST, is referred to the Committee on Finance.

By Representative Eddins:

H.B. 1674, A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON, is referred to the Committee on Local Government I.

By Representative Sexton:

H.J.R. 1675, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A LICENSE IMMEDIATELY SUSPENDED UNDER IMPLIED CONSENT SHALL BE HELD UNTIL ALL PENDING IMPAIRED DRIVING CHARGES ARE RESOLVED, is referred to the Committee on Judiciary III.

By Representatives Nye, Luebke, and Wainwright:

H.B. 1676, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR SPECIAL OLYMPICS OF NORTH CAROLINA, is referred to the Committee on Appropriations.

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By Representative G. Allen:

H.B. 1677, A BILL TO BE ENTITLED AN ACT TO LENGTHEN THE FOX TRAPPING SEASON IN PERSON COUNTY AND TO ELIMINATE THE SEASON BAG LIMITS ON THAT SEASON, is referred to the Committee on Wildlife Resources.

By Representative Goodwin:

H.B. 1678, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD, is referred to the Committee on Finance.

By Representatives Allred, Pate, Gorman, and Eddins (Primary Sponsors); Adams, Creech, Culp, Ellis, Frye, Goodwin, Lewis, McGee, McHenry, Moore, Munford, Parmon, Sauls, Steen, Wainwright, Walend, Walker, and Womble:

H.B. 1679, A BILL TO BE ENTITLED AN ACT TO REDUCE GASOLINE AND DIESEL TAXES BY ELIMINATING THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUELS TAX, is referred to the Committee on Finance.

By Representatives Allred, Eddins, Gorman, Hill, Lewis, McGee, McHenry, Moore, Munford, Pate, Preston, Rayfield, Walker, and West:

H.B. 1680, A BILL TO BE ENTITLED AN ACT TO EXPAND THE HOMESTEAD EXCLUSION BY PROVIDING FOR AN INCOME TAX CREDIT FOR PROPERTY TAXES PAID ON A PRIMARY RESIDENCE BY ELDERLY AND DISABLED PERSONS WHOSE TAXABLE INCOMES ARE NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS AS ADJUSTED ANNUALLY, is referred to the Committee on Finance.

By Representative Sexton:

H.B. 1681, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A LICENSE IMMEDIATELY SUSPENDED UNDER IMPLIED CONSENT SHALL BE HELD UNTIL ALL PENDING IMPAIRED DRIVING CHARGES ARE RESOLVED, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Moore and McGee:

H.B. 1682, A BILL TO BE ENTITLED AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO MURDERS THE OTHER PARENT OF THE CHILD, is referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

H.B. 1356, A BILL TO BE ENTITLED AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Insko, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Munford, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: None.

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H.B. 1497, A BILL TO BE ENTITLED AN ACT TO ADOPT A FLAT COLLECTION ASSISTANCE FEE UNDER THE SETOFF DEBT COLLECTION ACT, 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, Speaker Morgan; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridg, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Insko, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wright, and Yongue - 114.

Voting in the negative: None.

Excused absences: None.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Saunders and without objection, **H.B. 1373** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PRIVATE CONTRACTOR EMPLOYED AS A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR, is withdrawn from the Calendar and placed on the Calendar of May 27.

CALENDAR (continued)

H.B. 1366, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE

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STATE, passes its second reading, by electronic vote (118-0), and remains on the Calendar.

H.B. 1455, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS, passes its second reading, by electronic vote (116-0), and there being no objection is read a third time.

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

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1564**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY, is withdrawn from the Committee on Local Government II and re-referred to the Committee on Local Government I.

Representative Culpepper moves, seconded by Representative Wainwright, that the House adjourn, subject to committee appointments and the receipt of Committee Reports, to reconvene May 27 at 10:00 a.m.

The motion carries.

ADDENDA TO COMMITTEE ASSIGNMENTS

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Speaker Black makes the following committee assignment:

AGRICULTURE: Add Representative A. Williams, Vice Chair.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

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

Senate Committee Substitute for **H.B. 354** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN, with recommendation that the House do not concur and request conferees.

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

H.B. 1303 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX, with recommendation that the House do not concur and request conferees.

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

H.J.R. 1435, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES WESLEY "WILLIE" YORK, PROMINENT CIVIC LEADER, VISIONARY BUILDER, AND ENTREPRENEUR, with a favorable report.

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

H.B. 1640, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES, with a favorable report as to the committee substitute bill, unfavorable as to the 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.R. 1683, A HOUSE RESOLUTION PAYING TRIBUTE TO THE VETERANS OF WORLD WAR II AND HONORING THE MEMORY OF THOSE WHO LOST THEIR LIVES IN SERVICE TO OUR COUNTRY, with recommendation that it be adopted.

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Pursuant to Rule 36(b), the resolution is placed on the Calendar of May 27.

The House stands adjourned at 5:20 p.m.

ONE HUNDRED FIFTEENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, May 27, 2004

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by Speaker Morgan.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Merciful God:

"As we gather together to work for others, we thank You for the gentle way that Your Spirit endows us with the necessary gifts and graces to carry out our respective duties. We come from every nook and cranny of North Carolina and we represent a great diversity of people. We are humbled by the way that our responsibilities in some small way mirror Your own as You lovingly care and shape the lives of the world's people. We very humbly ask You, Great God of heaven, to bless our work. Make good our defects and lead us at last to that place of inner peace knowing we have done the best we could do for our folks back home...namely Your beloved children. As always, have mercy upon us. Amen."

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

Leaves of absence are granted Representatives Ellis, LaRoque, and Miller for today.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 1474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH

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CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Local Government II.

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative C. Wilson, Chair, for the Committee on Commerce:

H.B. 1443, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BUSINESS SERVICE CENTER IN THE DEPARTMENT OF COMMERCE, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1444, A BILL TO BE ENTITLED AN ACT REQUIRING JOB DEVELOPMENT INVESTMENT GRANT (JDIG) PROGRAM AGREEMENTS TO CONTAIN A PROVISION ENCOURAGING THE USE OF SMALL BUSINESSES HEADQUARTERED IN NORTH CAROLINA, with a favorable report as to the committee substitute bill, unfavorable as to the 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 Representative Walker, Chair, for the Committee on Local Government I:

H.B. 1425, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE COUNTY SHERIFF'S OFFICE, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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. 1454, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD

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OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1543, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL, with a favorable report as to the committee substitute bill, unfavorable as to the 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.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Crawford and Fox (Primary Sponsors):

H.B. 1684, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN VANCE COUNTY, is referred to the Committee on Wildlife Resources.

By Representatives Earle, Alexander, B. Allen, G. Allen, L. Allen, Bell, Bonner, Bordsen, Carney, Church, Clary, Coates, Cole, Crawford, Cunningham, England, Farmer-Butterfield, Fisher, Glazier, Grady, Gulley, Haire, Hall, Hill, Holliman, Hunter, Jeffus, C. Johnson, LaRoque, Lucas, Luebke, McAllister, McLawhorn, Michaux, Nye, Owens, Parmon, Rapp, Ross, Saunders, Sutton, Tolson, Wainwright, Walend, Warner, Warren, Weiss, A. Williams, and Wright:

H.B. 1685, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE FOOD BANKS IN NORTH CAROLINA, is referred to the Committee on Appropriations.

By Representatives Howard, Dockham, Holliman, and Mitchell:

H.B. 1686, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DAVIE COUNTY CAMPUS OF DAVIDSON COUNTY COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

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By Representatives L. Johnson and Barnhart (Primary Sponsors):

H.B. 1687, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY, is referred to the Committee on Local Government I.

By Representative Barnhart:

H.B. 1688, A BILL TO BE ENTITLED AN ACT TO ALLOW A DEFERRED EFFECTIVE DATE FOR CERTAIN VOLUNTARY ANNEXATIONS OF THE CITY OF CONCORD, is referred to the Committee on Finance.

By Representatives Barnhart and Steen:

H.B. 1689, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO FUND THE CENTER FOR BIOINFORMATICS AT THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE AND TO PROVIDE THAT THE FUNDS FOR THE GRADUATE TUITION REMISSION SHALL BE DEDUCTED FROM OVERHEAD RECEIPTS AND THE GENERAL FUND APPROPRIATION TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA REDUCED ACCORDINGLY, is referred to the Committee on Appropriations.

By Representatives Allred, Capps, Eddins, and Pate:

H.B. 1690, A BILL TO BE ENTITLED AN ACT PROVIDING TEN DAYS BONUS LEAVE TO THOSE STATE PERSONNEL WHO DID NOT RECEIVE SPECIAL ANNUAL BONUS LEAVE UNDER SECTION 30.12B OF S.L. 2003-284, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Allred, Capps, Culp, Justice, McHenry, and Rayfield:

H.B. 1691, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY FIVE DOLLARS, is referred to the Committee on Pensions and Retirement.

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By Representatives Allred, Capps, Culp, Pate, and G. Wilson:

H.B. 1692, A BILL TO BE ENTITLED AN ACT TO EXEMPT HISTORIC VEHICLES FROM THE SAFETY INSPECTION PROGRAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Allred and Capps:

H.J.R. 1693, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER "A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA TO EXCLUDE CERTAIN PRIVATE IN-HOME NURSING CARE", is referred to the Committee on Health.

By Representatives Allred, Capps, and Gorman:

H.B. 1694, A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA TO EXCLUDE CERTAIN PRIVATE IN-HOME NURSING CARE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Decker:

H.B. 1695, A BILL TO BE ENTITLED AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING REFERENDA ON ANNEXATIONS IN THE TOWN OF KERNERSVILLE IF REQUESTED BY PETITION OR BY THE GOVERNING BOARD OF THE TOWN, is referred to the Committee on Ways and Means and, if favorable, to the Committee on Finance.

By Representatives Fisher, Goforth, and Sherrill (Primary Sponsors); Haire and Rapp:

H.B. 1696, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PURCHASE EQUIPMENT FOR ARTISANS AT THE GROVE ARCADE ART SPACE, is referred to the Committee on Appropriations.

By Representatives Fisher, Goforth, and Sherrill (Primary Sponsors); Haire and Rapp:

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H.B. 1697, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE HEALTH ADVENTURE TO BE USED TO PLAN A NEW FACILITY, is referred to the Committee on Appropriations.

By Representative Warren (By Request):

H.B. 1698, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING HUNTING WITH DOGS IN PITT COUNTY, is referred to the Committee on Wildlife Resources.

By Representatives G. Allen, Church, Fox, Insko, C. Johnson, McLawhorn, McMahan, Rapp, and Warren:

H.B. 1699, 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 referred to the Committee on Appropriations.

By Representative Miller:

H.B. 1700, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE DURHAM CITY ADDITIONAL MUNICIPAL VEHICLE TAX AND CONCERNING THE PURPOSES FOR WHICH THOSE FUNDS MAY BE EXPENDED, is referred to the Committee on Finance.

By Representatives Tolson and Walend (Primary Sponsors); Bell and Fisher:

H.B. 1701, A BILL TO BE ENTITLED AN ACT TO ENHANCE CERTAIN BILL LEE ACT TAX INCENTIVES TO CREATE ONSHORE OPPORTUNITIES FOR JOB CREATION IN KEY INDUSTRIES AND TO LESSEN THE LIKELIHOOD OF JOB LOSSES TO OVERSEAS LOCATIONS, is referred to the Committee on Finance.

By Representatives Hill and Carney:

H.B. 1702, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY LICENSING PRACTITIONERS OF NATUROPATHY IN NORTH CAROLINA, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Frye:

H.B. 1703, A BILL TO BE ENTITLED AN ACT CREATING THE HERITAGE PARK AUTHORITY IN AVERY COUNTY, is referred to the Committee on Local Government II.

By Representative Hunter:

H.B. 1704, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FOR THE ROANOKE-CHOWAN DRUG TASK FORCE, is referred to the Committee on Appropriations.

By Representatives Hackney and Tolson (Primary Sponsors); Insko, Luebke, McLawhorn, Wainwright, and Weiss:

H.B. 1705, A BILL TO BE ENTITLED AN ACT TO EXEMPT BIODIESEL FROM MOTOR FUELS TAXES, is referred to the Committee on Finance.

By Representatives McLawhorn, Glazier, Insko, C. Johnson, Justice, Wainwright, and Warren:

H.B. 1706, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE ISSUE OF LOW-WEALTH SCHOOL FUNDING, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Glazier and Eddins (Primary Sponsors); Blackwood, Bordsen, Dickson, Pate, Sauls, and Wainwright:

H.B. 1707, A BILL TO BE ENTITLED AN ACT TO REINSTATE THE PURCHASE OF SERVICE CREDIT FOR CERTAIN PERIODS OF ACTIVE MILITARY DUTY BY MEMBERS OF THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement.

By Representatives Glazier and Lucas:

H.B. 1708, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A PILOT PROGRAM IN CUMBERLAND COUNTY TO

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MERGE AND COORDINATE EXISTING SENIOR CITIZEN INFORMATION SERVICES INTO ONE SENIOR SERVICES INFORMATION CENTER, is referred to the Committee on Appropriations.

By Representatives Barnhart, L. Johnson, and Luebke (Primary Sponsors); Carney, Coates, Goodwin, and Steen:

H.B. 1709, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE TRADE JOBS FOR SUCCESS INITIATIVE TO STIMULATE JOB GROWTH AND HIRING IN NORTH CAROLINA AND APPROPRIATING FUNDS FOR THAT PURPOSE, is referred to the Committee on Appropriations.

By Representatives Barnhart and L. Johnson (Primary Sponsors):

H.B. 1710, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT, is referred to the Committee on Finance.

By Representatives Glazier and Eddins (Primary Sponsors); Bordsen, Dickson, Gibson, Insko, Rapp, and Wainwright:

H.B. 1711, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CREDITABLE SERVICE FOR LAW ENFORCEMENT OFFICERS IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL INCLUDE PERIODS OF EMPLOYER-APPROVED LEAVES OF ABSENCE WHEN IN RECEIPT OF WORKERS' COMPENSATION BENEFITS AS A RESULT OF CERTAIN INJURIES INCURRED IN THE LINE OF DUTY, is referred to the Committee on Pensions and Retirement.

By Representatives Farmer-Butterfield and Tolson (Primary Sponsors):

H.B. 1712, A BILL TO BE ENTITLED AN ACT TO REGULATE DEER HUNTING ON THE LAND OF ANOTHER IN WILSON COUNTY, is referred to the Committee on Wildlife Resources.

By Representatives Gibson and Goodwin:

H.B. 1713, A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN TROY TO OPERATE UNREGISTERED

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ALL-TERRAIN VEHICLES ON HIGHWAYS, is referred to the Committee on Local Government I.

By Representative Gibson:

H.B. 1714, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY, is referred to the Committee on Local Government I.

By Representatives Gibson and Tolson (Primary Sponsors); and Glazier:

H.B. 1715, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GLOBAL WARMING INITIATIVES, A NONPROFIT CORPORATION THAT ENCOURAGES INDUSTRIES TO REDUCE THEIR EMISSIONS OF GREENHOUSE GASES AND TO VOLUNTARILY REPORT THEIR EMISSIONS FOR PUBLICATION IN A REGISTRY TO BE PUBLISHED EVERY YEAR BY GLOBAL WARMING INITIATIVES, is referred to the Committee on Appropriations.

By Representatives Gibson and Brubaker (Primary Sponsors); and Wainwright:

H.B. 1716, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A 4-H SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representatives Gibson and Brubaker (Primary Sponsors); McHenry and Wainwright:

H.B. 1717, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "HOMES4NC" SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representatives Gibson and Stiller:

H.B. 1718, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPORT FISHING SPECIAL REGISTRATION PLATES, is referred to the Committee on Finance.

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By Representatives Gibson and Gillespie (Primary Sponsors); and Wainwright:

H.B. 1719, A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representative Gibson:

H.B. 1720, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A DAUGHTERS OF THE AMERICAN REVOLUTION SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representative Owens:

H.B. 1721, A BILL TO BE ENTITLED AN ACT TO CHANGE THE PURPOSES FOR WHICH THE ADDITIONAL ONE PERCENT OCCUPANCY TAX IN CURRITUCK COUNTY MAY BE USED, is referred to the Committee on Local Government I.

By Representative Owens:

H.B. 1722, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD FROM THREE TO FIVE MEMBERS, is referred to the Committee on Local Government I.

By Representatives Allred and Ross (Primary Sponsors):

H.B. 1723, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN, is referred to the Committee on Pensions and Retirement.

By Representative Lewis (By Request):

H.B. 1724, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY, is referred to the Committee on Local Government I.

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By Representative Lewis (By Request):

H.B. 1725, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REGULATING FOX HUNTING IN HARNETT COUNTY, is referred to the Committee on Wildlife Resources.

By Representatives Parmon, Womble and McGee (Primary Sponsors):

H.B. 1726, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS, is referred to the Committee on Local Government II.

By Representatives Gibson and Goodwin:

H.B. 1727, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND APPROPRIATING REED ACT FUNDS, is referred to the Committee on Finance.

By Representative L. Allen:

H.B. 1728, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE, TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT, AND TO PURCHASE EQUIPMENT THROUGH THE DIVISION OF PURCHASE AND CONTRACT, is referred to the Committee on Local Government II.

By Representatives Lewis, Church, Howard, and Crawford (Primary Sponsors); L. Allen, Bell, Culp, Dickson, Glazier, Gorman, Gulley, Holliman, Hunter, Jeffus, C. Johnson, Jones, McAllister, McGee, McHenry, McLawhorn, Munford, Owens, Pate, Preston, Rayfield, Ross, Setzer, Steen, Wainwright, Walend, K. Williams, and C. Wilson:

H.B. 1729, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ALLOCATION TO THE ALS ASSOCIATION FOR CORE PROGRAMS, CLINICS, AND RESEARCH EFFORTS, is referred to the Committee on Appropriations.

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By Representative Stiller:

H.B. 1730, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A SEWER TREATMENT FEE, is referred to the Committee on Finance.

By Representative Stiller:

H.B. 1731, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF LELAND, is referred to the Committee on Finance.

By Representative Stiller:

H.B. 1732, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE WARD BOUNDARIES OF THE CITY OF SOUTHPORT TO REFLECT RECENT ANNEXATIONS, is referred to the Committee on Finance.

By Representative Stiller:

H.B. 1733, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING UTILITIES, is referred to the Committee on Finance.

By Representative Stiller:

H.B. 1734, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE, is referred to the Committee on Finance.

By Representative Owens:

H.B. 1735, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NONPROFIT ORGANIZATIONS TO OPERATE "CASINO NIGHTS" AND TO REQUIRE A FEE FOR AUDITING THE PROCEEDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Cole, B. Allen, Bonner, Bordsen, Carney, Crawford, Culp, England, Farmer-Butterfield, Fox, Glazier, Goforth, Goodwin, Haire, Hall, Harrell, Hill, Holliman, C. Johnson, Luebke, McGee, McLawhorn, Nye, Owens, Parmon, Rapp, Saunders, Sutton, Tolson, Wainwright, Warner, Warren, and Yongue:

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H.B. 1736, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FUNDING OF THE FIRE AND RESCUE SQUAD WORKERS' PENSION FUND AND TO AUTHORIZE THE FIRE DEPARTMENTS AND RESCUE SQUADS SERVED TO FUND THE INCREASE WITH MONEY RAISED THROUGH FUND-RAISING EVENTS OR BY OTHER MEANS, is referred to the Committee on Pensions and Retirement.

By Representatives Womble, McGee, and Parmon (Primary Sponsors):

H.B. 1737, A BILL TO BE ENTITLED AN ACT CHANGING THE ONE-YEAR WAITING PERIOD FOR DWELLINGS VACATED AND CLOSED TO SIX MONTHS IN THE CITY OF WINSTON-SALEM CONCERNING REPAIR, DEMOLITION, AND REMOVAL, is referred to the Committee on Local Government II.

By Representatives McAllister and Lucas (Primary Sponsors); Adams, B. Allen, Bell, Bonner, Cunningham, Dickson, Farmer-Butterfield, Glazier, Goodwin, Hall, Hunter, Michaux, Miller, Parmon, Wainwright, Warner, Womble, and Wright:

H.B. 1738, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE DR. MARTIN LUTHER KING, JR. MEMORIAL PARK IN CUMBERLAND COUNTY, WHICH WILL STIMULATE TOURISM AND ECONOMIC DEVELOPMENT, is referred to the Committee on Appropriations.

By Representatives Allred, Capps, Eddins, Moore, Pate, and C. Wilson:

H.B. 1739, A BILL TO BE ENTITLED AN ACT TO PROVIDE A REFUNDABLE INDIVIDUAL INCOME TAX CREDIT TO OFFSET THE SKILLED NURSING FACILITY FEE IMPOSED IN 2003, is referred to the Committee on Finance.

By Representative Moore:

H.B. 1740, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF A PILOT PROGRAM FOR THE PROVISION OF COURTROOM TESTIMONY OF LAB ANALYSTS BY VIDEOCONFERENCE AND TO DIRECT THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF JUSTICE TO STUDY THE FEASIBILITY OF A STATEWIDE PROGRAM FOR PROVIDING TESTIMONY IN THAT MANNER, is referred to the Committee on Appropriations.

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By Representatives Miner, B. Allen, Eddins, Munford, Ross, and Weiss:

H.B. 1741, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WAKEMED HEALTH & HOSPITALS, A NONPROFIT CORPORATION, TO ASSIGN IN THE FORMATION OF THE EMERGENCY SERVICES INSTITUTE, A HOSPITAL-BASED, MEDICAL EMERGENCY PREPAREDNESS AND RESPONSE INSTITUTE, is referred to the Committee on Appropriations.

By Representatives Miner, B. Allen, Eddins, Munford, Ross, and Weiss:

H.B. 1742, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WAKEMED HEALTH & HOSPITALS, INC., FOR PLANNING AND IMPLEMENTATION OF THE WAKEMED BIOMEDICAL ALLIANCE, is referred to the Committee on Appropriations.

By Representatives Barnhart, L. Johnson, and Miner (Primary Sponsors); Goodwin, McGee, and Steen:

H.B. 1743, A BILL TO BE ENTITLED AN ACT TO REVITALIZE TEXTILE AND FURNITURE MANUFACTURING COMMUNITIES PLAGUED BY ABANDONED BROWNFIELDS SITES BY GRANTING A TAX CREDIT TO REHABILITATE THE SITES, is referred to the Committee on Finance.

By Representatives Wainwright and Adams (Primary Sponsors); and Weiss:

H.B. 1744, A BILL TO BE ENTITLED AN ACT TO EXEMPT UNEMPLOYMENT BENEFITS FROM INCOME TAX, is referred to the Committee on Finance.

By Representatives Luebke and Wainwright:

H.B. 1745, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA INTERNSHIP COUNCIL IN THE DEPARTMENT OF ADMINISTRATION TO PROVIDE A PAY INCREASE TO STUDENT INTERNS, is referred to the Committee on Appropriations.

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By Representative Luebke:

H.B. 1746, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COMPANIES THAT CONSULT WITH THE STATE ON THE DEVELOPMENT OF ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS FROM ADVISING BUSINESSES ON OBTAINING INCENTIVES UNDER THOSE PROGRAMS, is referred 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 G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1430, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1471, A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE, with a favorable report.

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

H.B. 1475, A BILL TO BE ENTITLED AN ACT TO ANNEX THE ALBEMARLE CORRECTIONAL INSTITUTION TO THE TOWN OF BADIN, with a favorable report.

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

H.B. 1520, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY, with a favorable report.

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

H.B. 1553, A BILL TO BE ENTITLED AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY, with a favorable report.

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

By Representative Adams, Chair, for the Committee on Local Government II:

H.B. 1474, A BILL TO BE ENTITLED AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE, with a favorable report as to the committee substitute bill, unfavorable as to the 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:

H.R. 1683, A HOUSE RESOLUTION PAYING TRIBUTE TO THE VETERANS OF WORLD WAR II AND HONORING THE MEMORY OF THOSE WHO LOST THEIR LIVES IN SERVICE TO OUR COUNTRY.

On motion of Speaker Morgan, and without objection, the following comments made by Representative Barnhart are spread upon the journal.

"Memorial Day is always a special time.

"But this weekend will be a little extra special for many.

"This weekend the National WWII Memorial will be formally dedicated.

"It will be extra special for me as my brothers and I are taking my #1 hero, my father, a disabled WWII veteran, to the dedication ceremony.

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"I thought it would be appropriate to recognize this event and more importantly, honor those brave men and women that served in WWII on this occasion.

"I also thought that it would be special to honor those WWII veterans that have served in either the House or the Senate of North Carolina.

"I would ask that the Members take note of the long list of names. You will recognize many of the names.

"Mr. Speaker, if it is appropriate, at the conclusion of the vote, I would like to request that you ask those that are sitting here today who served in WWII to stand, so that we may show our appreciation to them. And I know I can speak for everyone when I say to them, from the bottom of our hearts, we THANK YOU!

"I commend the resolution to you."

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

The resolution, as amended, is adopted, by electronic vote (115-0), and ordered engrossed and printed. (The text of the resolution may be found in its entirety in the Appendix.)

H.B. 1363, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA 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.

H.B. 1364, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES, 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.

H.B. 1462, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING

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GOLF CARTS AND UTILITY VEHICLES, 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.

H.B. 1566, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES 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.

H.B. 1378, A BILL TO BE ENTITLED AN ACT TO PERMIT THE EDGEcombe AND WILSON COUNTY BOARDS OF COMMISSIONERS TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY, 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.

H.B. 1366, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE, passes its third reading, by electronic vote (115-0), and is ordered sent to the Senate.

H.B. 1373 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PRIVATE CONTRACTOR EMPLOYED AS A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR, passes its second reading, by electronic vote (107-7), and there being no objection is read a third time.

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

On motion of Representative Culpepper, seconded by Representative Barnhart, the House adjourns at 11:33 a.m. to reconvene Monday, May 31, 2004, at 7:00 p.m.

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ONE HUNDRED SIXTEENTH DAY

HOUSE OF REPRESENTATIVES
Monday, May 31, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Eternal God, Author and Giver of Life:

"Life is much more than a precious commodity. It is a divine gift freely bestowed upon us by the merciful hands of You, our wise and loving God. We take this moment of prayer to offer You our most sincere thanks and praise for creating us in Your glorious image.

"On this Memorial Day 2004, we remember all of the men and women of this country who, through their blood, sweat, tears, and even the ultimate sacrifice, their lives, protected the free and democratic society we in this country enjoy to this day. As memorial services and celebrations have been held throughout our land and as the prideful as well as bitter memories of past battles are remembered once more, we offer our heart-felt prayers for the men and women of our military who do not find themselves at a backyard picnic or pre-summer celebration today, but rather in the direct line of fire and harm's way.

"And, now as we pause in a moment of silence in humble memory of those who offered the ultimate sacrifice for our way of life, we are reminded as a Body of Lawmakers of our incredible and sacred duty to live into the sacrificial life of our brothers and sisters who fought and died to give us the chance to do what we do...and to do it well.

----SILENCE----

"May God bless the people of the United States of America, the Great State of North Carolina, and may God have mercy upon us all. Amen."

Speaker Morgan 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 May 27 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 Dickson, Jeffus, Wainwright, K. Williams, and G. Wilson for today.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 1520**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CHAPTERED BILLS

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

H.B. 1411, AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEANFRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE CONSTRUCTION OF AN EMERGENCY BERM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (S.L. 2004-1)

S.B. 623, AN ACT TO PROVIDE FOR A SPECIAL DEADLINE FOR EXEMPT ADULT HOUSING FACILITIES LOCATED IN A DOWNTOWN AREA AND BEING RELOCATED DUE TO A MAJOR ECONOMIC DEVELOPMENT PROJECT. (S.L. 2004-2)

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Glazier, Dickson, Lucas, and McAllister (Primary Sponsors); Alexander, Bordsen, Carney, and Womble:

H.B. 1747, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILD ADVOCACY CENTERS, is referred to the Committee on Appropriations.

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By Representatives Insko and McGee (Primary Sponsors); Glazier, Ross, and Weiss:

H.B. 1748, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ELECTRONIC VOTING SYSTEMS STUDY COMMISSION TO STUDY WHETHER ALL DIRECT RECORD ELECTRONIC VOTING EQUIPMENT SHOULD PRODUCE A VOTER-VERIFIABLE PAPER TRAIL; TO PLACE A MORATORIUM ON THE PURCHASE OF DIRECT RECORD ELECTRONIC VOTING SYSTEMS WITHOUT A VOTER-VERIFIABLE PAPER TRAIL UNTIL JULY 1, 2005; AND TO APPROPRIATE FIFTY THOUSAND DOLLARS FOR THE STUDY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Goodwin:

H.B. 1749, A BILL TO BE ENTITLED AN ACT TO REDUCE THE CORPORATE INCOME TAX TO SIX PERCENT, is referred to the Committee on Finance.

By Representatives Yongue, Alexander, Glazier, Luebke, and Weiss:

H.B. 1750, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO ENSURE THAT SCHOOL FOOD SERVICES SERVE ONLY HEALTHFUL, NUTRITIOUS FOODS, is referred to the Committee on Appropriations.

By Representative Holliman:

H.B. 1751, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CIVIL LIABILITY AND INCREASE THE CRIMINAL PENALTY FOR PERSONS WHO REPRESENT UNAUTHORIZED INSURERS AND TO PROVIDE THAT SUCH ACTIVITY IS GROUNDS FOR REVOCATION OF THE LICENSE OF THE INSURANCE AGENT OR BROKER; AND TO LIMIT DIRECT PROCUREMENT OF INSURANCE ONLY THROUGH ELIGIBLE SURPLUS LINES INSURERS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Insko, Luebke, and Weiss:

H.B. 1752, A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES ON BULLYING, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Weiss and Nye (Primary Sponsors):

H.B. 1753, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE ESTABLISHMENT AND SUSTAINABILITY OF HEALTHY CAROLINIANS PARTNERSHIPS HEALTH PROMOTION INITIATIVES IN EACH COUNTY, is referred to the Committee on Appropriations.

By Representative Farmer-Butterfield:

H.B. 1754, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WILSON COUNTY RESIDENTIAL SERVICES, INC., A NONPROFIT ORGANIZATION, FOR PROGRAMMATIC AND ADMINISTRATIVE PURPOSES, is referred to the Committee on Appropriations.

By Representative Baker:

H.B. 1755, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR AN ALTERNATIVE METHOD OF TAXATION FOR CERTAIN INCOME EARNED BY AN INDIVIDUAL TAXPAYER, is referred to the Committee on Finance.

By Representatives Miner and Weiss (Primary Sponsors):

H.B. 1756, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST WITH CAPITAL EXPENSES OF THE VETERANS FREEDOM PARK, is referred to the Committee on Appropriations.

By Representatives Lucas, Wainwright, Michaux, and Adams (Primary Sponsors); Alexander, B. Allen, Bell, Bonner, Cunningham, Earle, Farmer-Butterfield, Glazier, Goforth, Goodwin, Hall, Hunter, Jones, Luebke, McAllister, Miller, Parmon, Ross, Tolson, Warner, Weiss, Womble, and Wright:

H.B. 1757, A BILL TO BE ENTITLED AN ACT TO EXPAND THE TEACHING FELLOWS PROGRAM TO EACH OF THE FOCUSED GROWTH INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, is referred to the Committee on Appropriations.

By Representative McHenry:

H.B. 1758, A BILL TO BE ENTITLED AN ACT TO REDUCE TAXES AND CUT GOVERNMENT SPENDING, is referred to the Committee on Finance.

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By Representatives Luebke and Womble (Primary Sponsors); Adams, Alexander, B. Allen, Bonner, Bordsen, Carney, Farmer-Butterfield, Gibson, Glazier, Goforth, Hackney, Hall, Holliman, Insko, Jones, Lucas, McAllister, Michaux, Miller, Parmon, Rapp, Ross, Sutton, Tolson, Weiss, and Yongue:

H.B. 1759, A BILL TO BE ENTITLED AN ACT PROVIDING THAT STATE EMPLOYEES IN GRADE 64 AND UNDER SHALL BE PAID ONCE EVERY TWO WEEKS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Luebke, B. Allen, England, Farmer-Butterfield, Glazier, Holliman, Hunter, Lucas, Parmon, Rapp, Weiss, and Womble:

H.B. 1760, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE RESEARCH AND DEVELOPMENT TAX CREDIT IS NOT ALLOWED TO EMPLOYERS WHO SUBSTANTIALLY REDUCE JOBS IN NORTH CAROLINA, is referred to the Committee on Finance.

By Representatives Luebke and Parmon:

H.B. 1761, A BILL TO BE ENTITLED AN ACT TO IMPOSE A SURTAX ON WINE, is referred to the Committee on Finance.

By Representatives Goodwin and Hill:

H.B. 1762, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AS A PILOT PROGRAM THE AGRIBUSINESS AND AGRICULTURE FELLOWS PROGRAM AND TO APPROPRIATE FUNDS TO IMPLEMENT THAT PILOT PROGRAM, is referred to the Committee on Appropriations.

By Representatives Culpepper, Harrell, G. Allen, and Owens (Primary Sponsors); and Womble:

H.B. 1763, A BILL TO BE ENTITLED AN ACT TO INCREASE REGULATION OF THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES AND PROVIDING FUNDING FOR SUCH REGULATION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Culpepper, Glazier, Luebke, and Ross:

H.B. 1764, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SURCHARGE ON MEMBERSHIP FEES FOR ATTORNEYS AND TO USE THE REVENUE TO SUPPORT THE FUND FOR ELECTION OF

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AN IMPARTIAL JUDICIARY; TO REMOVE THE ATTORNEY PRIVILEGE LICENSE TAX AS A MECHANISM FOR COLLECTING DONATIONS TO THE FUND; TO ALLOW THE STATE BOARD OF ELECTIONS TO ADMINISTER THE FUND OUT OF OTHER MONIES AVAILABLE TO IT; TO ALLOW CERTIFIED CANDIDATES TO RAISE FUNDS PRIVATELY IF PUBLIC FUNDS ARE INSUFFICIENT; TO ALLOCATE FIFTY CENTS TO SUPPORT PUBLICATION OF A VOTER GUIDE PER EACH TAXPAYER WHO NEITHER AGREES NOR OBJECTS TO DESIGNATING THREE DOLLARS FOR THE FUND; TO PROVIDE THAT THE FUND IS NOT AVAILABLE TO CANDIDATES IN PLURALITY ELECTIONS UNDER G.S. 163-329 AND THAT THOSE CANDIDATES ARE NOT SUBJECT TO LOWERED CONTRIBUTION LIMITS; TO ALTER THE TRIGGER FOR RESCUE FUNDS; TO PROVIDE THAT ADVISORY COUNCIL TERMS END DECEMBER 31; TO CHANGE THE NAME OF THE FUND TO "NORTH CAROLINA PUBLIC CAMPAIGN FUND," TO SET THE LIMIT OF THE CANDIDATE'S STATEMENT FOR THE JUDICIAL VOTER GUIDE AT 200 WORDS; AND TO MAKE TECHNICAL CORRECTIONS TO THE JUDICIAL CAMPAIGN REFORM ACT OF 2002, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives L. Allen and England (Primary Sponsors); Alexander, B. Allen, Dickson, Glazier, McGee, Ross, and Weiss:

H.B. 1765, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON PROMOTING PATIENT SAFETY IN THE PROVISION OF HEALTH CARE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wright and Luebke:

H.B. 1766, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE CRIMINAL JUSTICE TRUTH COMMISSION, TO ESTABLISH LOCAL COMMISSIONS FOR CERTAIN JUDICIAL DISTRICTS, AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, is referred to the Committee on Judiciary I.

By Representatives Sexton and Cole (Primary Sponsors):

H.B. 1767, A BILL TO BE ENTITLED AN ACT ALLOWING ROCKINGHAM COUNTY TO REDUCE ITS MAINTENANCE OF EFFORT REQUIREMENT FOR FUNDING FROM THE AID TO PUBLIC LIBRARIES FUND, is referred to the Committee on Appropriations.

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By Representatives Jeffus, Adams, Blust, Bowie, and Jones:

H.B. 1768, A BILL TO BE ENTITLED AN ACT TO INCLUDE AGAPE OF NORTH CAROLINA, INC., ON THE LIST OF AGENCIES ELIGIBLE TO RECEIVE FUNDING FROM THE STATE FUNDS PROGRAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative LaRoque:

H.B. 1769, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT SPECIAL MOBILE EQUIPMENT INCLUDES BUCKET TRUCKS AND DERRICK DIGGER TRUCKS, is referred to the Committee on Finance.

By Representative Baker:

H.B. 1770, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MATCH FEDERAL FUNDS RECEIVED BY THE STATE UNDER THE STATE CHARTER SCHOOL FACILITIES INCENTIVE GRANTS PROGRAM, is referred to the Committee on Appropriations.

By Representatives Baker and McGee:

H.B. 1771, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ADEQUATE FUNDS ARE AVAILABLE FOR COMMUNITY COLLEGE ENROLLMENT INCREASES, is referred to the Committee on Appropriations.

By Representative Haire:

H.B. 1772, A BILL TO BE ENTITLED AN ACT TO PROVIDE ONETIME COMPENSATION TO SWAIN COUNTY FOR ITS LOSS OF AD VALOREM TAXES THAT DIRECTLY RESULTS FROM THE 2004 ACQUISITION OF SWAIN COUNTY PROPERTY BY THE STATE TO BE USED AS STATE GAME LANDS FOR OUTDOOR RECREATION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Moore and Gorman (Primary Sponsors); Brubaker, Eddins, Hilton, Justice, McComas, McGee, McHenry, Pate, Sexton, Steen, and G. Wilson:

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H.B. 1773, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF A FREE DRIVERS LICENSE TO VETERANS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Sutton:

H.B. 1774, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SELECT COMMISSION TO INVESTIGATE DEATH PENALTY ISSUES AND TO APPROPRIATE FUNDS FOR THE COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McComas:

H.B. 1775, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ISSUE SPECIAL OBLIGATION BONDS FOR CERTAIN EQUIPMENT PROJECTS WITHOUT PRIOR APPROVAL OF THE GENERAL ASSEMBLY OR THE BOARD OF TRUSTEES OF THE INSTITUTION WHERE THE PROJECT IS LOCATED, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McComas:

H.B. 1776, A BILL TO BE ENTITLED AN ACT TO ALLOW CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH CAMPUS STANDARDS FOR BUILDING COMPONENTS BY CONDUCTING PUBLIC EVALUATION AND SELECTION PROCESSES AND THEREAFTER SPECIFYING THE COMPONENTS BY BRAND WHEN WRITING CONSTRUCTION SPECIFICATIONS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Blust and Mitchell:

H.B. 1777, A BILL TO BE ENTITLED AN ACT TO PLACE STRICTER RESTRICTIONS ON THE BUDGET AND OPERATING RULES FOR HELICOPTERS IN THE EXECUTIVE BRANCH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Yongue and Glazier:

H.B. 1778, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCAL SCHOOL CONSTRUCTION FINANCING STUDY COMMISSION,

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is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Haire:

H.B. 1779, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RELOCATE THE DISTRICT 9 FORESTRY OFFICE IN JACKSON COUNTY, is referred to the Committee on Appropriations.

By Representatives Hackney, Luebke, Ross, and Weiss:

H.B. 1780, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES AND BY REQUIRING REGISTRATION AND REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH AGENCIES AND EMPLOYEES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Alexander:

H.B. 1781, A BILL TO BE ENTITLED AN ACT TO INCREASE AND ADJUST FEES IN THE GENERAL COURT OF JUSTICE, is referred to the Committee on Finance.

By Representative Blust:

H.B. 1782, A BILL TO BE ENTITLED AN ACT ELIMINATING VACANT STATE GOVERNMENT POSITIONS AND SENDING THOSE FUNDS TO THE SAVINGS RESERVE ACCOUNT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Blust:

H.B. 1783, A BILL TO BE ENTITLED AN ACT RELATING TO RECAPTURING REVERSIONS MONTHLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Goforth:

H.B. 1784, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT WNC COMMUNITIES, is referred to the Committee on Appropriations.

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By Representative Earle:

H.J.R. 1785, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES, is referred to the Committee on Ways and Means.

By Representative Goodwin:

H.B. 1786, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COACHING AND ASSISTANT COACHING SCHOLARSHIP FUND AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, is referred to the Committee on Education and, if favorable, to the Committee on Appropriations.

By Representatives Insko and Luebke:

H.B. 1787, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CERTAIN ISSUES PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Gibson and McComas (Primary Sponsors):

H.B. 1788, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES AND BY REQUIRING REGISTRATION AND REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH AGENCIES AND EMPLOYEES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Blust:

H.B. 1789, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES AND BY REQUIRING REGISTRATION AND REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH AGENCIES AND EMPLOYEES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Allred:

H.B. 1790, A BILL TO BE ENTITLED AN ACT TO REDUCE THE ANNUAL REGISTRATION FEE FOR HISTORIC VEHICLES, is referred to the Committee on Finance.

By Representatives Dickson, Glazier, Warner, and K. Williams (Primary Sponsors); Cole, Lewis, Lucas, and McAllister:

H.B. 1791, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF A STATEWIDE MILITARY BUSINESS CENTER AND A HOMELAND SECURITY BUSINESS INCUBATOR, is referred to the Committee on Appropriations.

By Representatives Dickson, L. Allen, Carney, Coates, England, Lucas, Parmon, and Rapp:

H.B. 1792, A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSIONER OF MOTOR VEHICLES TO CONDUCT A CONTEST FOR THE DESIGN OF A NEW STANDARD MOTOR VEHICLE REGISTRATION PLATE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Luebke:

H.B. 1793, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE FAMILY COURT PILOT PROGRAM IN DISTRICT COURT DISTRICT 14, is referred to the Committee on Appropriations.

By Representatives Luebke, Glazier, Ross, and Weiss:

H.B. 1794, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FOR THE CONSTRUCTION OF YOUTH DEVELOPMENT CENTERS, is referred to the Committee on Appropriations.

By Representatives Luebke and Ross:

H.B. 1795, A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS, is referred to the Committee on Finance.

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By Representatives Luebke and Ross:

H.B. 1796, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY-BASED CORRECTIONS PROGRAMS, is referred to the Committee on Appropriations.

By Representatives Luebke and Weiss:

H.B. 1797, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY OF THE ENVIRONMENT IN THE STATE BY APPROPRIATING FUNDS TO IMPROVE IMPLEMENTATION OF THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, TO COMPLETE STATEWIDE INTERMITTENT AND PERENNIAL STREAM MAPPING, AND TO FULLY FUND THE NORTH CAROLINA ENVIRONMENT AND CLIMATE OBSERVING NETWORK, is referred to the Committee on Appropriations.

By Representative Luebke:

H.B. 1798, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA LOW EMISSION VEHICLES PROGRAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Goforth:

H.B. 1799, A BILL TO BE ENTITLED AN ACT TO PROVIDE FAIR, EQUAL AND OPEN FILE CRIMINAL DISCOVERY AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Kiser:

H.B. 1800, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OPEN DISCOVERY IN FELONIES AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Brubaker, Luebke, and McComas (Primary Sponsors); Alexander, Glazier, and Weiss:

H.B. 1801, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE "EL PUEBLO"

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SPECIAL REGISTRATION PLATES, is referred to the Committee on Finance.

By Representatives McComas and Harrell (Primary Sponsors); and Alexander:

H.B. 1802, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE FILM INDUSTRY INCENTIVES STUDY COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
May 27, 2004

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives informing that Honorable Body that the following officers have been elected by the Republican Caucus:

Senator Harris Blake	Deputy Republican Whip
Senator Andrew Brock	Deputy Republican Whip
Senator Bob Carpenter	Deputy Republican Whip
Senator R. B. Sloan	Deputy Republican Whip

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGES FROM THE SENATE

The following are received from the Senate:

S.B. 1044, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

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S.B. 1063, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, is read the first time and referred to the Committee on Finance.

S.B. 1122, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN, is read the first time and referred to the Committee on Local Government II.

S.B. 1125, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN JOHNSTON COUNTY, is read the first time and referred to the Committee on Local Government I.

S.B. 1178, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY, is read the first time and referred to the Committee on Local Government I.

S.B. 1189, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF CHADBURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS, is read the first time and referred to the Committee on Local Government II.

Representative Culpepper moves, seconded by Representative Weiss, that the House adjourn, subject to committee appointments, to reconvene June 1 at 3:00 p.m.

The motion carries.

ADDENDA TO COMMITTEE ASSIGNMENTS

May 31, 2004

Speaker Morgan makes the following committee assignments:

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES: Add Representative McGee; remove Representative Blust.

The House stands adjourned at 7:26 p.m.

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ONE HUNDRED SEVENTEENTH DAY

HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"New every day is Your love for us great God of heaven, and all day long You are working for good throughout the world. You created order out of chaos and established Your law as a guide for us to follow the path to prosperity, security and holiness. When our love failed and our faithfulness subsided, Your love remained steadfast and true. Your forgiveness and mercy is extended to all people and we are grateful that You never turn Your back on us despite our waywardness from time to time.

"Lord, with faithful confidence and boldness, we ask You to guide the process of this week's work and endow us with the necessary discernment to make wise choices that benefit Your people. Take our efforts, make good their defects, bless the positive steps that are made and bring us at last to the comfort of knowing we have worked diligently and fairly for the people of this great State. Amen."

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

Leaves of absence are granted Representatives G. Allen, Barnhart, Clary, McHenry, McLawhorn, Parmon, Rhodes, Sutton, Womble, and Wright for today.

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Gibson, Chair, for the Committee on Environment and Natural Resources:

June 1, 2004T

H.B. 1574, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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. 1607, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE AND TO DELETE A PORTION OF A PARK FROM THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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 Insko and Justus, Chairs, for the Committee on Health:

H.B. 1487, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTRACT WITH A THIRD PARTY TO STUDY WHETHER AN INSTITUTIONAL BIAS EXISTS IN THE STATE'S MEDICAID PROGRAM, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, reported without prejudice and with recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

H.B. 1490, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATED TO MENTALLY ILL RESIDENTS IN LONG-TERM CARE FACILITIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, reported without prejudice and with recommendation that the bill be re-referred to the Committee on Appropriations.

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The bill is re-referred to the Committee on Appropriations.

By Representative Goodwin, Vice Chair, for the Committee on Judiciary II:

H.J.R. 1544, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO MURDERS THE OTHER PARENT OF THE CHILD, with a favorable report.

Pursuant to Rule 36(b), the resolution 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.

H.B. 1303 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX.

On motion of Representative Culpepper, the House does not concur in Senate Amendment No. 1 by electronic vote (109-0).

On motion of Representative Culpepper, the House does not concur in Senate Amendment No. 2, by electronic vote (109-0), and conferees are requested.

Speaker Black appoints Representative McComas, Chair; Representatives Brubaker, Gibson, Harrell, Luebke, Wright, Starnes, and Miner as conferees on the part of the House and the Senate is so notified by Special Message.

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

H.B. 1471, A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Baker,

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Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridg, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McGee, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wood, and Yongue - 107.

Voting in the negative: None.

Excused absences: Representatives G. Allen, Barnhart, Clary, McHenry, McLawhorn, Parmon, Rhodes, Sutton, Womble, and Wright - 10.

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

H.B. 1475, A BILL TO BE ENTITLED AN ACT TO ANNEX THE ALBEMARLE CORRECTIONAL INSTITUTION TO THE TOWN OF BADIN, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Baker, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Coates, Cole, Crawford, Creech, Culp, Culpepper, Daughtridg, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wood, and Yongue - 108.

Voting in the negative: None.

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Excused absences: Representatives G. Allen, Barnhart, Clary, McHenry, McLawhorn, Parmon, Rhodes, Sutton, Womble, and Wright - 10.

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

H.B. 1553, A BILL TO BE ENTITLED AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Baker, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Coates, Cole, Crawford, Creech, Culp, Culpepper, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wood, and Yongue - 108.

Voting in the negative: None.

Excused absences: Representatives G. Allen, Barnhart, Clary, McHenry, McLawhorn, Parmon, Rhodes, Sutton, Womble, and Wright - 10.

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

H.B. 1425 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE COUNTY SHERIFF'S OFFICE, AND TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO EXERCISE ITS POWERS AT WESTERN PIEDMONT COMMUNITY COLLEGE, passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

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

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

H.B. 1454 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY, 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.

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

H.B. 1484, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS, 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.

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

H.B. 1543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL, 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.

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

H.B. 1551, A BILL TO BE ENTITLED AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE, 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.

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

H.B. 1474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF

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CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE.

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

The bill, as amended, passes its second reading, by electronic vote (107-1), 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.

INTRODUCTION OF PAGES

Pages for the week of May 31 are introduced to the membership. They are: Edward Bartholomew, II, of Palm Beach County, Florida; Andrew Bell of Cumberland; Elise Benjamin of Guilford; Alyssia Blalock of Wake; Katherine Carlton of Wake; Caitlin Collins of Alamance; Hannah Daniels of Johnston; Sarah Ferguson of Vance; Meredith Fraser of Wake; Jessica Gulley of Cabarrus; Colby Holloway of Wake; Heather Honeycutt of Wayne; Angela Hudson of Craven; Christy Kilborn of Wake; Elizabeth Lahey of Alamance; John Neese of Wake; Ja'Kay Pierce of Craven; Ashton Piper of Franklin; Paige Ridout of Johnston; Cameron Saunders of Wake; Jason Sexton of Granville; Eva Skipper of Wake; Jason Thomas of Cleveland; Angela Tyson of Harnett; and Kallie Wease of Lincoln.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1413**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Finance.

On motion of Representative Culpepper, seconded by Representative Cunningham, the House adjourns at 3:41 p.m. to reconvene June 2 at 2:00 p.m.

June 1, 2004T

ONE HUNDRED EIGHTEENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, June 2, 2004

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

The following prayer is offered by the Reverend Bob Inskip, Associate Pastor, First Presbyterian Church, Raleigh, North Carolina.

"According to Luke's gospel, when Jesus sent out 70 disciples, two by two, he told them he was sending them out as lambs among wolves. This was in the days before lobbyists, but I'm sure you can identify with it.

"Today, I would like to bring to your mind the second thing Jesus advised these men who were his ambassadors: not to take a bunch of stuff with them ... no money, no bags ... they didn't even get a *per diem!* But to rely upon the hospitality of those they would be serving.

"Jesus said, ' ... the worker deserves to be paid.' (Luke 10:7)

"Let us pray.

"Great God, these Representatives have gathered together once again to do the work entrusted to them, a sacred trust to serve every person in the Representatives' districts, and indeed, to serve all the people of North Carolina.

"Lord, keep them mindful of Your truth, that the worker deserves to be paid. May the legislation of this short session be respectful of all who serve the State, insuring that each worker is treated fairly and paid equitably.

"Lord, help these Representatives do their best to earn **their** pay today, not settling for the easy decision, but working until the right decision is reached, the one that makes for justice and compassion for all. Amen."

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

Leaves of absence are granted Representatives Daughtry, McHenry, and Wright for today.

June 2, 2004T

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Holliman and Setzer, Chairs, for the Committee on Insurance:

H.B. 1463, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION, with a favorable report.

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

By Representatives Bell and G. Wilson, Chairs, for the Committee on Pensions and Retirement:

H.B. 1478, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE, with a favorable report.

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

H.B. 1513, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM DEATH BENEFIT PAYABLE FROM THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, 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.

H.B. 1516, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONTINUED FINANCIAL SECURITY OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, with a favorable report as to the committee substitute bill, unfavorable as to the original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

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

June 2, 2004T

By Representatives Insko and Justus, Chairs, for the Committee on Health:

S.B. 582 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMISSION ON CHILDHOOD OBESITY, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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 Munford, Chair, for the Committee on Judiciary IV:

H.B. 1518, A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD, with a favorable report.

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

H.B. 1519, A BILL TO BE ENTITLED AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS AND CIVIL JUDGMENTS ENTERED AGAINST THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME, with a favorable report as to the committee substitute bill, unfavorable as to the 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 Representative Walker, Chair, for the Committee on Local Government I:

H.B. 1564, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 3.

H.B. 1614, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL

June 2, 2004T

RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 3.

H.B. 1666, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF GARNER TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 3.

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. 354** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN.

On motion of Representative Insko, the House does not concur in the Senate committee substitute bill, by electronic vote (110-0), and conferees are requested.

Speaker Morgan appoints Representative Insko, Chair; Representatives Ross, Justus, and Munford as conferees on the part of the House and the Senate is so notified by Special Message.

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

H.J.R. 1435, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES WESLEY "WILLIE" YORK, PROMINENT CIVIC LEADER, VISIONARY BUILDER, AND ENTREPRENEUR, passes its second reading, by electronic vote (112-0), and there being no objection is read a third time.

Representative Luebke requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (113-0).

June 2, 2004T

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

H.B. 1471, A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Daughtry, McHenry, and Wright - 3.

H.B. 1475, A BILL TO BE ENTITLED AN ACT TO ANNEX THE ALBEMARLE CORRECTIONAL INSTITUTION TO THE TOWN OF BADIN, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Mitchell,

June 2, 2004T

Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Daughtry, McHenry, and Wright - 3.

H.B. 1553, A BILL TO BE ENTITLED AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Daughtry, McHenry, and Wright - 3.

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

H.B. 1640 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES, passes its second reading and there being no objection is read a third time.

June 2, 2004T

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.

H.B. 1430 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 116.

Voting in the negative: None.

Excused absences: Representatives Daughtry, McHenry, and Wright - 3.

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

H.B. 1420, A BILL TO BE ENTITLED AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE, passes its second reading, by electronic vote (113-2), 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.

June 2, 2004T

H.B. 1443 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BUSINESS SERVICE CENTER IN THE DEPARTMENT OF COMMERCE.

Representative C. Wilson offers Amendment No. 1 which is adopted by electronic vote (116-0).

Pursuant to Rule 36.1, Representative Sherrill, Chair for the Committee on Appropriations, requests a fiscal note on the bill.

The bill is removed from the Calendar.

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

H.B. 1444 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING JOB DEVELOPMENT INVESTMENT GRANT (JDIG) PROGRAM AGREEMENTS TO CONTAIN A PROVISION ENCOURAGING THE USE OF SMALL BUSINESSES HEADQUARTERED IN NORTH CAROLINA, passes its second reading, by electronic vote (115-1), and there being no objection is read a third time.

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

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Adams, Chair, for the Committee on Local Government II:

H.B. 1547, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 3. The original bill is placed on the Unfavorable Calendar.

H.B. 1569, A BILL TO BE ENTITLED AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY AND THE MUNICIPALITIES LOCATED WITHIN THAT COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN

June 2, 2004T

REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 3.

H.B. 1604, A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 3.

H.B. 1608, A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 3. The original bill is placed on the Unfavorable Calendar.

S.B. 1122, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN, with a favorable report as to the House committee substitute bill, unfavorable as to the 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. 1189, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF CHADBURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS, with a favorable report.

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

By Representative Lucas, Chair, for the Committee on Military, Veterans and Indian Affairs:

June 2, 2004T

H.B. 1550, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS, with a favorable report as to the committee substitute bill, unfavorable as to the 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 (continued)

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

H.B. 1456 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS, passes its second reading, by electronic vote (116-0), and there being no objection is read a third time.

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

On motion of Representative Culpepper, seconded by Representative Rayfield, the House adjourns at 3:07 p.m. to reconvene June 3 at 12:00 Noon.

ONE HUNDRED NINETEENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, June 3, 2004

The House meets at 12:00 Noon pursuant to adjournment and is called to order by Speaker Black.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Merciful God:

June 3, 2004T

"We often find ourselves in difficult and awkward situations where we feel helpless and at a loss. At times we look heavenward grasping for words or shedding tears in sincere attempts to bring You closer to us. We can be so stubborn trying and trying to fix ourselves and clean up our own mess that somehow we forget that You are always walking in front of us, and beside us, and behind us, most willing to pick up the broken pieces we leave in our wake. Today's is not a prayer especially crafted for legislators, but a prayer of hope and a call to You for help to remind us of our need to believe the divine promise that if we knock, You will answer the door, if we seek, You will find us. Dear Lord, assure us of Your promise of the forgiveness of sin, the hope of today, and the glorious future of eternity. All of this we humbly pray. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 2 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Bonner, Holmes, Miller, Munford, and Wright for today. Speaker Morgan is excused for a portion of the session.

ENROLLED BILLS

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

H.J.R. 1435, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES WESLEY "WILLIE" YORK, PROMINENT CIVIC LEADER, VISIONARY BUILDER, AND ENTREPRENEUR. (RESOLUTION 2004-2)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Walker, Chair, for the Committee on Local Government I:

H.B. 1588, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER

June 3, 2004T

TO SETTLE CERTAIN CLAIMS AGAINST THE CITY, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1589, A BILL TO BE ENTITLED AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1619, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1670, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1674, A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON, with a favorable report as to the committee substitute bill, unfavorable as to the 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 Representative Lucas, Chair, for the Committee on Military, Veterans and Indian Affairs:

H.B. 1549, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE RESERVE COMPONENTS

June 3, 2004T

WHO ARE ASSIGNED TO UNITS LOCATED IN NORTH CAROLINA, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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 Holliman and Setzer, Chairs, for the Committee on Insurance:

S.B. 486 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT SYSTEM THE AMBER ALERT SYSTEM, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
June 2, 2004

Mr. Speaker:

Pursuant to your message received on June 1, 2004, that the House of Representatives fails to concur in the Senate Amendments No. 1 and No. 2 to **H.B. 1303** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX, and requests conferees, the President *Pro Tempore* appoints:

Senator Rand, Chair
Senator Hoyle
Senator Apodaca

June 3, 2004T

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:

S.B. 1093 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD EDGECOMBE, NASH, AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES, is read the first time and referred to the Committee on Local Government II.

S.B. 1096, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND KANNAPOLIS AS MUTUALLY AGREED UPON, is read the first time and referred to the Committee on Finance.

S.B. 1128 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE AND TO MAKE A TECHNICAL CORRECTION, is read the first time and referred to the Committee on Finance.

S.B. 1177, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE CITY OF RANDLEMAN, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 1218, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, is read the first time and referred to the Committee on Children, Youth and Families.

June 3, 2004T

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 582** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PUBLIC HEALTH PREPAREDNESS AND RESPONSE, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

H.B. 1547 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION, 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.

H.B. 1564, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY, 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.

H.B. 1569, A BILL TO BE ENTITLED AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY AND THE MUNICIPALITIES LOCATED WITHIN THAT COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES, 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.

H.B. 1604, A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND

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DOLLARS, 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.

H.B. 1608 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES, 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.

H.B. 1614, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM, 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.

H.B. 1666, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF GARNER TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS, 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.

H.B. 1430 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bordsen, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney,

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Haire, Hall, Harrell, Hill, Hilton, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 111.

Voting in the negative: None.

Excused absences: Speaker Morgan; Representatives Bonner, Holmes, Miller, Munford, and Wright - 6.

Representative Bowie requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (112-0).

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

H.B. 1607 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE A PORTION OF HEMLOCK BLUFFS STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE PARKS SYSTEM TO PROVIDE A RIGHT-OF-WAY FOR THE WIDENING OF KILDAIRE FARM ROAD IN THE TOWN OF CARY, AND TO REMOVE THE HORNE CREEK LIVING HISTORICAL FARM LOCATED WITHIN PILOT MOUNTAIN STATE PARK FROM THE STATE PARKS SYSTEM IN ORDER TO ALLOW THE PROPERTY TO BE REALLOCATED TO THE DEPARTMENT OF CULTURAL RESOURCES FOR USE AS A STATE HISTORIC SITE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, passes its second reading, by the following three-fifths vote, and there being no objection is read a third time.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blust, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Hall, Harrell, Hill, Hilton, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes,

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Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 111.

Voting in the negative: None.

Excused absences: Speaker Morgan; Representatives Bonner, Holmes, Miller, Munford, and Wright - 6.

The bill passes its third reading, by the following three-fifths vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 111.

Voting in the negative: None.

Excused absences: Speaker Morgan; Representatives Bonner, Holmes, Miller, Munford, and Wright - 6.

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

H.J.R. 1544, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO MURDERS THE OTHER PARENT OF THE CHILD, passes its second reading, by electronic vote (113-0), and there being no objection is read a third time.

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

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

H.B. 1574 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE RECREATION AREA AT BLEWETT FALLS LAKE, passes its second reading, by electronic vote (114-0), and there being no objection is read a third time.

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

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
June 3, 2004

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. 676** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA, and requests conferees. The President *Pro Tempore* appoints:

Senator Hoyle, Chair
Senator Dalton
Senator Jenkins
Senator Smith

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

June 3, 2004T

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1369, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS, with a favorable report.

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

H.B. 1385, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS BY THE CITY OF WASHINGTON AND THE TOWN OF CRESWELL, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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. 1593, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF SWANSBORO, with a favorable report.

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

H.B. 1678, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD, with a favorable report.

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

H.B. 1732, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE WARD BOUNDARIES OF THE CITY OF SOUTHPORT TO REFLECT RECENT ANNEXATIONS, with a favorable report.

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

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RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1498**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HEALTH CARE WORKFORCE DEVELOPMENT STUDY COMMISSION, is withdrawn from the Committee on Health and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1699**, 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 withdrawn from the Committee on Appropriations and re-referred to the Committee on Finance.

COMMITTEE MEETING APPROVED

Pursuant to Rule 28(e), Speaker Black grants permission for the Committee on Appropriations to meet when the House is not in session.

On motion of Representative Culpepper, seconded by Representative Kiser, the House adjourns at 12:36 p.m. to reconvene Monday, June 7, 2004, at 5:00 p.m.

ONE HUNDRED TWENTIETH DAY

HOUSE OF REPRESENTATIVES
Monday, June 7, 2004

The House meets at 5:00 p.m. pursuant to adjournment and is called to order by Speaker Black.

After observing a moment of silence in memory of D-Day and in honor and memory of former President Ronald W. Reagan, the following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Eternal God:

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"You are the author of life and all that is good. You alone established the parameters of the heavens and set creation in motion. Above You there is no other and from You comes every good and perfect gift.

"Tonight, this elected Body of leaders, joins millions of Americans and countless others around Your globe to mourn the death of the former President of the United States of America, Ronald W. Reagan. There should be none among us who does not understand the gravity of their respective office of servant leadership. Certainly, then, regardless of political affiliation or idealistic position, there is none among us who can fathom the enormous responsibilities and contributions of our Nation's presidents. Each president embodies and represents each American and our way of life in some small way, shape or form. Thus, in the passing of President Reagan, as it has been throughout our Nation's history, all Americans, despite our differences, can celebrate and embrace our common heritage and claim our unity as a free and open society.

"We give You thanks for the life of Ronald W. Reagan. We pray for Your mercy and grace to be with his family and loved ones in this most difficult time. Be with all of our leaders...national, State, and local...and remind them always of their sacred duty to faithfully protect and defend the Constitutions to which they have been sworn. Finally, in and through all things, may You be ever glorified.

"May God have mercy on us all. Amen."

Speaker Black 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 June 3 has been examined and found correct. Upon his motion, the Journal is approved as written.

There are no excused absences for today.

ENROLLED BILLS

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

H.B. 57, AN ACT TO ALLOW RANDOLPH COUNTY TO REAPPOINT MEMBERS OF ITS TOURISM DEVELOPMENT AUTHORITY.

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**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following report from standing committee is presented:

By Representatives Baker, Clary, Crawford, Earle, Grady, Owens, Sherrill, and Wright, Chairs, for the Committee on Appropriations:

H.B. 1414, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, with a favorable report as to the committee substitute bill, unfavorable as to the 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.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Gorman, Eddins, Wainwright, and Warner (Primary Sponsors); Alexander, Barnhart, Fisher, Goodwin, Insko, Luebke, Moore, Pate, Steen, and Weiss:

H.R. 1803, A HOUSE RESOLUTION HONORING THE MEMORY OF THE SERVICEMEN WHO LOST THEIR LIVES ON D-DAY AND EXPRESSING APPRECIATION TO NORTH CAROLINA'S D-DAY VETERANS ON THE 60TH ANNIVERSARY OF D-DAY.

Pursuant to Rule 32(a), the resolution is placed on the Calendar of June 8.

MESSAGES FROM THE SENATE

The following is received from the Senate:

S.B. 1339, A BILL TO BE ENTITLED AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL AND TO HONOR THE MANY NORTH CAROLINIANS WHO HAVE BEEN AWARDED THE PURPLE HEART MEDAL, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

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INTRODUCTION OF PAGES

Pages for the week of June 7 are introduced to the membership. They are: Anna Allen of Wake; Clare Alston of Wake; Benjamin Anderson of Buncombe; Elizabeth Beavers of Rockingham; Martha Browning of Wake; Aparna Chatterjee of Wake; Christine Clark of Craven; Elizabeth Cross of Granville; Gardner Culpepper of Chowan; Sydney Deal of Catawba; Ashley Deane of Wake; Elizabeth Donald of New Hanover; Nicole Faltisco of Wake; Meredith Gillespie of Wake; Benjamin Hadley of Wake; Patricia Harnage of Cleveland; John Herring of Wilson; Justin Hodges of Cumberland; Kevin Kiley of Wake; Scott Lassiter of Wake; Love Maduako of Wake; Merisa Marsh of Guilford; Daniel Mercer of Wake; Elizabeth Perry of Wake; David Point of New Hanover; William Pruden of Chowan; Emily Roofe of Moore; Eric Setzer of Catawba; Abby Sherrill of Caldwell; Elizabeth Song of Forsyth; Jason Steinberg of Columbus; Mark Trawick of Wake; Sarah Wiggins of Iredell; Robert Wiggins of Iredell; Ashley Williams of Onslow; Matthew Woodlief of Catawba; and William Young of Rockingham.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 1414** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, is placed on today's Calendar for immediate consideration.

Representative Ellis inquires of the Chair if the bill is in order pursuant to Article II, Section 24(c) of the North Carolina Constitution. Speaker Black states that it is a public bill and rules that it is properly before the Body.

Representative Baker offers Amendment No. 1.

On motion of Representative Baker, the amendment is temporarily displaced.

Representative Wright offers Amendment No. 2 which is adopted by electronic vote (119-0).

Representative Nye offers Amendment No. 3 which is adopted by electronic vote (86-30).

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Representative Allred states that his voting equipment malfunctioned and he requests to change his vote from "aye" to "no". This request is granted. Representative Grady requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (86-30).

Representative LaRoque offers Amendment No. 4.

On motion of Speaker Black, the amendment is temporarily displaced.

Representative Clary offers Amendment No. 5.

Representative Dickson requests that she be excused from voting on this amendment because her spouse is a sitting district court judge, under Rule 24.1A, and this request is granted.

Amendment No. 5 fails of adoption by electronic vote (51-66).

Representative Crawford offers Amendment No. 6 which is adopted by electronic vote (116-0).

Representative Walend offers Amendment No. 7 which is adopted by electronic vote (117-0).

Representative Luebke offers Amendment No. 8.

On motion of Speaker Black, the amendment is temporarily displaced.

Representative Allred offers Amendment No. 9.

On motion of Speaker Black, the amendment is temporarily displaced.

Representative England offers Amendment No. 10 which is adopted by electronic vote (118-1).

Amendment No. 8, which was temporarily displaced, is before the Body.

Amendment No. 8 fails of adoption by electronic vote (15-103).

Representative Weiss offers Amendment No. 11.

SPEAKER MORGAN PRESIDING.

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Amendment No. 11 fails of adoption by electronic vote (58-60).

Representative Insko offers Amendment No. 12 which is adopted by electronic vote (114-0).

Amendment No. 9, which was temporarily displaced, is before the Body.

Amendment No. 9 fails of adoption by electronic vote (43-71).

Amendment No. 4, which was temporarily displaced, is before the Body.

SPEAKER BLACK PRESIDING.

Amendment No. 4 fails of adoption by electronic vote (44-74).

Representative England requests and is granted permission to be recorded as voting "no". The adjusted vote total is (44-75).

Representative Insko offers Amendment No. 13 which is adopted by electronic vote (117-0).

The bill, as amended, passes its second reading, by electronic vote (100-20), and remains on the Calendar.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1775**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ISSUE SPECIAL OBLIGATION BONDS FOR CERTAIN EQUIPMENT PROJECTS WITHOUT PRIOR APPROVAL OF THE GENERAL ASSEMBLY OR THE BOARD OF TRUSTEES OF THE INSTITUTION WHERE THE PROJECT IS LOCATED, 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 Brubaker, the House adjourns at 10:00 p.m., in memory of Ronald Wilson Reagan, Fortieth President of the United States, to reconvene June 8 at 10:00 a.m.

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ONE HUNDRED TWENTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Tuesday, June 8, 2004

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by Speaker Morgan.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Dear God of Heaven and Earth:

"Life is, indeed, precarious. We have so much to do that we hustle from one thing to the next rarely pausing long enough to catch our breath. Last evening, we moved fairly quickly from moments of solemnity to healthy debate on the budget. Undoubtedly, that debate will continue. And, that is okay. Life must go on and so shall we. So, help us Lord, to continue our work diligently and fairly...to vote thoughtfully and carefully for this budget that has been crafted by so many. But, as we move from one agenda item to another, help us to find the time, and to take the time, if even for just a moment, to be still and to sit with You with grateful hearts giving thanks for Your everlasting presence in our lives. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 7 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives G. Allen and Wainwright for today.

MESSAGES FROM THE SENATE

The following are received from the Senate:

S.B. 1085, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES, is read the first time and referred to the Committee on Transportation.

S.B. 1092, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL

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COMPACT, is read the first time and referred to the Committee on Transportation.

S.B. 1133, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODD-NUMBERED YEARS, is read the first time and referred to the Committee on Local Government I.

S.B. 1144, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN "IN GOD WE TRUST" SPECIAL REGISTRATION PLATE WITH THE PROCEEDS GOING TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED NORTH CAROLINA NATIONAL GUARDSMEN, is read the first time and referred to the Committee on Finance.

S.B. 1148 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is read the first time and referred to the Committee on Aging.

S.B. 1159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS, is read the first time and referred to the Committee on Military, Veterans and Indian Affairs.

S.B. 1201, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY, is read the first time and referred to the Committee on Wildlife Resources.

S.B. 1312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES, is read the first time and referred to the Committee on Pensions and Retirement.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 1550** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE

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ADVISORY COMMISSION ON MILITARY AFFAIRS, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CHAPTERED BILLS

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

H.B. 57, AN ACT TO ALLOW RANDOLPH COUNTY TO REAPPOINT MEMBERS OF ITS TOURISM DEVELOPMENT AUTHORITY. (S.L. 2004-3)

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 486** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM USING CUSTOMER INQUIRIES TO TERMINATE A POLICY, TO REFUSE TO ISSUE OR RENEW A POLICY, OR TO SUBJECT A POLICY TO CONSENT TO RATE, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

H.R. 1803, A HOUSE RESOLUTION HONORING THE MEMORY OF THE SERVICEMEN WHO LOST THEIR LIVES ON D-DAY AND EXPRESSING APPRECIATION TO NORTH CAROLINA'S D-DAY VETERANS ON THE 60TH ANNIVERSARY OF D-DAY.

The resolution is adopted, by electronic vote (113-0), and ordered printed.

H.B. 1414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.

Representative Baker withdraws Amendment No. 1, which was temporarily displaced on June 7.

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Representative Daughtridge offers Amendment No. 14 which is adopted by electronic vote (113-0).

The bill, as amended, passes its third reading, by electronic vote (95-18), and is ordered engrossed and sent to the Senate by Special Message.

On motion of Representative Culpepper, seconded by Representative Ray, the House adjourns at 10:37 a.m. to reconvene June 9 at 2:00 p.m.

ONE HUNDRED TWENTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Wednesday, June 9, 2004

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

The following prayer is offered by Bishop Kenneth L. Hill, North Ramsey Street Church of God, Fayetteville, North Carolina.

"Our Father and Our God, it is once again that we humble ourselves before You on this day and present this Body of Government into Your hands. Breathe upon us Thy blessings. Breathe upon us Thy spirit of enlightenment, and of faith, and love that reminds us that we are Your children and are in desperate need of Your guidance to make critical and decisive decisions that will affect the budgeting of funds, the educational processes of our State, the quality of life in every community, and the lives of our children.

"Help us to bridge the gap between party lines and lay aside personal agendas to do what is necessary to achieve excellence in State government. And, as we close this prayer, we pray wisdom for our President, the Congress, and all federal, State, and local governments. We ask Your divine protection for our Armed Forces and Law Enforcement Officers and their families and all who place their lives in harms way with the sole comfort that the world will be a safer place and Democracy will continue to stand.

"We pray for the family of President Ronald Reagan, the Nation and even the world as we mourn the Nation's loss and rejoice in his memories and great contributions he has made that helped our Nation and even the world to be a safer and more productive society.

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"Finally, let us remember the words of St. Francis of Assisi who said, 'Make us an instrument of Thy peace! Where there is hatred, let us sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. And, grant that we may not seek to be consoled, but console; not to be understood, but to understand; not to be loved, but to love. For it is in giving that we receive. It is in pardoning we are pardoned. It is in dying unto ourselves that we are born to eternal life.' This is our prayer, O God! Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 8 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Speaker Morgan; Representatives Church, Earle, Miller, Miner, and West for today.

ENROLLED BILLS

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

H.B. 1465, AN ACT TO ALLOW FARMLAND OWNED BY A FAMILY BUSINESS TO KEEP ITS PRESENT-USE VALUE TAX STATUS WHEN LEASED FOR FARM USE.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives G. Allen, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1413, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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. 1555, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS

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FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1063, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, with a favorable report as to the House committee substitute bill, unfavorable as to the 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 Representative Lucas, Chair, for the Committee on Military, Veterans and Indian Affairs:

H.B. 1567, A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY INSTALLATIONS, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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, Hilton, Warner, and Wood, Chairs, for the Committee on Education:

H.J.R. 1540, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO LIMIT OUT-OF-STATE UNDERGRADUATE ENROLLMENT AT EACH CONSTITUENT INSTITUTION EXCEPT THE NORTH CAROLINA SCHOOL OF THE ARTS TO EIGHTEEN PERCENT OF THE ENTERING FRESHMAN CLASS AT THE INSTITUTION AND TO APPROPRIATE FUNDS TO ASSIST IN IMPLEMENTING THE ACT, with a favorable report.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of June 10.

By Representatives Bell and G. Wilson, Chairs, for the Committee on Pensions and Retirement:

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H.B. 1624, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, 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.

By Representatives Allred and Coates, Chairs, for the Committee on Transportation:

H.B. 1345, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES, with a favorable report.

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

H.B. 1360, A BILL TO BE ENTITLED AN ACT TO EXEMPT MOVEMENT AROUND EMERGENCY VEHICLES FROM HOV LANE RESTRICTIONS, with a favorable report.

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

H.B. 1382, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS, with a favorable report.

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

H.B. 1383, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, with a favorable report.

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

H.B. 1394, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES, with a favorable report.

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

HONORARY PAGE

Serving as Honorary Page for today is Lindsay Jordan of Wake County.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Baker, Allred, and McGee:

H.B. 1804, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO ALLOW A LEGISLATIVE COMMITTEE OR COMMISSION TO MAKE BUDGET ADJUSTMENTS IN THE INTERIM, is referred to the Committee on Rules, Calendar, and Operations of the House.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
June 8, 2004

Mr. Speaker:

Pursuant to your message received on June 2, 2004, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 354** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN, and requests conferees, the President *Pro Tempore* appoints:

Senator Purcell, Chair
Senator Forrester
Senator Hagan

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

June 9, 2004T

MESSAGES FROM THE SENATE

The following are received from the Senate:

S.B. 1309 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF APEX TO ENGAGE IN CONDITIONAL ZONING AND TO EXPEND FUNDS ON ROADS OUTSIDE OF ITS CORPORATE LIMITS, is read the first time and referred to the Committee on Finance.

S.B. 1343, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF WHITEVILLE THE EXISTING DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF US HIGHWAYS 74/76 AND 701 AROUND THE OVERPASS AREA TO HELP ACCOMMODATE THE MAINTENANCE REQUIREMENTS OF THE INTERCHANGE LIGHTING PROJECT, is read the first time and referred to the Committee on Finance.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 38(a), **H.B. 1549** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN NORTH CAROLINA AND TO CLARIFY DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE NORTH CAROLINA NATIONAL GUARD, is withdrawn from the Calendar and re-referred to the Committee on Appropriations.

CALENDAR

Action is taken on the following:

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

H.B. 1369, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee,

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Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Clary, Coates, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 108.

Voting in the negative: Representative Decker.

Excused absences: Speaker Morgan; Representatives Church, Earle, Miller, Miner, and West - 6.

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

H.B. 1385 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS BY THE CITY OF WASHINGTON AND THE TOWNS OF CRESWELL AND WALLACE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Clary, Coates, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 108.

Voting in the negative: Representative Decker.

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Excused absences: Speaker Morgan; Representatives Church, Earle, Miller, Miner, and West - 6.

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

H.B. 1593, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF SWANSBORO, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Clary, Coates, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 108.

Voting in the negative: Representative Decker.

Excused absences: Speaker Morgan; Representatives Church, Earle, Miller, Miner, and West - 6.

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

H.B. 1678, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Clary, Coates, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman,

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Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 108.

Voting in the negative: Representative Decker.

Excused absences: Speaker Morgan; Representatives Church, Earle, Miller, Miner, and West - 6.

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

H.B. 1588 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY, 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.

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

H.B. 1589 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, 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.

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

H.B. 1619 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN, 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.

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

H.B. 1670 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK, 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.

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

S.B. 1122 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN, 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 the House committee substitute bill.

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

S.B. 1189, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF CHADBOURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

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

H.B. 1463, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

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

The bill, as amended, passes its second reading, by electronic vote (113-0), and remains on the Calendar.

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

H.B. 1478, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE, 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.

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

H.B. 1518, A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD, passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

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

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.

H.B. 1519 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS AND CIVIL JUDGMENTS ENTERED AGAINST THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME, 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.

CONFEREES APPOINTED

Speaker Black appoints the following conferees on **S.B. 676** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA, AND TO EXEMPT CERTAIN FREE DISTRIBUTION PUBLICATIONS FROM THE SALES TAX AND TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST

June 9, 2004T

MORTGAGES: Representative Brubaker, Chair; Representatives Luebke, Church, and Howard.

The Senate is so notified by Special Message.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1354**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary IV.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1649**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF ALCOHOL AND OTHER IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS, is withdrawn from the Committee on Wildlife Resources and re-referred to the Committee on Local Government I.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 486** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM USING CUSTOMER INQUIRIES TO TERMINATE A POLICY, TO REFUSE TO ISSUE OR RENEW A POLICY, OR TO SUBJECT A POLICY TO CONSENT TO RATE, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Insurance.

On motion of Representative Culpepper, seconded by Representative A. Williams, the House adjourns at 3:09 p.m. to reconvene June 10 at 10:00 a.m.

ONE HUNDRED TWENTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Thursday, June 10, 2004

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by Speaker Black, designated to preside by Speaker Morgan.

June 10, 2004T

The following prayer is offered by the Reverend Byron Wade, Davie Street Presbyterian Church, Raleigh, North Carolina.

"O Creator God, we are thankful for all You have done and You are truly worthy to be praised. Thank You for waking us up this morning and calling us to be here today. We ask that Your Holy Spirit abide with each of Your elected officials as this Session begins. As You have given them the responsibility of being Your stewards over the people and resources of this State, let them be led by You in their deliberations. Give them the assurance that in everything that is done today, all will be done to glorify Your name. It is with these and other blessings that we ask for today. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 9 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Speaker Morgan; Representatives Church, Daughtry, Dockham, Earle, Gillespie, Haire, Hilton, Jeffus, Justice, McMahan, Miller, Miner, Munford, Parmon, Rapp, Setzer, and West for today.

ENROLLED BILLS

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

S.B. 1189, AN ACT ALLOWING THE TOWN OF CHADBOURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Walker, Chair, for the Committee on Local Government I:

H.B. 1687, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY, with a favorable report as to the

June 10, 2004T

committee substitute bill, unfavorable as to the 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.B. 1721, A BILL TO BE ENTITLED AN ACT TO CHANGE THE PURPOSES FOR WHICH THE ADDITIONAL ONE PERCENT OCCUPANCY TAX IN CURRITUCK COUNTY MAY BE USED, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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.B. 1722, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD FROM THREE TO FIVE MEMBERS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 14.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 1394**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

S.J.R. 1438, A JOINT RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES OF AMERICA, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

June 10, 2004T

CALENDAR

Action is taken on the following:

H.B. 1369, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Decker, Dickson, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goodwin, Gorman, Grady, Gulley, Hackney, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, C. Johnson, L. Johnson, Jones, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Michaux, Mitchell, Moore, Nye, Owens, Pate, Preston, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 98.

Voting in the negative: None.

Excused absences: Speaker Morgan; Representatives Church, Daughtry, Dockham, Earle, Gillespie, Haire, Hilton, Jeffus, Justice, McMahan, Miller, Miner, Munford, Parmon, Rapp, Setzer, and West - 18.

H.B. 1385 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS BY THE CITY OF WASHINGTON AND THE TOWNS OF CRESWELL AND WALLACE, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Decker, Dickson, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goodwin, Gorman, Grady, Gulley, Hackney,

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Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, C. Johnson, L. Johnson, Jones, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Michaux, Mitchell, Moore, Nye, Owens, Pate, Preston, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 98.

Voting in the negative: None.

Excused absences: Speaker Morgan; Representatives Church, Daughtry, Dockham, Earle, Gillespie, Haire, Hilton, Jeffus, Justice, McMahan, Miller, Miner, Munford, Parmon, Rapp, Setzer, and West - 18.

H.B. 1593, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF SWANSBORO, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridg, Decker, Dickson, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goodwin, Gorman, Grady, Gulley, Hackney, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, C. Johnson, L. Johnson, Jones, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Michaux, Mitchell, Moore, Nye, Owens, Pate, Preston, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 98.

Voting in the negative: None.

Excused absences: Speaker Morgan; Representatives Church, Daughtry, Dockham, Earle, Gillespie, Haire, Hilton, Jeffus, Justice, McMahan, Miller, Miner, Munford, Parmon, Rapp, Setzer, and West - 18.

H.B. 1678, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD, passes its third reading, by the following vote, and is ordered sent to the Senate.

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Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Decker, Dickson, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goodwin, Gorman, Grady, Gulley, Hackney, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, C. Johnson, L. Johnson, Jones, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Michaux, Mitchell, Moore, Nye, Owens, Pate, Preston, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 98.

Voting in the negative: None.

Excused absences: Speaker Morgan; Representatives Church, Daughtry, Dockham, Earle, Gillespie, Haire, Hilton, Jeffus, Justice, McMahan, Miller, Miner, Munford, Parmon, Rapp, Setzer, and West - 18.

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

H.B. 1674 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON, 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 sent to the Senate.

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

H.B. 1732, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE WARD BOUNDARIES OF THE CITY OF SOUTHPORT TO REFLECT RECENT ANNEXATIONS, 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 sent to the Senate.

H.B. 1463, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

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Representative Luebke offers Amendment No. 2 which is adopted by electronic vote (100-0).

The bill, as amended, passes its third reading, by electronic vote (100-0), and is ordered engrossed and sent to the Senate.

The fiscal note requested by Representative Sherrill on June 2 is attached to **H.B. 1443** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BUSINESS SERVICE CENTER IN THE DEPARTMENT OF COMMERCE, on June 9 and the bill is placed on the Calendar of June 10.

The bill, as amended, passes its second reading, by electronic vote (100-0), 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.

H.J.R. 1540, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO LIMIT OUT-OF-STATE UNDERGRADUATE ENROLLMENT AT EACH CONSTITUENT INSTITUTION EXCEPT THE NORTH CAROLINA SCHOOL OF THE ARTS TO EIGHTEEN PERCENT OF THE ENTERING FRESHMAN CLASS AT THE INSTITUTION AND TO APPROPRIATE FUNDS TO ASSIST IN IMPLEMENTING THE ACT.

On motion of Representative Warner and without objection, the resolution is withdrawn from the Calendar and placed on the Calendar of June 15.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives G. Allen, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1264, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FINANCE LAWS OF THE STATE, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

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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. 1699, 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 36(b), the bill is placed on the Calendar.

On motion of Representative Culpepper, seconded by Representative Cunningham, the House adjourns at 10:32 a.m. to reconvene Monday, June 14, 2004, at 7:00 p.m.

ONE HUNDRED TWENTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Monday, June 14, 2004

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

The following prayer is offered by the father-in-law of Speaker Morgan, the Reverend Fred Richardson, Community Baptist Church, Candor, North Carolina.

"Our Father Who Art in Heaven:

"We know that somewhere beyond the clouds You are there, looking down on this congregation of people. You said my eyes are over the righteous. My ears are open under their presence. I pray that You will hear this prayer tonight, God. As we pray we ask You to bless everyone that is present here. I know without Your blessings we are miserable of all people. And I pray that You will help us, Lord, to put our faith and our trust and our hope in the God that says I will never leave You nor forsake You, but I will go with You all the way even unto the end of the world. I pray, dear Lord, that You will help us to see the value of this and don't take advantage of it. And help us to ever look up knowing that our help cometh from Thee. And that we might boldly say the Lord is our helper and I will not fear what man can do to me. Thank You, O God, for being our Father and me being Your

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child. And we are all headed one way toward eternity, either saved or lost. And, O God, I know that Your day of giving an account is soon coming. Help us to prepare ourselves to meet our Maker. Bless and have Your way in the lives of all of us. In His name I pray. Amen."

Speaker Morgan 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 June 10 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, G. Allen, Barnhart, Bowie, Clary, Cole, Eddins, Gorman, Hill, McAllister, Miller, Stam, Starnes, Sutton, Wainwright, and Womble for today.

ENROLLED BILLS

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

H.B. 1604, AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS.

H.B. 1666, AN ACT TO ALLOW THE TOWN OF GARNER TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.

WITHDRAWAL OF BILLS FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 1360**, A BILL TO BE ENTITLED AN ACT TO EXEMPT MOVEMENT AROUND EMERGENCY VEHICLES FROM HOV LANE RESTRICTIONS, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Pursuant to Rule 36(b)(2), **H.B. 1382**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE

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THE CONSTRUCTION SCHEDULE OF TIP PROJECTS, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Pursuant to Rule 36(b)(2), **H.B. 1383**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Pursuant to Rule 36(b)(2), **H.B. 1699**, 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 withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Appropriations.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Howard, Luebke, McComas, and Miner, Chairs, for the Committee on Finance:

H.B. 919, A BILL TO BE ENTITLED AN ACT TO ALLOW INCOME TAX CREDITS FOR VOLUNTARY WORKPLACE SAFETY EFFORTS BY EMPLOYERS, reported without prejudice as to the committee substitute bill, which changes the title, unfavorable as to the original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

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

By Representatives Allred and Coates, Chairs, for the Committee on Transportation:

H.B. 1372, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON

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PUBLIC TRANSIT VEHICLES, with a favorable report as to the committee substitute bill, unfavorable as to the 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:

S.B. 1033 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 1078 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW, is read the first time and referred to the Committee on Transportation.

S.B. 1083, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, is read the first time and referred to the Committee on Transportation.

S.B. 1086 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES, is read the first time and referred to the Committee on Transportation.

S.B. 1089, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS, is read the first time and referred to the Committee on Transportation.

S.B. 1090 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM HOV LANE RESTRICTIONS MOVEMENT AROUND EMERGENCY VEHICLES, DISABLED VEHICLES, OR DEBRIS, is read the first time and referred to the Committee on Transportation.

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S.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO ISSUE A 4-H SPECIAL REGISTRATION PLATE AND A HIGH SCHOOL INSIGNIA PLATE, is read the first time and referred to the Committee on Finance.

S.B. 1145 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, is read the first time and referred to the Committee on Finance.

S.B. 1167, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is read the first time and referred to the Committee on Judiciary I.

S.B. 1191, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COLUMBUS COUNTY PRISON BE CONSTRUCTED IN ACCORDANCE WITH THE SAME NORTH CAROLINA STATE BUILDING CODE UNDER WHICH THE PRISONS IN SCOTLAND, ANSON, ALEXANDER, GREENE, AND BERTIE COUNTIES WERE CONSTRUCTED, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 1219, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERCENTAGE OF REVENUE CREDITED TO THE DRY-CLEANING SOLVENT CLEANUP FUND THAT MAY BE USED TO PAY COSTS OF ASSESSMENT OR REMEDIATION OF DRY-CLEANING SOLVENT CONTAMINATION THAT OCCURRED PRIOR TO 1 JULY 2001, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is read the first time and referred to the Committee on Environment and Natural Resources.

S.B. 1223 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION, is read the first time and referred to the Committee on Insurance.

S.B. 1254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD

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FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, is read the first time and referred to the Committee on Finance.

S.B. 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE RECREATION AREA AT BLEWETT FALLS LAKE, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 1305 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, is read the first time and referred to the Committee on Local Government I.

CALENDAR

Action is taken on the following:

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

H.B. 1722, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD FROM THREE TO FIVE MEMBERS, 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.

INTRODUCTION OF PAGES

Pages for the week of June 14 are introduced to the membership. They are: Mary Cole Allen of Randolph; Lauren Bollinger of Mecklenburg; Carl Burchette of Mecklenburg; Lindsay Cross of Randolph; Lynwood Ebron of Wake; Michael Edwards of Hertford; David Epps of Wake; Craig Franklin of Burke; Ellie Gilbert of Wake; Aaron Goodson of Cumberland; Gini Gregge of Edgecombe; Kayla Hall of Stokes, Nathan Harrell of Surry; Brooke Harrison of Camden; Sarah Hill of Davidson, Sarah Ann Hill of Gates; Christen Holcombe of Wake; Mitchell Kiser of Guilford; Rachel Kriegsman of Guilford; Eric McCombs of Wake; Santana Miller of

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Brunswick; Alecia Murphy of New Hanover; Charles Neal of New Hanover; Sarah Neunzig of Gaston; Latoya Perry of Cumberland; Amanda Pressley of Jackson; Lauren Ross of Mecklenburg; Noelle Saleh of Wake; Walker Sigmon of Catawba; Keri Spivey of Camden; Kai Toshumba of Davidson; William Webb of Wake; and Benjamin Yancey, Jr., of Wake.

Serving as Honorary Page for the week is Selena Skorman of Cleveland.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1450**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STOLEN REGISTRATION PLATES WILL BE REPLACED BY THE DIVISION OF MOTOR VEHICLES WITHOUT THE PAYMENT OF A FEE, 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, pursuant to Rule 39.2 and without objection, **H.B. 1530**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is withdrawn from the Committee on Judiciary IV and re-referred to the Committee on Judiciary I.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1550** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Military, Veterans and Indian Affairs.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1665**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISPOSITIONAL HEARING OF A JUVENILE WHO IS IN RESIDENTIAL TREATMENT BE HELD IN THE COUNTY IN WHICH THE JUVENILE IS RECEIVING TREATMENT AND TO APPROPRIATE FUNDS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary IV.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1692**, A BILL TO BE ENTITLED AN ACT TO

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EXEMPT HISTORIC VEHICLES FROM THE SAFETY INSPECTION PROGRAM, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Appropriations.

On motion of Representative Culpepper, seconded by Representative Grady, the House adjourns at 7:24 p.m. to reconvene June 15 at 1:00 p.m.

ONE HUNDRED TWENTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, June 15, 2004

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by Speaker Black.

The following prayer is offered by Dr. Jeff Roberts, Trinity Baptist Church, Raleigh, North Carolina.

"O God:

"We give You thanks for this day that You have created. We are grateful for the blessing of work and the opportunity to also create good through our actions and our decisions. I pray You would grant these our leaders and our servants wisdom. Give them the courage of conviction, the compassion of servant hood, the spirit of unity found in compromise, the faith in others and You that comes through trust. Give them vision for their planning and may they have personal character and values that produce and incorporate integrity in the decisions they make.

"O God, also bless the homes and families which are represented here today. For even as we come to work we carry the burdens of the issues of personal and private struggle. Give peace of mind and heart in this hour so our leaders are free to serve to the best of their ability. O God, bless this great State and let us never forget who grants true wisdom and from whom all our blessings flow. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 14 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 Holmes, Miller, and Womble for today.

ENROLLED BILLS

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

H.B. 1497, AN ACT TO ADOPT A FLAT COLLECTION ASSISTANCE FEE UNDER THE SETOFF DEBT COLLECTION ACT.

CHAPTERED BILLS

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

S.B. 1189, AN ACT ALLOWING THE TOWN OF CHADBOURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS. (S.L. 2004-4)

H.B. 1604, AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS. (S.L. 2004-5)

H.B. 1666, AN ACT TO ALLOW THE TOWN OF GARNER TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS. (S.L. 2004-6)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Insko and Justus, Chairs, for the Committee on Health:

H.B. 1509, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD ADVANCED DEGREES TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE, with a favorable report.

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

By Representatives G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1671, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY, with a favorable report.

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

S.B. 1096, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND KANNAPOLIS AS MUTUALLY AGREED UPON, with a favorable report.

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

S.B. 1098, A BILL TO BE ENTITLED AN ACT TO IMPROVE HEALTH CARE BY AUTHORIZING SPECIAL INDEBTEDNESS TO FINANCE A CANCER TREATMENT CENTER AT THE UNIVERSITY OF NORTH CAROLINA HOSPITALS AT CHAPEL HILL AND A CARDIOVASCULAR DISEASES INSTITUTE AT EAST CAROLINA UNIVERSITY, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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.

MESSAGES FROM THE SENATE

The following are received from the Senate:

S.B. 1064 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION, TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS, AND TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS

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GEOGRAPHICALLY ACROSS THE STATE; AND TO MAKE CLARIFYING CHANGES, is read the first time and referred to the Committee on Finance and, if favorable, to the Committee on Appropriations.

S.B. 1161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES, is read the first time and referred to the Committee on Military, Veterans and Indian Affairs.

S.B. 1233, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED SALE, is read the first time and referred to the Committee on Local Government I.

S.B. 1279, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS TO CONTRACT WITH BOTH THE TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT, is read the first time and referred to the Committee on Local Government I.

S.B. 1288, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY, is read the first time and referred to the Committee on Local Government II.

S.B. 1414, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN CERTAIN MEDICAL BOARD FEES, 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. 1555 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION

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CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Barbee, Bell, Bonner, Bordsen, Brubaker, Carney, Church, Clary, Coates, Cole, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Dockham, Earle, England, Farmer-Butterfield, Fisher, Fox, Gibson, Glazier, Goforth, Goodwin, Grady, Hackney, Haire, Hall, Harrell, Hill, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Kiser, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miner, Moore, Nye, Owens, Parmon, Pate, Rapp, Rayfield, Ross, Saunders, Sherrill, Stiller, Sutton, Tolson, Wainwright, Warner, Warren, Weiss, A. Williams, K. Williams, G. Wilson, Wright, and Yongue - 81.

Voting in the negative: Representatives Allred, Baker, Barnhart, Blackwood, Blust, Bowie, Capps, Creech, Decker, Eddins, Ellis, Frye, Gillespie, Gorman, Gullely, Hilton, Justus, LaRoque, McHenry, Mitchell, Munford, Preston, Ray, Rhodes, Sauls, Setzer, Sexton, Stam, Starnes, Steen, Walend, Walker, West, and Wood - 34.

Excused absences: Representatives Holmes, Miller, and Womble - 3.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Gibson, Chair, for the Committee on Environment and Natural Resources:

S.B. 859 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CATAWBA RIVER BASIN BI-STATE ADVISORY COMMISSION AND TO APPROPRIATE FUNDS TO ENABLE THE COMMISSION TO ACHIEVE ITS PURPOSES, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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.

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S.B. 1219, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERCENTAGE OF REVENUE CREDITED TO THE DRY-CLEANING SOLVENT CLEANUP FUND THAT MAY BE USED TO PAY COSTS OF ASSESSMENT OR REMEDIATION OF DRY-CLEANING SOLVENT CONTAMINATION THAT OCCURRED PRIOR TO 1 JULY 2001, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

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

CALENDAR (continued)

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

H.B. 1345, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES, 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.

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

H.B. 1413 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT, passes its second reading, by electronic vote (116-0).

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

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

H.J.R. 1540, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO LIMIT OUT-OF-STATE UNDERGRADUATE ENROLLMENT AT EACH CONSTITUENT INSTITUTION EXCEPT THE NORTH CAROLINA SCHOOL OF THE ARTS TO EIGHTEEN PERCENT OF THE ENTERING FRESHMAN CLASS AT THE INSTITUTION AND TO APPROPRIATE FUNDS TO ASSIST IN IMPLEMENTING THE ACT.

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On motion of Representative Warner and without objection, the resolution is withdrawn from the Calendar and re-referred to the Committee on Education.

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

H.B. 1567 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES.

On motion of Representative Culpepper 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 report from standing committees is presented:

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

H.B. 1449, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, with a favorable report as to the committee substitute bill, unfavorable as to the 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.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 1305** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, is withdrawn from the Committee on Local Government I and re-referred to the Committee on Finance.

Representative Culpepper moves, seconded by Representative K. Williams, that the House adjourn, subject to the receipt of Committee Reports and the receipt of Messages from the Senate, to reconvene June 16 at 2:00 p.m.

The motion carries.

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**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. 1342, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLARD EUGENE "GENE" MCCOMBS, FORMER MEMBER OF THE GENERAL ASSEMBLY, with a favorable report.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of June 16.

H.B. 1529, A BILL TO BE ENTITLED AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE U. S. OPEN GOLF TOURNAMENT, with a favorable report.

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

H.J.R. 1558, A JOINT RESOLUTION RECOGNIZING THE IMPORTANCE OF MILITARY BASES LOCATED IN THIS STATE TO ALL NORTH CAROLINIANS AND EXPRESSING THE GENERAL ASSEMBLY'S INTENT TO SUPPORT PROGRAMS AND STRATEGIES THAT PREVENT ENCROACHMENT UPON MILITARY INSTALLATIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS, with a favorable report.

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

S.B. 582 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PUBLIC HEALTH PREPAREDNESS AND RESPONSE, reported without prejudice.

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

S.J.R. 1438, A JOINT RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES OF AMERICA, with a

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favorable report as to the House committee substitute resolution, unfavorable as to the original resolution.

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

MESSAGES FROM THE SENATE

The following is received from the Senate:

S.J.R. 1179, A JOINT RESOLUTION HONORING THE PENLAND SCHOOL OF CRAFTS ON ITS 75TH ANNIVERSARY AND THE MEMORY OF LUCY MORGAN, THE FOUNDER OF THE PENLAND SCHOOL OF CRAFTS, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on the Calendar of June 16.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Baker, Clary, Crawford, Earle, Grady, Owens, Sherrill, and Wright, Chairs, for the Committee on Appropriations:

S.B. 1098 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, TO SUPPORT REPAYMENT OF THE DEBT FROM THE HEALTH AND WELLNESS AND TOBACCO TRUST FUNDS, AND TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING, 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.

The House stands adjourned at 5:43 p.m.

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ONE HUNDRED TWENTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, June 16, 2004

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

The following prayer is offered by Dr. Jeff Roberts, Trinity Baptist Church, Raleigh, North Carolina.

"O God:

"You did create us and form us in Your image. We are therefore free beings even as You are free. We are free to acknowledge You or to ignore You - free to seek Your ways or to go our own way - free to pray in this moment or to remain silent. Today as we practice democracy, a fruit of our own individual freedom, let us remember that freedom comes with risk. There is a risk to defend freedom. And, we pray for those all over our world who are fighting for freedom. We remember the many men and women, who come from our communities, who are far away from home. We pray for their protection and care. God, let us not misuse our freedom. Let our freedom not be a license to do wrong. Keep us from being selfish and self-serving. We are reminded today that the exercise of our freedom always affects another. So let us remember that freedom matures and is expressed in a community with others.

"God, bless these who meet here in this hour. May they acknowledge You, seek Your ways and treasure this freedom in which we are created. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 15 has been examined and found correct. Upon his motion, the Journal is approved as written.

There are no excused absences for today.

ENROLLED BILLS

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

H.B. 1448, AN ACT TO REQUIRE THAT SELLERS BE PROVIDED WITH NOTICE AND A SIXTY-DAY PERIOD TO RESPOND TO A

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REQUEST FOR A REFUND OF OVER-COLLECTED SALES OR USE TAXES BEFORE A PURCHASER MAY BRING A CAUSE OF ACTION AGAINST THE SELLER.

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

H.B. 1474, AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 1098** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, AND TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING, is withdrawn from the Calendar pursuant to Rule 36(b) 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 committees are presented:

By Representative Munford, Chair, for the Committee on Judiciary IV:

H.B. 1354, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, with a favorable report as to the committee substitute bill, unfavorable as to the 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.

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

H.B. 1459, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE ALL TEACHERS AND ADMINISTRATORS TO TAKE THREE RENEWAL CREDITS IN DIVERSITY TRAINING, ANGER MANAGEMENT, CONFLICT RESOLUTION, OR CLASSROOM MANAGEMENT AND TO DETERMINE WHETHER TEACHER PREPARATION PROGRAMS SHOULD REQUIRE SIMILAR COURSES, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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 Representative Walker, Chair, for the Committee on Local Government I:

S.B. 1125, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN JOHNSTON COUNTY, with a favorable report.

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

S.B. 1133, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODD-NUMBERED YEARS, with a favorable report.

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

By Representative Barbee, Chair, for the Committee on Wildlife Resources:

H.B. 1349, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY, with a favorable report.

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

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H.B. 1659, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF HUNTING STANDS IN PERQUIMANS COUNTY, with a favorable report.

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

H.B. 1684, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN VANCE COUNTY, 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 Farmer-Butterfield:

H.J.R. 1805, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WESLEY JONES, FORMER EDUCATOR AND INFLUENTIAL LEADER, is 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. 1386 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of June 17.

H.B. 1608 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES, is returned for concurrence in the Senate committee substitute bill.

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

S.B. 1277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD OF THE TOWN OF MADISON, is read the first time and referred to the Committee on Local Government I.

S.B. 1356, A BILL TO BE ENTITLED AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT, is read the first time and referred to the Committee on Finance.

CONFERENCE REPORT

Representative Munford sends forth the Conference Report on **S.B. 51** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES AND TO REMOVE PROVISIONS THAT COULD RESULT IN FRANCHISE TAXES ON UNRELATED LIMITED LIABILITY COMPANIES. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of June 17.

Speaker Morgan rules the Conference Report to be material, thus constituting its first reading.

CALENDAR

Action is taken on the following:

H.J.R. 1342, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLARD EUGENE "GENE" MCCOMBS, FORMER MEMBER OF THE GENERAL ASSEMBLY, passes its second reading, by electronic vote (120-0), 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.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

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By Representative Barbee, Chair, for the Committee on Wildlife Resources:

H.B. 1613, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW IN CHOWAN COUNTY REGULATING HUNTING ON PRIVATE LAND, TO REGULATE THE DISCHARGE OF A CENTER-FIRE RIFLE IN CHOWAN COUNTY, AND TO ADD CHOWAN COUNTY TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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. 1662, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN CHEROKEE AND CLAY COUNTIES, with a favorable report as to the committee substitute bill, unfavorable as to the 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.

On motion of Speaker Morgan, the House recesses at 3:09 p.m.

RECESS

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

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Lucas, Chair, for the Committee on Military, Veterans and Indian Affairs:

S.B. 1159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS, with a favorable report.

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

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S.B. 1161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES, with a favorable report as to the House committee substitute bill, unfavorable as to the 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. 464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE AND THE CAPITAL PROJECTS PRIORITY COMMITTEE, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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.

S.B. 1098 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, AND TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING, with a favorable report as to House Committee Substitute Bill No. 3, which changes the title, unfavorable as to House Committee Substitute Bill No. 2.

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

CALENDAR (continued)

H.B. 1555 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION

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CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES.

Representative C. Wilson offers Amendment No. 1.

On motion of Representative C. Wilson and without objection, the bill, with Amendment No. 1 pending, is temporarily displaced.

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

H.B. 1264 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT REGULATORY FEES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 119.

Voting in the negative: None.

Excused absences: None.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Sutton, **H.B. 1555** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES, is withdrawn from the Calendar, with Amendment No. 1 pending, and placed on the Calendar of June 17.

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BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 1098** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, TO SUPPORT REPAYMENT OF THE DEBT FROM THE HEALTH AND WELLNESS AND TOBACCO TRUST FUNDS, AND TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING, is placed on today's Calendar for immediate consideration.

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

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Barbee, Barnhart, Bell, Blackwood, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Clary, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Decker, Dickson, Earle, Eddins, England, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Hill, Hilton, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McLawhorn, McMahan, Michaux, Miner, Moore, Munford, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 95.

Voting in the negative: Representatives Allred, Baker, Blust, Capps, Coates, Cole, Creech, Daughtry, Dockham, Ellis, Fox, Harrell, Holmes, McGee, McHenry, Miller, Mitchell, Nye, Rhodes, Sexton, Stam, Starnes, Sutton, West, and Wood - 25.

Excused absences: None.

CALENDAR (continued)

H.B. 1413 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT.

Representative Baker offers Amendment No. 1.

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On motion of Representative Baker and without objection, the bill is withdrawn from the Calendar, with Amendment No. 1 pending, and referred to the Committee on Finance.

BILL PLACED ON CALENDAR

On motion of Speaker Morgan and without objection, **H.B. 1413** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT, is withdrawn from the Committee on Finance, with Amendment No. 1 pending, and placed on the Calendar for immediate consideration.

Representative Baker withdraws Amendment No. 1.

The bill passes its third reading, by electronic vote (115-0), and is ordered sent to the Senate.

On motion of Representative Culpepper, seconded by Representative Coates, the House adjourns at 6:02 p.m. to reconvene June 17 at 10:00 a.m.

ONE HUNDRED TWENTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, June 17, 2004

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by Speaker Black.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Glorious Lord, name above all names, lover of our souls:

"We greet You on this glad day giving thanks to You for all of Your many blessings and the gifts of life that are too many to count. Grant unto us the gift of patience as we await the budget from the Senate. Grant unto us the gift of understanding as we will undoubtedly have to seek compromise. Grant unto us the gift of peace as we work together for the common good of Your people. Put away any envy, malice or discord from our hearts. Fill us with the gifts of joy, peace and love. And, bring us at last to that city not

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made with hands but born out of the very breath of Almighty God, in whose name we offer this sacred prayer. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 16 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Miller and West for today. Representatives Alexander, G. Allen, Brubaker, Howard, Lewis, and Ray are excused for a portion of the session.

ENROLLED BILLS

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

H.B. 1607, AN ACT TO REMOVE A PORTION OF HEMLOCK BLUFFS STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE PARKS SYSTEM TO PROVIDE A RIGHT-OF-WAY FOR THE WIDENING OF KILDAIRE FARM ROAD IN THE TOWN OF CARY, AND TO REMOVE THE HORNE CREEK LIVING HISTORICAL FARM LOCATED WITHIN PILOT MOUNTAIN STATE PARK FROM THE STATE PARKS SYSTEM IN ORDER TO ALLOW THE PROPERTY TO BE REALLOCATED TO THE DEPARTMENT OF CULTURAL RESOURCES FOR USE AS A STATE HISTORIC SITE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 1373, AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PRIVATE CONTRACTOR EMPLOYED AS A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR.

H.B. 1574, AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE RECREATION AREA AT BLEWETT FALLS LAKE.

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

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H.J.R. 1342, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLARD EUGENE "GENE" MCCOMBS, FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 2004-3)

CHAPTERED BILLS

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

H.B. 1474, AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE. (S.L. 2004-7)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Insko and Justus, Chairs, for the Committee on Health:

H.B. 1469, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INITIATE OR CONTINUE CERTAIN DISEASE MANAGEMENT ACTIVITIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE, with a favorable report as to the committee substitute bill, unfavorable as to the 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 Representative Walker, Chair, for the Committee on Local Government I:

H.B. 1724, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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.

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SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

H.B. 1352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, is returned for concurrence in two Senate amendments.

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

Upon concurrence, the Senate amendments change the title.

H.B. 1447, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE AND THE TOWN OF WAYNESVILLE, is returned for concurrence in one Senate amendment.

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

Upon concurrence, the Senate amendment changes the title.

CALENDAR

Action is taken on the following:

S.B. 1098 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, TO SUPPORT REPAYMENT OF THE DEBT FROM THE HEALTH AND WELLNESS AND TOBACCO TRUST FUNDS, AND TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in the House committee substitute bill.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Barbee, Barnhart, Bell, Blackwood, Bonner, Bordsen, Brubaker, Church, Clary, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Dickson, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie,

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Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Hill, Hilton, Holliman, Holmes, Howard, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, McAllister, McLawhorn, McMahan, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 91.

Voting in the negative: Representatives Allred, Baker, Blust, Coates, Daughtry, Dockham, Ellis, McGee, McHenry, Mitchell, Rhodes, Sexton, Stam, Starnes, Sutton, and Wood - 16.

Excused absences: Representatives Miller and West - 2.

Representatives Carney and Luebke request and are granted permission to be recorded as voting "aye". Representative Cole requests and is granted permission to change his vote from "aye" to "no". Representative Creech requests and is granted permission to be recorded as voting "no". The adjusted vote total is (92-18).

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Saunders and without objection, **H.B. 1372** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES, is withdrawn from the Calendar and re-referred to the Committee on Transportation.

CONFERENCE REPORT

On motion of Representative Hackney, the Conference Report on **S.B. 51** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES AND TO REMOVE PROVISIONS THAT COULD RESULT IN FRANCHISE TAXES ON UNRELATED LIMITED LIABILITY COMPANIES, is temporarily displaced.

CALENDAR (continued)

H.B. 1386 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS.

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On motion of Representative Blackwood, the House concurs in the Senate committee substitute bill, by electronic vote (113-0), and the bill is ordered enrolled.

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

S.B. 1063 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, passes its second reading, by electronic vote (89-21).

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

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **H.B. 1671**, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY, is withdrawn from the Calendar and placed on the Calendar of June 22.

CALENDAR (continued)

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

S.J.R. 1179, A JOINT RESOLUTION HONORING THE PENLAND SCHOOL OF CRAFTS ON ITS 75TH ANNIVERSARY AND THE MEMORY OF LUCY MORGAN, THE FOUNDER OF THE PENLAND SCHOOL OF CRAFTS, passes its second reading, by electronic vote (99-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

CONFERENCE REPORT

The Conference Report on House Committee Substitute for **S.B. 51**, which was temporarily displaced, is before the Body.

Representative Munford moves the adoption of the following Conference Report.

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House Committee Substitute for S.B. 51

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 51, A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES AND TO REMOVE PROVISIONS THAT COULD RESULT IN FRANCHISE TAXES ON UNRELATED LIMITED LIABILITY COMPANIES, House Committee Substitute Favorable 7/10/03, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/10/03, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 7/10/03 and substitute the attached Proposed Conference Committee Substitute S51-PCCS85351-LCx-3.

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

Date conferees approved report: June 15, 2004.

*Conferees for the
Senate*

S/ Daniel G. Clodfelter
S/ David W. Hoyle
S/ John H. Kerr, III
S/ Fletcher Hartsell, Jr.

*Conferees for the
House of Representatives*

S/ Don Munford
S/ Wilma M. Sherrill
S/ Paul Luebke
S/ Daniel F. McComas
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: Speaker Black, Speaker Morgan; Representatives B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Hill,

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Hilton, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 108.

Voting in the negative: Representative Rhodes.

Excused absences: Representatives Alexander, Miller, and West - 3.

CALENDAR (continued)

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

H.B. 1509, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD ADVANCED DEGREES TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE, 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.

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

H.B. 1529, A BILL TO BE ENTITLED AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE U. S. OPEN GOLF TOURNAMENT, 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.

H.B. 1264 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT REGULATORY FEES, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives B. Allen, G. Allen, L. Allen, Allred, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goodwin,

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Gorman, Grady, Gulley, Hackney, Haire, Hall, Hill, Hilton, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Setzer, Sexton, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Alexander, Miller, and West - 3.

Representative Sherrill requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (107-0).

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1354 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1 and recommendation that Committee Substitute Bill No. 2 be re-referred to the Committee on Appropriations.

Committee Substitute Bill No. 2 is re-referred to the Committee on Appropriations. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

CALENDAR (continued)

H.B. 1555 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES, with Amendment No. 1 pending, is before the Body.

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Representative C. Wilson withdraws Amendment No. 1.

On motion of Representative C. Wilson, Rule 31(d) is suspended, by electronic vote (108-2), in order that she might offer an amendment that would change the title of the bill.

Representative C. Wilson offers Amendment No. 2 which is adopted by electronic vote (109-0). This amendment changes the title.

The caption having been amended, the bill remains on the Calendar.

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

H.B. 1449 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, 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.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative K. Williams and without objection, **H.J.R. 1558**, A JOINT RESOLUTION RECOGNIZING THE IMPORTANCE OF MILITARY BASES LOCATED IN THIS STATE TO ALL NORTH CAROLINIANS AND EXPRESSING THE GENERAL ASSEMBLY'S INTENT TO SUPPORT PROGRAMS AND STRATEGIES THAT PREVENT ENCROACHMENT UPON MILITARY INSTALLATIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS, is withdrawn from the Calendar and placed on the Calendar of June 22.

On motion of Representative McGee, **S.J.R. 1438** (House Committee Substitute), A JOINT RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES OF AMERICA, is withdrawn from the Calendar and placed on the Calendar of June 22.

CONFERENCE REPORT

Representative McComas sends forth the Conference Report on **H.B. 1303** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX.

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Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of June 21.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.J.R. 1576**, A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE TRAFFICKING OF PERSONS AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH, is withdrawn from the Committee on Children, Youth and Families and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Culpepper moves, seconded by Representative Fisher, that the House adjourn, subject to the receipt of Committee Reports and the receipt of Messages from the Senate, to reconvene Monday, June 21, 2004, at 7:00 p.m.

The motion carries.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

S.J.R. 1439, A JOINT RESOLUTION PROVIDING THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR BILL FRIDAY AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on the Calendar of June 21.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1578, A BILL TO BE ENTITLED AN ACT TO ALLOW PENDER COUNTY TO ASSESS AN EMERGENCY MEDICAL SERVICE FEE,

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with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 21. The original bill is placed on the Unfavorable Calendar.

H.B. 1594, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT, with a favorable report.

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

By Representatives Baker, Clary, Crawford, Earle, Grady, Owens, Sherrill, and Wright, Chairs, for the Committee on Appropriations:

H.B. 1354 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 21.

The House stands adjourned at 2:10 p.m.

ONE HUNDRED TWENTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Monday, June 21, 2004

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

The following prayer is offered by Elder Ray Robinson, Clement Grove Church of God, Mocksville, North Carolina.

"God of our Fathers, Abraham, Isaac and Jacob:

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"You are the Creator of heaven and earth, the sea and all that in them is. Father, we thank You for sparing our lives throughout this day overshadowing us and allowing us to assemble together at this time. As we gather together and assemble before Your great presence, we realize, Father, that You are sovereign above all and beyond all. With this understanding, Father, we ask that You will inspire each and every Member of the House and of this great Assembly.

"We are living in times, Father, where things are growing dark - so much trouble throughout the land and even overseas and abroad. But we realize, Father, that when it is all said and done that You are the one who has the ultimate victory and so we pray that You will grant us the wisdom, knowledge, and understanding. As we gather here, help us, Father, to make decisions and to govern in godly fear. We pray, Father, also that You will help us to be mindful of those who are in harm's way overseas - in uniforms and out of uniforms - so much trouble and yet still, Father, we ask You to move by Your protective hand and to shield and to protect them, Father. And we pray, Father, for safe returns and for those, Father, who have paid the ultimate sacrifice. We pray that You will help us to remember and to not let their life being taken from them be in vain.

"And, because it is precious blood that has been spilled that we might remember that it is an honor and a privilege to be here in these United States of America. You moved by Your great hand and allowed us to become a country and have sustained it even until this time. It calls for great responsibility - it calls for courage - it calls for righteous decisions being made. And so help us not to take these times for granted.

"We ask You to move by Your spirit throughout this Assembly and touch every Member represented here, even the Pages that have come to be with us on this evening, because so many lives are dependent upon the decisions which are made here. And, when it is all said and done, help us to have that complete understanding and keep in our hearts that it is good for us to be here. For we have trusted in You and are dependent upon You for the decisions that must be made. And so, we just thank You for what You are about to do and we give You the glory, the honor and the praise. For it is in Thy great name that we ask all these blessings. Amen."

Speaker Black 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 June 17 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 Barnhart, Decker, Dockham, Miller, Pate, Rayfield, Stiller, and Womble for today. Representative McHenry is excused for a portion of the session.

ENROLLED BILLS

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

H.B. 1366, AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE.

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

H.B. 1386, AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS.

H.B. 1426, AN ACT TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT.

H.B. 1433, AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY.

H.B. 1454, AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY.

H.B. 1551, AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE.

H.B. 1564, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY.

H.B. 1588, AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE

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CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY.

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

S.J.R. 1179, A JOINT RESOLUTION HONORING THE PENLAND SCHOOL OF CRAFTS ON ITS 75TH ANNIVERSARY AND THE MEMORY OF LUCY MORGAN, THE FOUNDER OF THE PENLAND SCHOOL OF CRAFTS. (RESOLUTION 2004-4)

CHAPTERED BILLS

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

H.B. 1465, AN ACT TO ALLOW FARMLAND OWNED BY A FAMILY BUSINESS TO KEEP ITS PRESENT-USE VALUE TAX STATUS WHEN LEASED FOR FARM USE. (S.L. 2004-8)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Holliman and Setzer, Chairs, for the Committee on Insurance:

H.B. 1424, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC CONSTRUCTION CONTRACT SURETY BOND STATUTE, with a favorable report.

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

S.B. 486 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM USING CUSTOMER INQUIRIES TO TERMINATE A POLICY, TO REFUSE TO ISSUE OR RENEW A POLICY, OR TO SUBJECT A POLICY TO CONSENT TO RATE, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

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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:

H.B. 257 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF CITIZENS BAND RADIO EQUIPMENT NOT AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION, is returned for concurrence in the Senate committee substitute bill.

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

S.B. 1202, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A SEPTIC TANK SYSTEM THAT IS FOR A LOT PLATTED PRIOR TO JULY 1, 1977, AND THAT IS OPERATED IN SOILS THAT ARE IN SOIL GROUP 1 MAY BE LOCATED TEN FEET OR MORE FROM ANY OTHER SEPTIC TANK SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, 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, **H.B. 1578** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PENDER COUNTY TO ASSESS AN EMERGENCY MEDICAL SERVICE FEE, is withdrawn from the Calendar and placed on the Calendar of June 22.

Pursuant to Rule 36(b)(2), **H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

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S.J.R. 1439, A JOINT RESOLUTION PROVIDING THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR BILL FRIDAY AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, passes its second reading, by electronic vote (106-0), and there being no objection is read a third time.

Representative McHenry requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (107-0).

The resolution passes its third reading and is ordered enrolled.

CONFERENCE REPORT

The material Conference Report for **S.B. 51** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOP-HOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES AND TO REMOVE PROVISIONS THAT COULD RESULT IN FRANCHISE TAXES ON UNRELATED LIMITED LIABILITY COMPANIES, 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: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wright, and Yongue - 109.

Voting in the negative: None.

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Excused absences: Representatives Barnhart, Decker, Dockham, Miller, Pate, Rayfield, Stiller, and Womble - 8.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative McComas and without objection, the Conference Report on **H.B. 1303** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX, is withdrawn from the Calendar and re-referred to the Conference Committee.

CALENDAR (continued)

H.B. 1555 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES, AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY CUSTOMER SERVICE PROVIDED BY THE DIVISION OF MOTOR VEHICLES AND THE COMMISSION CONTRACT AGENTS.

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, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Bell, Blackwood, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Earle, Ellis, England, Farmer-Butterfield, Fisher, Fox, Gibson, Glazier, Goforth, Goodwin, Grady, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Miner, Moore, Munford, Nye, Owens, Parmon, Preston, Rapp, Ross, Sauls, Saunders, Sherrill, Sutton, Tolson, Wainwright, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Wright, and Yongue - 87.

Voting in the negative: Representatives Allred, Baker, Blust, Capps, Eddins, Frye, Gillespie, Gorman, Gulley, Hilton, LaRoque, Mitchell, Ray, Rhodes, Setzer, Sexton, Stam, Starnes, Steen, Walend, Walker, and West - 22.

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Excused absences: Representatives Barnhart, Decker, Dockham, Miller, Pate, Rayfield, Stiller, and Womble - 8.

H.B. 1354 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE.

Representative Stam 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: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Barnhart, Decker, Dockham, Miller, Pate, Rayfield, Stiller, and Womble - 8.

ENROLLED BILLS

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

S.J.R. 1439, A JOINT RESOLUTION PROVIDING THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY SHALL

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MEET IN JOINT SESSION TO HONOR BILL FRIDAY AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY. (RESOLUTION 2004-5)

CALENDAR (continued)

S.B. 1063 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS.

Representative Insko offers Amendment No. 1 which is adopted by electronic vote (63-43).

Representative Luebke offers Amendment No. 2.

On motion of Speaker Black, the bill with Amendment No. 2 pending, is temporarily displaced.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

S.B. 1127 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WALLBURG, is read the first time and referred to the Committee on Finance.

INTRODUCTION OF PAGES

Pages for the week of June 21 are introduced to the membership. They are: Elizabeth Albergotti of Mecklenburg; Chelsea Allen of McDowell; Jill Allison of Anson; Whitney Averette of Franklin; Jordan Berry of Catawba; Heather Bickett of Iredell; Kristina Boyce of Wake; Molly Boyce of Wake; Edwin Campbell of Wake; Nicole Carpenter of Mecklenburg; Jenna Franklin of Pender; Harrison Goforth of Lango, Florida; Katelin Harrington of Gaston; Mimi Hill of Buncombe; Abbie Holland of McDowell; Katherine Hooks of New Hanover; Brandon Jaklitsch of Mecklenburg; Mary-Anne Jones of Rowan; Andrew Kennedy of Mecklenburg; Jeremy Lee of Catawba; Rebecca Lopes of Cumberland; Emilie Mademann of Iredell; Katherine Mattingly of Mecklenburg; Jordan McCarn of Davidson; David McCollum of Wake; Jonathan Merlini of Guilford; Jason Nelson of Mecklenburg; Kathleen Phillips of Wake; Charles Radford of Buncombe; Amber Sikes of Nash; Shana Simpson of Guilford; Kelly Starnes of Caldwell; Danielle Stiller of Brunswick; William Stoudt of Cumberland; Mary Taylor of Moore; Ren Tucker of Davie; Andrew Wall of Halifax;

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Allison Weber of Gaston; Aaron Wheeler of McDowell; Brooke Whisenant of Caldwell; Daniel Widis of Mecklenburg; Shelbey Wolf of Mecklenburg; Isaac Wood of Wake; and Cheryl Zapata of Wake.

Serving as Honorary Page is Xanthe Andrews of Richmond County.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 991**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STATE GOVERNMENT SHALL REQUIRE IN EVERY CONTRACT FOR THE PERFORMANCE OF TELEMARKETING SERVICES PROVISIONS THAT ONLY CITIZENS OF THE UNITED STATES AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES MAY BE EMPLOYED, AND TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION FROM CUSTOMER SALES AND SERVICE CENTERS, is withdrawn from the Committee on State Government and re-referred to the Committee on Appropriations.

On motion of Representative Culpepper, seconded by Representative Miner, the House adjourns at 8:29 p.m. to reconvene June 22 at 2:00 p.m.

ONE HUNDRED TWENTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, June 22, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Holy God:

"As I make this prayer on behalf of my brothers and sisters, I am reminded yet again how often I forget to offer my thanksgivings, my petitions and my prayers of intercession. I 'reckon things have been going fairly well as of late, and as it was with Your people of old, we too have a tendency to call on You only when difficult times occur. Forgive me, Lord, and dare I ask on behalf of my friends gathered here, to forgive them as well

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for our times of spiritual amnesia. Remind us all once again of Your steadfast love in our lives and Your deepest desire to hear us speak to You about our burdens and our hurts as well as celebrate our seasons of joy. Even amidst the things we cannot change, keep us grounded in Your Spirit and in Your love that we might better serve You and those we have been elected to serve with a clear conscience and an upright heart. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 21 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Culp, Insko, Miller, Pate, and Rayfield for today.

ENROLLED BILLS

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

H.B. 1640, AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES.

CHAPTERED BILLS

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

H.B. 1386, AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS. (S.L. 2004-9)

H.B. 1426, AN ACT TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT. (S.L. 2004-10)

H.B. 1433, AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY

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RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRA-TERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY. (S.L. 2004-11)

H.B. 1454, AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY. (S.L. 2004-12)

H.B. 1551, AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE. (S.L. 2004-13)

H.B. 1564, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY. (S.L. 2004-14)

H.B. 1588, AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY. (S.L. 2004-15)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

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

H.B. 1453, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, with a favorable report.

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

MESSAGES FROM THE SENATE

The following are received from the Senate:

H.B. 26 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT DEVICES DESIGNED TO COVER REGISTRATION PLATES TO PREVENT THE TAKING OF A CLEAR

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PHOTOGRAPH BY TRAFFIC CONTROL SYSTEMS USING CAMERAS ARE UNLAWFUL, is returned for concurrence in the Senate committee substitute bill.

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

H.B. 1569 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES, is returned for concurrence in the Senate committee substitute bill.

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

S.B. 1171 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES, is read the first time and referred to the Committee on Finance.

S.B. 1209, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS, is read the first time and referred to the Committee on Local Government II.

S.B. 1315, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY, is read the first time and referred to the Committee on Local Government I.

S.B. 1347, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF KANNAPOLIS TO HOLD A REFERENDUM ON THE OPERATION OF ABC STORES AS PART OF THE ROWAN COUNTY ABC SYSTEM, AND TO SPECIFY HOW PROFITS FROM THOSE STORES SHALL BE DISTRIBUTED, is read the first time and referred to the Committee on Alcoholic Beverage Control.

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S.B. 1355, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, is read the first time and referred to the Committee on Local Government II.

S.B. 1370 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY, is read the first time and referred to the Committee on Local Government II.

CALENDAR

Action is taken on the following:

H.B. 1608 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

On motion of Speaker Morgan, the bill is temporarily displaced.

H.B. 1354 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE.

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, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Crawford, Creech, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, C. Johnson, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye,

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Owens, Preston, Rapp, Ray, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Culp, Insko, Miller, Pate, and Rayfield - 5.

Representative Cole requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (104-0).

H.B. 1671, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Crawford, Creech, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, C. Johnson, Jones, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Walend, Walker, Warner, Warren, Weiss, West, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Culp, Insko, Miller, Pate, and Rayfield - 5.

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

S.B. 1096, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND

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KANNAPOLIS AS MUTUALLY AGREED UPON, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Crawford, Creech, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, C. Johnson, Jones, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Walend, Walker, Warner, Warren, Weiss, West, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Culp, Insko, Miller, Pate, and Rayfield - 5.

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

H.B. 1613 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW IN CHOWAN COUNTY REGULATING HUNTING ON PRIVATE LAND, TO REGULATE THE DISCHARGE OF A CENTER-FIRE RIFLE IN CHOWAN COUNTY, AND TO ADD CHOWAN AND ANSON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS, 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.

H.B. 1659, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF HUNTING STANDS IN PERQUIMANS COUNTY, 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.

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

H.B. 1662 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN CHEROKEE AND CLAY COUNTIES, 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.

H.B. 1684, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN VANCE COUNTY, 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.

H.B. 1724 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT AND PITT COUNTIES, 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.

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. 1167, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.

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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 G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1415, A BILL TO BE ENTITLED AN ACT TO CREATE AN ALTERNATIVE RESEARCH AND DEVELOPMENT TAX CREDIT, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1416, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM AND TO ALLOW THE ECONOMIC INVESTMENT COMMITTEE TO ENTER INTO MORE AGREEMENTS UNDER THE PROGRAM AND TO COMMIT MORE FUNDS, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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. 1526, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE CITY OF RANDLEMAN, with a favorable report.

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

H.B. 1609, A BILL TO BE ENTITLED AN ACT TO ADOPT A PROVISION ALLOWED UNDER THE STREAMLINED SALES TAX AGREEMENT THAT TREATS ALL PRINTERS EQUALLY, with a favorable report as to the committee substitute bill, unfavorable as to the 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 (continued)

S.J.R. 1438 (House Committee Substitute), A JOINT RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF

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RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES OF AMERICA.

SPEAKER BLACK PRESIDING.

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 for concurrence in the House committee substitute resolution.

On motion of Representative Kiser and without objection, the following remarks of Speaker Morgan are spread upon the Journal.

GOODBYE TO THE GIPPER

"Today, I feel honored and humbled to share with you some of the reasons I revered Ronald Reagan. He had a gentle spirit that drew us to him, he led us with his loyalty, and the balance in his life set an example for all of us in politics and government service to follow.

"I, like many of you, have fond memories of the personal connection we each believed we had with him. We believed we had personal connections with him, I think, because he so badly wanted to have personal connections with us.

"All the great Presidents want this. You see it in Lincoln's visits with folks lined up on Pennsylvania Avenue during the war. You see it in Roosevelt's fireside chats. You see it in Reagan's words and his ability to communicate on television with the American public.

"In his final speech, he said: 'One of the things about the presidency is that you're always somewhat apart. You spent a lot of time going by too fast in a car that someone else is driving, and seeing the people through tinted glass. The parents holding out a child and the wave you saw too late and couldn't return.' So many of us as legislators have the opportunity of being able to connect with constituents in such a real and legitimate way. When I think of the president, who saw each connection as a gift to be taken, it reminds me that being a public servant is a privilege.

"When Reagan was able to connect with people, the gentleness of his heart diffused into the handshake or the smile he would give you. I remember shaking his hand and almost trembling because I was so awestruck by the power of his person. 'You're a great American, Mr.

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President,' I remember saying. He looked at me with eyes of humility and made me feel special, like it was just I standing there.

"One of President Reagan's most admirable traits was his loyalty. Few people distrusted the man who grew up in Indiana and ate 'oatmeal meat' as a child because his family was too poor for any other type of food. His sense of fairness for the middle class is something people remember, his devotion to Nancy another. More importantly, I noticed he dedicated his autobiography, 'To the American People'. Our Ronald Reagan never gave a speech where he used the pronouns 'I', 'mine' or 'my' with redundancy. Rather, his public meetings were sprinkled with 'we' and 'our' and 'us.'

"Finally, I'd like to talk to you about the balance Reagan had in his life. The relationship he had with Tip O'Neill is telling of his political endeavors. At 6 p.m., regardless of the day's arguments, Reagan and Tip would reconcile. Reagan's affable nature afforded him the affections of many, and his famous funny bone tickled everyone. You always knew that his 'yes' was 'yes' and his 'no' was 'no' but Reagan's 'no' was never harsh. He knew how to balance his life in order to be both man and President.

"Someone once told me that you should work as hard as you possibly can, do the best you can do, and then five minutes before it's all over, you should hand it over to the One who knows you and the situation better than you ever could. It is said that President Reagan, our modern day Atlas, knew when to take the world off his shoulders and hand it off to his Heavenly Father. He did this without breaking a separation between church and state, and he did it without alienating those who didn't agree with him on religious issues. He always seemed to be in control when in truth he understood that really he never was.

"President Reagan wanted us to rewrite America's history; he wanted us to rebuild America's past. While he was in office, the economy recuperated, the 'evil empire' started to fall, and the American people got back their dignity. Reagan wooed us with his gentle demeanor, his trustworthy nature, and the balanced scales in his life. I am proud to have met him, and I am proud of the America that has evolved since his departure from the White House and that memorable time when Cindy and I waved goodbye to him from the Tarmac at Andrews Air Force Base for the last time!

"Just as we ushered in a new President and an oath of office was taken on January 20, 1989, and Air Force One became plane 27000 we knew full well we would never get to see President Ronald Reagan again but my friends I did get an opportunity to see him again Wednesday, June 9th, 2004,

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as his flag draped caisson went rolling by Constitution and 7th with such procession and such honor.

"He was a great American. He was a great man. And he inspired us to be great as well. And you know I took just a moment to shed a tear for all of us in this Chamber as I said goodbye to him very quietly one last time from all of us."

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Carney and without objection, **S.B. 859** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CATAWBA/WATEREE RIVER BASIN ADVISORY COMMISSION AND THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION, is withdrawn from the Calendar and placed on the Calendar of June 23.

Pursuant to Rules 36(b)(2) and 38(a), **H.B. 1416** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; TO ALLOW THE ECONOMIC INVESTMENT COMMITTEE TO ENTER INTO MORE AGREEMENTS UNDER THE PROGRAM; TO MAKE TECHNICAL CORRECTIONS; TO EXPAND THE TERMS THAT MUST BE INCLUDED IN AGREEMENTS; TO AUTHORIZE A STUDY OF THE PROGRAM BY THE GENERAL ASSEMBLY; AND TO EASE REPORTING REQUIREMENTS, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Appropriations.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
June 22, 2004

Mr. Speaker:

It is ordered that a message be sent to your Honorable Body with the information that pursuant to **S.J.R. 1439**, A JOINT RESOLUTION PROVIDING THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR

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BILL FRIDAY AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, the Senate stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

Speaker Black orders a Special Message be sent to the Senate informing that Honorable Body that the House stands ready to repair to the Hall of the Senate to sit in Joint Session with them.

Representative Culpepper moves, seconded by Representative Cunningham, that the House adjourn, upon dissolution of the Joint Session, to reconvene June 23 at 2:00 p.m.

The motion carries and the House repairs to the Hall of the Senate to sit in Joint Session.

JOINT SESSION

Pursuant to resolution heretofore adopted and exchange of messages, the House of Representatives is received in the Hall of the Senate.

Speaker Black and Speaker Morgan are seated to the left of the President of the Senate, the Honorable Beverly E. Perdue, who is presiding.

The Joint Session is called to order by the President of the Senate.

The Sergeant-at-Arms of the Senate is recognized and he announces the approach of the Honorable James Holshouser and the Honorable James Hunt, former Governors of the State of North Carolina who are seated for the Joint Session.

The Sergeant-at-Arms of the Senate is recognized and he announces the approach of His Excellency, the Honorable Michael F. Easley, Governor of North Carolina, who is seated for the Joint Session.

The Sergeant-at-Arms of the Senate is recognized and he announces the approach of Dr. William "Bill" Friday and wife, Mrs. Ida Friday, who are seated for the Joint Session.

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The President recognizes His Excellency, the Honorable Michael F. Easley, who makes remarks; proclaims June 22, "William and Ida Friday Day"; and with the assistance of the two former Governors, presents them with "The Order of the Long Leaf Pine".

The President recognizes Governor Hunt who makes remarks to the Body.

Sitting in Joint Session, the Senate passes **S.J.R. 1440**, A JOINT RESOLUTION HONORING WILLIAM "BILL" FRIDAY, PRESIDENT EMERITUS OF THE UNIVERSITY OF NORTH CAROLINA AND THE MEMORY OF WILLIAM R. DAVIE, CHIEF FOUNDER OF THE UNIVERSITY OF NORTH CAROLINA, on its second reading, by electronic vote (44-0), and there being no objection is read a third time.

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

The President recognizes the following persons who make remarks to the Body:

Governor Holshouser
Speaker Morgan
Speaker Black
President Molly Broad, The University of North Carolina

The President recognizes two students from the North Carolina School of the Arts, who perform for the Body.

Katie Walker of Elon performs a classical ballet dance from "The Nutcracker".

Brandon Whitehead of Fayetteville performs his own modern dance composition, dedicated to the memory of the Friday's daughter, Betsy, who passed away in 2002.

The President makes remarks before recognizing Dr. Friday, who makes brief remarks to the Body.

Senators Basnight and Rand and Speakers Morgan and Black, on behalf of the Members of the General Assembly, present Dr. Friday with a "Keepsake Box" made of 400-year-old heart pine wood preserved in the

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Cape Fear River, filled with expressions of thanks from Members and friends.

On motion of Speaker Morgan, seconded by Speaker Black, the Joint Session is dissolved at 4:40 p.m., and the House stands adjourned until June 23 at 2:00 p.m.

ONE HUNDRED THIRTIETH DAY

HOUSE OF REPRESENTATIVES
Wednesday, June 23, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"God of Grace and God of Glory...on Thy people, pour Thy power:

"And, as You bestow Your gracious mercies to us...as You extend Your infinite grace to us...as You offer Your undying love to us, dear Lord...help us to be aware of them and receive them with humility. Keep us rooted in the foundations of civility and gentleness ever mindful of our unhealthy tendencies to seek the lofty affirmations of others. Keep us firmly grounded in the meekness of our own hearts so that we, in serving, do not demonstrate an air of superiority or the loftiness of self aggrandizement. Teach us mercy so that we can reciprocate mercy. Give us grace so that we can become givers of grace. Show us Your divine love so that we might illuminate Your will in all that we do both here and at home. These things we humbly pray. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 22 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Insko, Miller, Miner, Rayfield, and Sherrill for today. Representative Crawford is excused for a portion of the session.

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CHAPTERED BILLS

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

H.B. 1640, AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES. (S.L. 2004-16)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

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

H.J.R. 1540, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO LIMIT OUT-OF-STATE UNDERGRADUATE ENROLLMENT AT EACH CONSTITUENT INSTITUTION EXCEPT THE NORTH CAROLINA SCHOOL OF THE ARTS TO EIGHTEEN PERCENT OF THE ENTERING FRESHMEN CLASS AT THE INSTITUTION AND TO APPROPRIATE FUNDS TO ASSIST IN IMPLEMENTING THE ACT, with a favorable report as to the committee substitute resolution, which changes the title, unfavorable as to the original resolution.

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

S.B. 444, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PILOT PROGRAMS ON TEACHING PERSONAL FINANCIAL LITERACY IN THE PUBLIC SCHOOLS, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of June 24. The original bill is placed on the Unfavorable Calendar.

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By Representatives Baker, Clary, Crawford, Earle, Grady, Owens, and Wright, Chairs, for the Committee on Appropriations:

H.B. 1565, A BILL TO BE ENTITLED AN ACT TO RECODIFY MANY OF THE PROVISIONS OF THE EXECUTIVE BUDGET ACT AND THE CAPITAL IMPROVEMENT PLANNING ACT INTO A STATE BUDGET ACT THAT REVISES AND CLARIFIES THE PROCEDURES FOR PREPARING, ENACTING, AND ADMINISTERING THE STATE BUDGET AND TO MAKE CONFORMING CHANGES AS RECOMMENDED BY THE JOINT COMMITTEE ON EXECUTIVE BUDGET ACT REVISIONS, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1699, 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 36(b), the bill is placed on the Calendar.

By Representatives Bell and G. Wilson, Chairs, for the Committee on Pensions and Retirement:

H.B. 1668, A BILL TO BE ENTITLED AN ACT TO AMEND THE ACT ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WILSON, with a favorable report.

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

H.B. 1723, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN, with a favorable report as to the committee substitute bill, unfavorable as to the 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.

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S.B. 1312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES, with a favorable report as to the House committee substitute bill, unfavorable as to the 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 G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1423, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR EMPLOYERS WHO PARTICIPATE IN AN APPRENTICESHIP PROGRAM APPROVED BY THE DEPARTMENT OF LABOR, with a favorable report as to the committee substitute bill, unfavorable as to the original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

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

H.B. 1687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY, with a favorable report.

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

H.B. 1730, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A SEWER TREATMENT FEE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 24.

H.B. 1733, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING UTILITIES, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

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Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 24. The original bill is placed on the Unfavorable Calendar.

H.B. 1734, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 24. The original bill is placed on the Unfavorable Calendar.

S.B. 1064 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION, TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS, AND TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; AND TO MAKE CLARIFYING CHANGES, with a favorable report as to the 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 Appropriations.

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

S.B. 1127 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WALLBURG, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 24.

By Representative Adams, Chair, for the Committee on Local Government II:

H.B. 1669, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN

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DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC., with a favorable report.

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

S.B. 1093 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD EDGECOMBE, NASH, AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES, 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:

Senate Committee Substitute for **H.B. 1136** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY MEDIA COORDINATORS IN THE PUBLIC SCHOOLS, is returned for concurrence in the 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.

H.B. 1363 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY, is returned for concurrence in the 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. 1430** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Finance.

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

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

H.B. 1543 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL, is returned for concurrence in the Senate committee substitute bill.

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

S.B. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE STOCK CAR RACING THEME SPECIAL PLATES, is read the first time and referred to the Committee on Finance.

S.B. 933, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AND LOCAL GOVERNMENT AGENCIES THAT ACQUIRE LAND FOR WETLANDS MITIGATION TO REIMBURSE THE COUNTY IN WHICH THE LAND IS LOCATED FOR ITS LOST TAXES DUE TO THE ACQUISITION, is read the first time and referred to the Committee on Finance.

S.B. 1136 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST PETITIONS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 1244 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES AND MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT, is read the first time and referred to the Committee on Finance.

S.B. 1384 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING, AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE

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LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, AND INCREASING FEES, is read the first time and referred to the Committee on Finance.

CALENDAR

Action is taken on the following:

S.B. 1063 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, with Amendment No. 2 pending, is before the Body.

Representative Luebke offers perfecting Amendment No. 3.

Representative C. Wilson inquires of the Chair if the amendments would change the title. Speaker Black rules that they would.

Representative Luebke moves to suspend the rules in order that Amendment Nos. 2 and 3 may be considered. The motion fails by electronic vote (30-81).

The bill, as amended, passes its third reading, by electronic vote (101-12), and is ordered engrossed and sent to the Senate for concurrence in the House committee substitute bill.

H.B. 1578 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PENDER COUNTY TO ASSESS AN EMERGENCY MEDICAL SERVICE FEE.

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

H.B. 1608 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

On motion of Representative Adams, the House concurs in the Senate committee substitute bill, by electronic vote (111-0), and the bill is ordered enrolled.

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

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H.B. 1349, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY.

Representative Warren offers Amendment No. 1 which is adopted by electronic vote (109-0). This amendment changes the title.

The bill, as amended, passes its second reading by electronic vote (107-1). The caption having been amended, the bill remains on the Calendar.

H.J.R. 1558, A JOINT RESOLUTION RECOGNIZING THE IMPORTANCE OF MILITARY BASES LOCATED IN THIS STATE TO ALL NORTH CAROLINIANS AND EXPRESSING THE GENERAL ASSEMBLY'S INTENT TO SUPPORT PROGRAMS AND STRATEGIES THAT PREVENT ENCROACHMENT UPON MILITARY INSTALLATIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS, passes its second reading, by electronic vote (114-0), and there being no objection is read a third time.

The resolution 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. 582 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PUBLIC HEALTH PREPAREDNESS AND RESPONSE, 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 the House committee substitute bill.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

S.J.R. 1440, A JOINT RESOLUTION HONORING WILLIAM "BILL" FRIDAY, PRESIDENT EMERITUS OF THE UNIVERSITY OF NORTH CAROLINA AND THE MEMORY OF WILLIAM R. DAVIE, CHIEF FOUNDER OF THE UNIVERSITY OF NORTH CAROLINA, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on the Calendar for immediate consideration.

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The resolution passes its second reading, by electronic vote (113-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1795, A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS, with a favorable report as to the committee substitute bill, unfavorable as to the 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 Representative Barbee, Chair, for the Committee on Wildlife Resources:

S.B. 1201, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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 Representative Hunter, Chair, for the Committee on Children, Youth and Families:

S.B. 1218, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, with a favorable report as to the House committee substitute bill, unfavorable as to the 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.

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CALENDAR (continued)

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

S.B. 1219, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERCENTAGE OF REVENUE CREDITED TO THE DRY-CLEANING SOLVENT CLEANUP FUND THAT MAY BE USED TO PAY COSTS OF ASSESSMENT OR REMEDIATION OF DRY-CLEANING SOLVENT CONTAMINATION THAT OCCURRED PRIOR TO 1 JULY 2001, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, passes its second reading, by electronic vote (114-0), 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.

H.B. 1671, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Creech, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Crawford, Insko, Miller, Miner, Rayfield, and Sherrill - 6.

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S.B. 1096, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND KANNAPOLIS AS MUTUALLY AGREED UPON, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Creech, Culp, Culpepper, Cunningham, Daughtrige, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Crawford, Insko, Miller, Miner, Rayfield, and Sherrill - 6.

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

S.B. 1125, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN JOHNSTON COUNTY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

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

S.B. 1133, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODD-NUMBERED YEARS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

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

H.B. 1594, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Blackwood, Bonner, Bordsen, Brubaker, Carney, Church, Clary, Coates, Culp, Culpepper, Cunningham, Dickson, Dockham, Earle, England, Farmer-Butterfield, Fisher, Fox, Gibson, Glazier, Goodwin, Gorman, Hackney, Haire, Hall, Harrell, Hill, Holliman, Jeffus, C. Johnson, Lewis, Lucas, Luebke, McComas, McLawhorn, Nye, Owens, Parmon, Preston, Rapp, Ross, Saunders, Sutton, Tolson, Wainwright, Warren, Weiss, A. Williams, Womble, Wright, and Yongue - 58.

Voting in the negative: Representatives Allred, Baker, Barbee, Barnhart, Bell, Blust, Bowie, Capps, Cole, Creech, Daughtridge, Daughtry, Decker, Eddins, Ellis, Frye, Gillespie, Goforth, Grady, Gulley, Hilton, Holmes, Howard, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, McAllister, McGee, McHenry, McMahan, Mitchell, Moore, Munford, Pate, Ray, Rhodes, Sauls, Setzer, Sexton, Stam, Starnes, Steen, Stiller, Walend, Walker, Warner, West, K. Williams, G. Wilson, and Wood - 53.

Excused absences: Representatives Crawford, Insko, Miller, Miner, Rayfield, and Sherrill - 6.

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

H.B. 1459 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHETHER TEACHER PREPARATION PROGRAMS SHOULD REQUIRE COURSES IN DIVERSITY TRAINING, ANGER MANAGEMENT, CONFLICT RESOLUTION, AND CLASSROOM MANAGEMENT, passes its second reading, by electronic vote (84-19), and remains on the Calendar.

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Representative McAllister states that her voting equipment malfunctioned and she requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (85-19).

SPEAKER MORGAN PRESIDING.

CONFERENCE REPORT

Representative McComas sends forth the Conference Report on **H.B. 1303** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX.

Without objection, the Conference Report is placed on the Calendar for immediate consideration.

Representative Cunningham requests that he be excused from voting on this bill under Rule 24.1A and this request is granted.

Representative McComas moves the adoption of the following Conference Report.

Committee Substitute for H.B. 1303

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 1303, A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX, Committee Substitute Favorable 6/23/03, submit the following report:

The Senate recedes from amendment #1 and amendment #2.

The House and Senate agree to the following amendment to the Committee Substitute Favorable 6/23/03:

Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute PCCS H1303-CCSLA-1 [v.2].

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

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Date conferees approved report: June 23rd, 2004.

*Conferees for the
Senate*

S/ Tony Rand, Chair
S/ David W. Hoyle
S/ Tom Apodaca

*Conferees for the
House of Representatives*

S/ Daniel F. McComas, Chair
S/ Harold J. Brubaker
S/ Pryor A. Gibson
S/ James A. Harrell, III
S/ Paul Luebke
S/ David M. Miner
S/ Edgar V. Starnes
S/ Thomas E. Wright

The Conference Report, which changes the title, is adopted, by electronic vote (107-0), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

CALENDAR (continued)

S.B. 859 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CATAWBA/WATEREE RIVER BASIN ADVISORY COMMISSION AND THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION.

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

The bill, as amended, passes its second reading, by electronic vote (110-0), 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 the House committee substitute bill.

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

S.B. 1159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS, passes its second reading, by electronic vote (106-0), and there being no objection is read a third time.

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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. 1161 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES, 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 for concurrence in the House committee substitute bill by Special Message.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1370**, A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICATION OF THE WORKERS' COMPENSATION LAW TO CERTAIN MOTOR CARRIERS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Insurance.

On motion of Representative Culpepper, seconded by Representative Lewis, the House adjourns at 4:39 p.m. to reconvene June 24 at 2:00 p.m.

ONE HUNDRED THIRTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Thursday, June 24, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Glorious God:

"You are above all things in earth and in heaven. Your creative genius is visible for the entire world to see. Your glory fills the firmament, and we

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behold Your splendor and Your majesty. We humbly acknowledge, O Lord, it is only by Your mercy that our authority to govern over Your people is granted to us. Thus, we have been entrusted not only with bounden duty but with a sacred responsibility of caring for God's people. Keep true in us the memories of our swearing in and the vows of servitude we have made. By Your grace, impress upon us our constant need to search our hearts for meekness and not to think more highly of ourselves than we ought. Renew our resolve to better our government, our State, and Your people through the daily exercise of humility. Lord God, we thank You for Your constant Presence in our lives; and we offer this prayer in whom, through whom, and from whom all good gifts of life are freely given. Amen."

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

Leaves of absence are granted Representatives Brubaker, Daughtry, Gibson, Hilton, Insko, McHenry, McMahan, Miller, Rayfield, Sherrill, Sutton, and Womble for today. Representative Miner is excused for a portion of the session.

ENROLLED BILLS

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

S.B. 1219, AN ACT TO INCREASE THE PERCENTAGE OF REVENUE CREDITED TO THE DRY-CLEANING SOLVENT CLEANUP FUND THAT MAY BE USED TO PAY COSTS OF ASSESSMENT OR REMEDIATION OF DRY-CLEANING SOLVENT CONTAMINATION THAT OCCURRED PRIOR TO 1 JULY 2001, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

S.B. 1159, AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS.

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

S.B. 1133, AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODD-NUMBERED YEARS.

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S.B. 1125, AN ACT TO ABOLISH THE OFFICE OF CORONER IN JOHNSTON COUNTY.

S.B. 1096, AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND KANNAPOLIS AS MUTUALLY AGREED UPON.

H.B. 1608, AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

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

S.J.R. 1440, A JOINT RESOLUTION HONORING WILLIAM "BILL" FRIDAY, PRESIDENT EMERITUS OF THE UNIVERSITY OF NORTH CAROLINA AND THE MEMORY OF WILLIAM R. DAVIE, CHIEF FOUNDER OF THE UNIVERSITY OF NORTH CAROLINA. (RESOLUTION 2004-6)

WITHDRAWAL OF BILLS FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 1218** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Judiciary IV.

Pursuant to Rule 36(b)(2), **S.B. 1312** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES, is withdrawn from the Calendar pursuant to Rule 36(b) 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 committees are presented:

By Representative Walker, Chair, for the Committee on Local Government I:

H.B. 1649, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF ALCOHOL AND OTHER

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IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 28. The original bill is placed on the Unfavorable Calendar.

S.B. 1178, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY, with a favorable report.

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

S.B. 1233, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED SALE, with a favorable report.

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

S.B. 1277, (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD OF THE TOWN OF MADISON, with a favorable report.

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

S.B. 1279, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS TO CONTRACT WITH BOTH THE TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT, with a favorable report.

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

By Representative Adams, Chair, for the Committee on Local Government II:

H.B. 1726, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

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Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 28. The original bill is placed on the Unfavorable Calendar.

H.B. 1728, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE, TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT, AND TO PURCHASE EQUIPMENT THROUGH THE DIVISION OF PURCHASE AND CONTRACT, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 28. The original bill is placed on the Unfavorable Calendar.

H.B. 1737, A BILL TO BE ENTITLED AN ACT CHANGING THE ONE-YEAR WAITING PERIOD FOR DWELLINGS VACATED AND CLOSED TO SIX MONTHS IN THE CITY OF WINSTON-SALEM CONCERNING REPAIR, DEMOLITION, AND REMOVAL, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 28. The original bill is placed on the Unfavorable Calendar.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
June 24, 2004

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. 1303** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES.

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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

Speaker Morgan orders the bill enrolled and presented to the Governor.

CALENDAR

Action is taken on the following:

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

H.B. 1447, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE AND THE TOWN OF WAYNESVILLE.

On motion of Representative Warren, the House concurs in the Senate amendment, which changes the title, by electronic vote (104-1), 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. 1569**, A BILL TO BE ENTITLED AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY AND THE MUNICIPALITIES LOCATED WITHIN THAT COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

On motion of Representative Hill, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (102-2), and the bill is ordered enrolled.

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

H.B. 257 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF CITIZENS BAND RADIO EQUIPMENT NOT AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION.

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On motion of Representative Baker, the House concurs in the Senate committee substitute bill, by electronic vote (100-3), and the bill is ordered enrolled and presented to the Governor.

H.B. 1730, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A SEWER TREATMENT FEE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Daughtridg, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 103.

Voting in the negative: Representatives Baker and Gillespie - 2.

Excused absences: Representatives Brubaker, Daughtry, Gibson, Hilton, Insko, McHenry, McMahan, Miller, Miner, Rayfield, Sherrill, Sutton, and Womble - 13.

H.B. 1733 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING UTILITIES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Daughtridg, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn,

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Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 103.

Voting in the negative: Representatives Baker and Gillespie - 2.

Excused absences: Representatives Brubaker, Daughtry, Gibson, Hilton, Insko, McHenry, McMahan, Miller, Miner, Rayfield, Sherrill, Sutton, and Womble - 13.

H.B. 1734 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Daughtridge, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 103.

Voting in the negative: Representatives Baker and Gillespie - 2.

Excused absences: Representatives Brubaker, Daughtry, Gibson, Hilton, Insko, McHenry, McMahan, Miller, Miner, Rayfield, Sherrill, Sutton, and Womble - 13.

S.B. 1127 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WALLBURG, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Barbee, Barnhart,

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Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Daughtridge, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 103.

Voting in the negative: Representatives Baker and Gillespie - 2.

Excused absences: Representatives Brubaker, Daughtry, Gibson, Hilton, Insko, McHenry, McMahan, Miller, Miner, Rayfield, Sherrill, Sutton, and Womble - 13.

H.B. 1349, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY AND FOR TRAPPING FOXES IN PITT COUNTY.

The bill, as amended, passes its third reading, by electronic vote (101-2), and is ordered engrossed and sent to the Senate.

H.B. 1594, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT.

Representative Haire offers Amendment No. 1 which is adopted by electronic vote (101-3).

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 Alexander, B. Allen, G. Allen, L. Allen, Bell, Bonner, Bordsen, Carney, Church, Coates, Crawford, Culp, Culpepper, Dickson, Earle, Ellis, England, Farmer-Butterfield, Fisher, Fox, Glazier, Goodwin, Hackney, Haire, Hall, Harrell, Hill, Holliman, Hunter, Jeffus, C. Johnson, Jones, Justus, Lewis, Lucas, Luebke,

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McAllister, McLawhorn, Michaux, Nye, Owens, Parmon, Preston, Rapp, Ross, Saunders, Stam, Tolson, Wainwright, Warren, Weiss, A. Williams, G. Wilson, Wright, and Yongue - 55.

Voting in the negative: Speaker Morgan; Representatives Allred, Baker, Barbee, Barnhart, Blackwood, Blust, Bowie, Capps, Clary, Cole, Creech, Daughtridge, Decker, Dockham, Eddins, Frye, Gillespie, Goforth, Gorman, Grady, Gulley, Holmes, Howard, L. Johnson, Justice, Kiser, LaRoque, McComas, McGee, Mitchell, Moore, Munford, Pate, Ray, Rhodes, Sauls, Setzer, Sexton, Starnes, Steen, Stiller, Walend, Walker, Warner, West, K. Williams, C. Wilson, and Wood - 49.

Excused absences: Representatives Brubaker, Daughtry, Gibson, Hilton, Insko, McHenry, McMahan, Miller, Miner, Rayfield, Sherrill, Sutton, and Womble - 13.

Speaker Morgan changes his vote from "no" to "aye". The adjusted vote total is (56-48).

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

H.B. 1415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN ALTERNATIVE RESEARCH AND DEVELOPMENT TAX CREDIT.

Representative Haire offers Amendment No. 1.

On motion of Speaker Morgan, the bill with Amendment No. 1 pending, is temporarily displaced.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

H.B. 1414 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, 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.

June 24, 2004T

CONFERENCE REPORT

Representative Ross sends forth the Conference Report on Senate Committee Substitute for **H.B. 354** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of June 28.

CALENDAR (continued)

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

H.B. 1424, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC CONSTRUCTION CONTRACT SURETY BOND STATUTE, passes its second reading, by electronic vote (104-0), and there being no objection is read a third time.

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

H.B. 1469 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INITIATE OR CONTINUE CERTAIN DISEASE MANAGEMENT ACTIVITIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE, passes its second reading, by electronic vote (106-0), and there being no objection is read a third time.

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

H.B. 1415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN ALTERNATIVE RESEARCH AND DEVELOPMENT TAX CREDIT, which was temporarily displaced with Amendment No. 1 pending, is before the Body.

Pursuant to Rule 36.1, Representative Luebke, Chair of the Committee on Finance, requests a fiscal note on the bill.

The bill, with Amendment No. 1 pending, is removed from the Calendar.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 1414** (Senate Committee Substitute No. 2), A BILL TO BE

June 24, 2004T

ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, is placed on today's Calendar for immediate consideration.

On motion of Representative Crawford, the House does not concur in Senate Committee Substitute Bill No. 2, by electronic vote (105-1), and conferees are requested.

Representative Wright requests and is granted permission to change his vote from "no" to "aye". Representative Clary is recorded as not voting. The adjusted vote total is (105-0).

Speaker Morgan appoints the following Members as conferees on the part of the House: Representatives Baker, Clary, Crawford, Earle, Grady, Owens, Sherrill, and Wright, Chairs; Representatives Alexander, G. Allen, Barnhart, Brubaker, Cole, Culpepper, Cunningham, Daughtridge, Farmer-Butterfield, Fox, Gillespie, Gorman, Hackney, Haire, Hilton, Howard, Hunter, Insko, Jeffus, L. Johnson, Justice, Justus, Kiser, LaRoque, Luebke, McComas, McGee, McLawhorn, Miner, Nye, Parmon, Preston, Sauls, Stiller, Tolson, Wainwright, Weiss, West, K. Williams, and Yongue.

The Senate is so notified by Special Message.

CALENDAR (continued)

H.B. 1459 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHETHER TEACHER PREPARATION PROGRAMS SHOULD REQUIRE COURSES IN DIVERSITY TRAINING, ANGER MANAGEMENT, CONFLICT RESOLUTION, AND CLASSROOM MANAGEMENT, passes its third reading, by electronic vote (90-15), and is ordered sent to the Senate.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
June 24, 2004

June 24, 2004T

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. 51** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES AND TO REMOVE PROVISIONS THAT COULD RESULT IN FRANCHISE TAXES ON ASSETS NOT INDIRECTLY OWNED BY CORPORATIONS.

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

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allred and Coates, Chairs, for the Committee on Transportation:

H.B. 1344, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO DEFINE THE INTRASTATE HIGHWAY SYSTEM OF THE STATE AND TO MAKE THE INTRASTATE SYSTEM ELIGIBLE FOR HIGHWAY TRUST FUND FUNDS, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1086 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES, with a favorable report.

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

S.B. 1092, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT, with a favorable report.

June 24, 2004T

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

CALENDAR (continued)

S.B. 444 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING MENINGOCOCCAL MENINGITIS AND INFLUENZA AND THEIR VACCINES.

Representative Barnhart offers Amendment No. 1 which is adopted by electronic vote (102-1).

The bill, as amended, passes its second reading, by electronic vote (105-0), 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 the House committee substitute bill.

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

S.B. 486 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM USING CUSTOMER INQUIRIES TO TERMINATE A POLICY, TO REFUSE TO ISSUE OR RENEW A POLICY, OR TO SUBJECT A POLICY TO CONSENT TO RATE, passes its second reading, by electronic vote (103-0), 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.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 1202**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A SEPTIC TANK SYSTEM THAT IS FOR A LOT PLATTED PRIOR TO JULY 1, 1977, AND THAT IS OPERATED IN SOILS THAT ARE IN SOIL GROUP 1 MAY BE LOCATED TEN FEET OR MORE FROM ANY OTHER SEPTIC TANK SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is withdrawn from the Committee on Health and re-referred to the Committee on Environment and Natural Resources.

June 24, 2004T

On motion of Representative Culpepper, seconded by Representative Jeffus, the House adjourns at 3:51 p.m. to reconvene Monday, June 28, 2004, at 7:00 p.m.

ONE HUNDRED THIRTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Monday, June 28, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Almighty God:

"Thank You for being the one constant in our lives, lives that pull at us from every side. Thank You for giving us stability aboard a pilgrimage that tosses us to and fro. Thank You for granting us peace amidst the seas of change, confusion and stress. Grant unto each of us a clearer awareness of Your presence with us. May our efforts here in this Legislature, and in the lives we lead, reflect that awareness and be in step with Your Spirit that dwells within us. Let us live fully into the lives You require of us as the prophet Micah spoke of ages ago, 'To do justice, to love kindness, and to walk humbly with our God.' Amen."

Speaker Morgan 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 June 24 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives McHenry, Rayfield, and Sauls for today. Representative Alexander is excused for a portion of the session.

ENROLLED BILLS

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

June 28, 2004T

S.B. 51, AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES AND TO REMOVE PROVISIONS THAT COULD RESULT IN FRANCHISE TAXES ON ASSETS NOT INDIRECTLY OWNED BY CORPORATIONS.

S.B. 1161, AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES.

H.B. 257, AN ACT TO PROHIBIT THE USE OF CITIZENS BAND RADIO EQUIPMENT NOT AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION.

H.B. 1455, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS.

H.B. 1456, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS.

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

S.B. 1122, AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN.

H.B. 1364, AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES.

H.B. 1425, AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE

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COUNTY SHERIFF'S OFFICE, AND TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO EXERCISE ITS POWERS AT WESTERN PIEDMONT COMMUNITY COLLEGE.

H.B. 1447, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITIES OF GREENVILLE AND HENDERSON AND THE TOWN OF WAYNESVILLE.

H.B. 1471, AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE.

H.B. 1553, AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY.

H.B. 1569, AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

H.B. 1619, AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETH TOWN.

H.B. 1670, AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK.

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

S.J.R. 1438, A JOINT RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES OF AMERICA. (RESOLUTION 2004-7)

CHAPTERED BILLS

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

S.B. 1096, AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND KANNAPOLIS AS MUTUALLY AGREED UPON. (S.L. 2004-17)

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S.B. 1125, AN ACT TO ABOLISH THE OFFICE OF CORONER IN JOHNSTON COUNTY. (S.L. 2004-18)

S.B. 1133, AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODD-NUMBERED YEARS. (S.L. 2004-19)

H.B. 1608, AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES. (S.L. 2004-20)

H.B. 1497, AN ACT TO ADOPT A FLAT COLLECTION ASSISTANCE FEE UNDER THE SETOFF DEBT COLLECTION ACT. (S.L. 2004-21)

H.B. 1448, AN ACT TO REQUIRE THAT SELLERS BE PROVIDED WITH NOTICE AND A SIXTY-DAY PERIOD TO RESPOND TO A REQUEST FOR A REFUND OF OVER-COLLECTED SALES OR USE TAXES BEFORE A PURCHASER MAY BRING A CAUSE OF ACTION AGAINST THE SELLER. (S.L. 2004-22)

H.B. 1366, AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE. (S.L. 2004-23)

H.B. 1574, AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE RECREATION AREA AT BLEWETT FALLS LAKE. (S.L. 2004-24)

H.B. 1607, AN ACT TO REMOVE A PORTION OF HEMLOCK BLUFFS STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE PARKS SYSTEM TO PROVIDE A RIGHT-OF-WAY FOR THE WIDENING OF KILDAIRE FARM ROAD IN THE TOWN OF CARY, AND TO REMOVE THE HORNE CREEK LIVING HISTORICAL FARM LOCATED WITHIN PILOT MOUNTAIN STATE PARK FROM THE STATE PARKS SYSTEM IN ORDER TO ALLOW THE PROPERTY TO BE REALLOCATED TO

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THE DEPARTMENT OF CULTURAL RESOURCES FOR USE AS A STATE HISTORIC SITE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (S.L. 2004-25)

H.B. 1373, AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PRIVATE CONTRACTOR EMPLOYED AS A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR. (S.L. 2004-26)

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 1526**, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE CITY OF RANDLEMAN, is withdrawn from the Calendar pursuant to Rule 36(b) 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 committees are presented:

By Representatives G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1602, A BILL TO BE ENTITLED AN ACT TO RECODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS AND TO INCREASE THE CREDIT FOR CERTAIN PASS-THROUGH ENTITIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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. 20 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS, with a favorable report as to the House committee substitute bill, unfavorable as to the 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.

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S.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO ISSUE A 4-H SPECIAL REGISTRATION PLATE AND A HIGH SCHOOL INSIGNIA PLATE, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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. 1144, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN "IN GOD WE TRUST" SPECIAL REGISTRATION PLATE WITH THE PROCEEDS GOING TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED NORTH CAROLINA NATIONAL GUARDSMEN, with a favorable report.

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

S.B. 1145 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Farmer-Butterfield:

H.J.R. 1806, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MILTON F. FITCH, SR., AND CORA WHITTED FITCH, DISTINGUISHED CITIZENS AND CIVIL RIGHTS ACTIVISTS, is referred to the Committee on Rules, Calendar, and Operations of the House.

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SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
June 24, 2004

Mr. Speaker:

Pursuant to your message received today, June 24, 2004, that the House of Representatives fails to concur in the Senate Committee Substitute No. 2 to **H.B. 1414** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, and requests conferees, the President *Pro Tempore* appoints:

Senator Garrou, Co-Chair
Senator Hagan, Co-Chair
Senator Dalton, Co-Chair
Senator Albertson
Senator Clodfelter
Senator Dannelly
Senator Dorsett
Senator Hartsell
Senator Holloman
Senator Hoyle
Senator Jenkins
Senator Kerr
Senator Lucas
Senator Malone
Senator Purcell
Senator Rand
Senator Reeves
Senator Swindell
Senator Thomas
Senator Weinstein

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

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FISCAL NOTE ATTACHED

The fiscal note requested by Representative Luebke on June 24 is attached to **H.B. 1415** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN ALTERNATIVE RESEARCH AND DEVELOPMENT TAX CREDIT, and the bill with Amendment No. 1 pending, appears on today's Calendar.

Amendment No. 1 fails of adoption by electronic vote (41-72).

Representatives Bordsen, Brubaker, Clary, Howard, Justice, and LaRoque request and are granted permission to change their votes from "aye" to "no". The adjusted vote total is (35-78).

Representative Daughtridg offers Amendment No. 2 which is adopted by electronic vote (114-2).

The bill, as amended, passes its second reading, by electronic vote (113-2), and there being no objection is read a third time.

Representative Bordsen requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (114-2).

Representative Stam offers Amendment No. 3 which fails of adoption by electronic vote (44-71).

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

CONFERENCE REPORT

Representative Insko moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 354

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 354, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN, Senate

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Health & Human Resources Committee Substitute Adopted 7/20/03, submit the following report:

The Senate and the House agree to the following amendment to the Senate Health and Human Resources Committee Substitute Adopted 7/20/03, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Health and Human Resources Committee Substitute Adopted 7/20/03 and substitute the attached Proposed Conference Committee Substitute H354-PCCS30562-LL-1.

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

Date conferees approved report: June 24, 2004.

*Conferees for the
Senate*

S/ William R. Purcell
S/ James S. Forrester
S/ Kay R. Hagan

*Conferees for the
House of Representatives*

S/ Deborah K. Ross
S/ Carolyn Justus
S/ Don Munford

The Conference Report, which changes the title, is adopted, by electronic vote (115-0), 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.

H.B. 1363 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY.

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

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Representative Gorman requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (115-0).

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

H.B. 1543 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL.

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

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

H.B. 26 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT DEVICES DESIGNED TO COVER REGISTRATION PLATES TO PREVENT THE TAKING OF A CLEAR PHOTOGRAPH BY TRAFFIC CONTROL SYSTEMS USING CAMERAS ARE UNLAWFUL.

On motion of Representative Miller, the House concurs in the Senate committee substitute bill, by electronic vote (104-10), and the bill is ordered enrolled and presented to the Governor.

Representative Allred requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (103-11).

H.B. 1730, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A SEWER TREATMENT FEE, 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, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray,

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Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 110.

Voting in the negative: Representatives Allred, Baker, Gillespie, West, and Wood - 5.

Excused absences: Representatives McHenry, Rayfield, and Sauls - 3.

H.B. 1733 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING UTILITIES, 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, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 110.

Voting in the negative: Representatives Allred, Baker, Gillespie, West, and Wood - 5.

Excused absences: Representatives McHenry, Rayfield, and Sauls - 3.

H.B. 1734 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE, 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, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Barbee,

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Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 110.

Voting in the negative: Representatives Allred, Baker, Gillespie, West, and Wood - 5.

Excused absences: Representatives McHenry, Rayfield, and Sauls - 3.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Womble, **H.B. 1737** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, is withdrawn from the Calendar and placed on the Calendar of June 30.

CALENDAR (continued)

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

H.B. 1649 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS, 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.

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

H.B. 1668, A BILL TO BE ENTITLED AN ACT TO AMEND THE ACT ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND

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FOR FIREMEN IN THE CITY OF WILSON, 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.

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

H.B. 1669, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC., 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.

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

H.B. 1687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS 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.

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

H.B. 1726 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS, 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.

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

H.B. 1728 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT, passes its second reading and there being no objection is read a third time.

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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.

H.B. 1609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A PROVISION ALLOWED UNDER THE STREAMLINED SALES TAX AGREEMENT THAT TREATS ALL PRINTERS EQUALLY.

Representative Holliman requests that he be excused from voting on this bill under Rule 24.1A and this request is granted. Representative Hackney requests that he be excused from voting on this bill, because of a possible conflict of interest, 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: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Haire, Hall, Harrell, Hill, Hilton, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 114.

Voting in the negative: None.

Excused absences: Representatives McHenry, Rayfield, and Sauls - 3.

Excused vote: Representatives Hackney and Holliman - 2.

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

H.B. 1453 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM

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ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

Representative Moore offers Amendment No. 1.

Representative Moore withdraws Amendment No. 1.

The bill passes its second reading, by electronic vote (106-10).

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

INTRODUCTION OF PAGES

Pages for the week of June 28 are introduced to the membership. They are: Vanessa Armstrong of Wake; Zachary Bridges of Cleveland; Austin Cannon of Wake; Thomas Collins of Yadkin; Glenda Easterling of Montgomery; Marc Epstein of Mecklenburg; Adam Everett of Catawba; Todd Gaddis of Cherokee; John Haywood of Wake; David Hodgson of Columbus; Henry Hutaff, III, of Cumberland; Brandon Jaklitsch of Mecklenburg; Kenan Jernigan of Wake; Elizabeth Johnson of Lincoln; Morgan Kirby of Cumberland; Alexandra Leonard of Wake; Clarke Mann of Lee; Alex Martin of Cleveland; Michael Martin, II, of Wake; Ashley McSwain of Wake; Lauren Mercer of Pamlico; Jeffrey Miller of Wake; Amos Mills, IV, of Wake; Franklin Munford of Wake; Derek Partin of Forsyth; Joshua Patton of Mecklenburg; Cole Phillips of Wake; Jonathan Pittard of Johnston; James Pressly of Iredell; Brandon Rasberry of Lenoir; Sirena Redtern of Guilford; Ryan Ryba of Wake; Tara Scheidt of Rowan; Laura Smith of Guilford; Holly Stiles of Cherokee; Michael Todd of Wake; Jeffrey Turner of Wayne; Patrick Vollmer of Watauga; Morty Wadsworth of Lincoln; and D'Andrea Williams of Cumberland.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1394**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Transportation.

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CALENDAR (continued)

S.B. 1127 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WALLBURG, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, McAllister, McGee, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Alexander, McHenry, Rayfield, and Sauls - 4.

Representative Culpepper moves, seconded by Representative West, that the House adjourn, subject to the receipt of Messages from the Senate, to reconvene June 29 at 2:00 p.m.

The motion carries.

SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
June 28, 2004

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

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Substitute to **S.B. 230** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT REVISED ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE, BULK SALES, AND CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, and requests conferees. The President *Pro Tempore* appoints:

Senator Hartsell, Chair
Senator Clodfelter
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

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 429** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY JUST COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED BUILDINGS, STRUCTURES, OUTDOOR ADVERTISING, OR FIXTURES, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of June 29.

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

H.B. 817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Finance.

June 28, 2004T

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

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

Senate Committee Substitute for **H.B. 224** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF KANNAPOLIS, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of June 29.

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

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

Senate Committee Substitute for **H.B. 964**, A BILL TO BE ENTITLED AN ACT ELIMINATING THE REQUIREMENT THAT THE STATE PURCHASING OFFICER DETERMINE WHETHER THREE QUALIFIED VENDORS ARE AVAILABLE IN FURNITURE REQUIREMENTS CONTRACTS AND CLARIFYING THE TERM QUALIFIED VENDOR IN SUCH CONTRACTS, is returned for concurrence in the 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. 1043 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT

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AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION, is read the first time and referred to the Committee on Transportation.

The House stands adjourned at 9:12 p.m.

ONE HUNDRED THIRTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Tuesday, June 29, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"O God, who travels along life's journey with us, we find ourselves back into the weekly stretch of committee meetings, debate, and waiting for some resolution on the budget. It seems much easier to greet You with praise on Monday nights and ask for Your blessing as we go home on Thursdays. But, it can prove difficult to pray during these intermediate days while we work, watch and wait. Something about our posture...perhaps our disposition...seems to settle in during these times. Remind us, Lord, that it is precisely in these times that we need to pray. It is when we get hunkered down with our respective duties that we sometimes forget that You are, not only here with us, but that You long to help us up and out of what the Psalmist called, 'the miry bog'. So, we humbly beseech thee, 'Lift us up out of the miry bog. Place our feet on solid ground, and give us a firm place to stand.' And, in all of our ways, may we acknowledge Thee and give You thanks for the constant mercies extended to us by Your strong but gentle hand of grace. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 28 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Miller and Rayfield for today.

June 29, 2004T

ENROLLED BILLS

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

H.B. 26, AN ACT TO CLARIFY THAT DEVICES DESIGNED TO COVER REGISTRATION PLATES TO PREVENT THE TAKING OF A CLEAR PHOTOGRAPH BY TRAFFIC CONTROL SYSTEMS USING CAMERAS ARE UNLAWFUL.

H.B. 1303, AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES.

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

S.B. 1127, AN ACT TO INCORPORATE THE TOWN OF WALLBURG.

H.B. 1363, AN ACT TO PROVIDE THAT THE LAWS RELATING TO TOXAWAY PROPERTY OWNERS' ASSOCIATION IN MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TRANSYLVANIA COUNTY.

H.B. 1543, AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL.

CHAPTERED BILLS

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

S.B. 1122, AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN. (S.L. 2004-27)

H.B. 1364, AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES. (S.L. 2004-28)

H.B. 1425, AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE

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BURKE COUNTY SHERIFF'S OFFICE, AND TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO EXERCISE ITS POWERS AT WESTERN PIEDMONT COMMUNITY COLLEGE. (S.L. 2004-29)

H.B. 1447, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITIES OF GREENVILLE AND HENDERSON AND THE TOWN OF WAYNESVILLE. (S.L. 2004-30)

H.B. 1471, AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE. (S.L. 2004-31)

H.B. 1553, AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY. (S.L. 2004-32)

H.B. 1569, AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES. (S.L. 2004-33)

H.B. 1619, AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN. (S.L. 2004-34)

H.B. 1670, AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK. (S.L. 2004-35)

RE-REFERRAL

On motion of Speaker Black, **S.B. 6** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE REGULATION OF THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES AND TO PROVIDE FUNDING FOR THIS REGULATION, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Finance.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

June 29, 2004T

By Representative Munford, Chair, for the Committee on Judiciary IV:

H.B. 1665, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISPOSITIONAL HEARING OF A JUVENILE WHO IS IN RESIDENTIAL TREATMENT BE HELD IN THE COUNTY IN WHICH THE JUVENILE IS RECEIVING TREATMENT AND TO APPROPRIATE FUNDS, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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, Hilton, Warner, and Wood, Chairs, for the Committee on Education:

H.B. 1457, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO ENCOURAGE THE IDENTIFICATION AND DEVELOPMENT OF A CONTINUUM OF COMMUNITY SOLUTIONS TO MEET THE EDUCATIONAL NEEDS OF STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS, AND TO REQUIRE EVERY LOCAL SCHOOL ADMINISTRATIVE UNIT TO OFFER AN ALTERNATIVE SETTING TO STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 30. The original bill is placed on the Unfavorable Calendar.

H.B. 1786, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COACHING AND ASSISTANT COACHING SCHOLARSHIP FUND AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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.

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By Representatives G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1427, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A RECREATIONAL SHELLFISH LICENSE, TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 30. The original bill is placed on the Unfavorable Calendar.

Senate Committee Substitute for **H.B. 1430** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, with recommendation that the House concur; committee believes bill to be material.

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

H.B. 1636, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR PURCHASING, DISPENSING, AND PROCESSING RENEWABLE FUELS, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 30. The original bill is placed on the Unfavorable Calendar.

H.B. 1760, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE RESEARCH AND DEVELOPMENT TAX CREDIT IS NOT ALLOWED TO EMPLOYERS WHO SUBSTANTIALLY REDUCE JOBS IN NORTH CAROLINA, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 30. The original bill is placed on the Unfavorable Calendar.

S.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT ENTITY FOR A PUBLIC OR PRIVATE UNIVERSITY

June 29, 2004T

OR COMMUNITY COLLEGE LOCATED IN NORTH CAROLINA, with a favorable report.

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

S.B. 1414, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN CERTAIN MEDICAL BOARD FEES, with a favorable report.

Pursuant to Rule 36(b)(2), the bill is re-referred to the Committee on Rules, Calendar, and Operations of the House.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

H.B. 1463 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION, is returned for concurrence in the Senate committee substitute bill.

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

WITHDRAWAL OF BILL FROM COMMITTEE

Without objection, **H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar for immediate consideration.

Pursuant to Rule 24.1A(c), the request that Representative Munford be excused from voting on May 20 is continued.

On motion of Representative Owens, the House does not concur in Senate Amendments No. 1 and 2, by electronic vote (113-2), and conferees are requested.

CALENDAR

Action is taken on the following:

June 29, 2004T

Senate Committee Substitute for **H.B. 224** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF KANNAPOLIS.

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

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 116.

Voting in the negative: None.

Excused absences: Representatives Miller and Rayfield - 2.

Senate Committee Substitute for **H.B. 429** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY JUST COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED BUILDINGS, STRUCTURES, OUTDOOR ADVERTISING, OR FIXTURES.

Pursuant to Rule 24.1A(c), the request that Speaker Morgan be excused from voting on April 9, 2003, is continued.

On motion of Representative Culpepper, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (87-24), and the bill is ordered enrolled and presented to the Governor.

H.B. 1609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A PROVISION ALLOWED UNDER THE STREAMLINED SALES TAX AGREEMENT THAT TREATS ALL PRINTERS EQUALLY.

June 29, 2004T

Pursuant to Rule 24.1A(c), the requests that Representative Hackney and Holliman be excused from voting on June 28 are continued.

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, Speaker Morgan; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Haire, Hall, Harrell, Hill, Hilton, Howard, Insko, Jeffus, C. Johnson, Jones, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 107.

Voting in the negative: Representatives Fisher and L. Johnson - 2.

Excused absences: Representatives Miller and Rayfield - 2.

Excused vote: Representatives Hackney and Holliman - 2.

Representative Fisher requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (108-1).

CONFEREES APPOINTED

Speaker Black appoints the following conferees on **H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND: Representatives Daughtride and Owens, Co-Chairs; Representatives Barnhart, Miner, Justice, Baker, G. Allen, Wainwright, Crawford, and Luebke.

The Senate is so notified by Special Message.

June 29, 2004T

CALENDAR (continued)

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

H.B. 1795 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holmes, Howard, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Miller and Rayfield - 2.

H.B. 1453, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

Representative Moore offers Amendment No. 2 which is adopted by electronic vote (76-35).

The bill, as amended, passes its third reading, by electronic vote (106-8), and is ordered engrossed and sent to the Senate by Special Message.

June 29, 2004T

Representative Harrell requests and is granted permission to change his vote from "no" to "aye". Speaker Morgan is recorded as voting "aye". The adjusted vote total is (78-34).

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

H.B. 1344 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO DEFINE THE INTRASTATE HIGHWAY SYSTEM OF THE STATE AND TO MAKE THE INTRASTATE SYSTEM ELIGIBLE FOR HIGHWAY TRUST FUND FUNDS.

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

Representative Daughtridge offers Amendment No. 2 which is adopted by electronic vote (106-5).

The bill, as amended, passes its second reading, by electronic vote (102-8).

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

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

H.J.R. 1540 (Committee Substitute), A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE REGARDING THE ENROLLMENT OF UNDERGRADUATE STUDENTS AT EACH CONSTITUENT INSTITUTION AND THE PERCENTAGE OF THOSE WHO ARE OUT-OF-STATE STUDENTS, passes its second reading, by electronic vote (108-1), 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.

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

June 29, 2004T

H.B. 1565 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECODIFY MANY OF THE PROVISIONS OF THE EXECUTIVE BUDGET ACT AND THE CAPITAL IMPROVEMENT PLANNING ACT INTO A STATE BUDGET ACT THAT REVISES AND CLARIFIES THE PROCEDURES FOR PREPARING, ENACTING, AND ADMINISTERING THE STATE BUDGET AND TO MAKE CONFORMING CHANGES AS RECOMMENDED BY THE JOINT COMMITTEE ON EXECUTIVE BUDGET ACT REVISIONS, passes its second reading, by electronic vote (111-0), and there being no objection is read a third time.

Representative Coates requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (112-0).

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

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

H.B. 1699, 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 second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holmes, Howard, Insko, Jeffus, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 112.

Voting in the negative: Representative Sutton.

June 29, 2004T

Excused absences: Representatives Miller and Rayfield - 2.

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

H.B. 1723 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN, 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 by Special Message.

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

Senate Committee Substitute for **H.B. 1369**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS, is returned for concurrence in the 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.

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

Senate Committee Substitute for **H.B. 1385** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS BY THE CITY OF WASHINGTON AND THE TOWNS OF CRESWELL AND WALLACE, is returned for concurrence in the Senate committee substitute bill.

June 29, 2004T

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.

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

SPECIAL MESSAGE FROM THE SENATE

**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
June 29, 2004

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. 354** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN.

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 bill is ordered enrolled and presented to the Governor by Special Message.

SPECIAL MESSAGE FROM THE SENATE

**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
June 29, 2004

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

June 29, 2004T

Substitute to **S.B. 1063**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following reports from standing committees are presented:

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

H.B. 1460, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO REQUIRE SCHOOLS TO DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR STUDENTS WHO ARE SUSPENDED FROM SCHOOL, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 30. The original bill is placed on the Unfavorable Calendar.

By Representative Gibson, Chair, for the Committee on Environment and Natural Resources:

S.B. 732, A BILL TO BE ENTITLED AN ACT TO MAKE IMPROVEMENTS IN THE REGULATION OF PETROLEUM UNDERGROUND STORAGE TANKS AND TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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.

June 29, 2004T

S.B. 1202, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A SEPTIC TANK SYSTEM THAT IS FOR A LOT PLATTED PRIOR TO JULY 1, 1977, AND THAT IS OPERATED IN SOILS THAT ARE IN SOIL GROUP 1 MAY BE LOCATED TEN FEET OR MORE FROM ANY OTHER SEPTIC TANK SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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)

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

S.B. 1167 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO PERMIT ELECTRONIC NOTICES OF OWNERS' ASSOCIATION MEETINGS, TO AMEND THE SECRET PEEPING STATUTE, AND TO MAKE CONFORMING CHANGES, passes its second reading, by electronic vote (108-0), and there being no objection is read a third time.

Representative Baker requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (109-0).

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

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Gibson, Chair, for the Committee on Environment and Natural Resources:

H.B. 1393, A BILL TO BE ENTITLED AN ACT TO ALLOW MARINE FISHERIES INSPECTORS TO ACCEPT DELEGATION OF LAW

June 29, 2004T

ENFORCEMENT POWERS FROM THE NATIONAL MARINE FISHERIES SERVICE, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 30. The original bill is placed on the Unfavorable Calendar.

SPECIAL MESSAGE FROM THE SENATE

**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
June 29, 2004

Mr. Speaker:

Pursuant to your message received today, June 29, 2004, that the House of Representatives fails to concur in the Senate Amendments No. 1 and No. 2 to **H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, and requests conferees, the President *Pro Tempore* appoints:

Senator Kerr, Chair
Senator Garrou
Senator Dalton
Senator Hagan

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

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 583**, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AND LOCAL GOVERNMENT AGENCIES THAT

June 29, 2004T

ACQUIRE LAND FOR WETLANDS MITIGATION TO REIMBURSE THE COUNTY IN WHICH THE LAND IS LOCATED FOR ITS LOST TAXES DUE TO THE ACQUISITION, is withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Finance.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 1315**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY, is withdrawn from the Committee on Local Government I and re-referred to the Committee on Finance.

Representative Culpepper moves, seconded by Representative A. Williams, that the House adjourn, subject to the receipt of committee assignments and the receipt of Messages from the Senate, to reconvene June 30 at 3:00 p.m.

The motion carries.

ADDENDA TO COMMITTEE ASSIGNMENTS

June 29, 2004

Speaker Black makes the following committee assignments:

COMMERCE: Add Representative Daughtridge; remove Representative Blust.

ELECTION LAW AND CAMPAIGN FINANCE REFORM: Add Representative Sherrill; remove Representative Blust.

FINANCE: Add Representatives Cole and Harrell.

JUDICIARY III: Add Representative Wood; remove Representative Blust.

WILDLIFE RESOURCES: Add Representative West; remove Representative Blust.

The House stands adjourned at 5:35 p.m.

June 29, 2004T

ONE HUNDRED THIRTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, June 30, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Sovereign Lord:

"You alone reign over heaven and earth. Yet, despite all of Your creative power and obvious omnipotence, You care deeply for each one of us as St. Augustine once said, 'You care for each one of us as if there is but one of us to love.' Human nature being what it is, it is easy for us to think that our lives simply occurred by chance and that it is up to us to make the most out of them. Merciful God, help us to know that this is not Your desire for us. We are Your children. You know each one of us intimately. You know our names. When our faith retreats and our hearts grow weak, whisper Your words of mercy, peace, and love to us. Remind us of this divine truth and instill within our hearts the assurance of being known and being loved by Thee. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 29 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Church, Gibson, Miller, and Rayfield for today. Representatives Insko and McLawhorn are excused for a portion of the session.

ENROLLED BILLS

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

S.B. 859, AN ACT TO ESTABLISH THE CATAWBA/WATEREE RIVER BASIN ADVISORY COMMISSION AND THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION.

June 30, 2004T

H.B. 354, AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN.

H.B. 429, AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS.

H.B. 1555, AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY CUSTOMER SERVICE PROVIDED BY THE DIVISION OF MOTOR VEHICLES AND THE COMMISSION CONTRACT AGENTS.

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

H.B. 1475, AN ACT TO ANNEX THE ALBEMARLE CORRECTIONAL INSTITUTION TO THE TOWN OF BADIN.

H.B. 1484, AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS.

H.B. 1593, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF SWANSBORO.

H.B. 1678, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD.

H.B. 1684, AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN VANCE COUNTY.

H.B. 1722, AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD FROM THREE TO FIVE MEMBERS.

H.B. 1724, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT AND PITT COUNTIES.

June 30, 2004T

H.B. 1732, AN ACT TO CLARIFY THE WARD BOUNDARIES OF THE CITY OF SOUTHPORT TO REFLECT RECENT ANNEXATIONS.

CHAPTERED BILLS

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

H.B. 1543, AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL. (S. L. 2004-36)

S.B. 1127, AN ACT TO INCORPORATE THE TOWN OF WALLBURG. (S.L. 2004-37)

H.B. 1363, AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY. (S.L. 2004-38)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Munford, Chair, for the Committee on Judiciary IV:

S.B. 470 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE LAW AFFECTING THE COMPENSATION OF TRUSTEES AND OTHER FIDUCIARIES, with a favorable report as to the House committee substitute bill, unfavorable as to the 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. 1218 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, 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.

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By Representatives G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1348, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

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

H.B. 1688, A BILL TO BE ENTITLED AN ACT TO ALLOW A DEFERRED EFFECTIVE DATE FOR CERTAIN VOLUNTARY ANNEXATIONS OF THE CITY OF CONCORD, with a favorable report.

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

H.B. 1721 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCREASE IN THE CURRITUCK COUNTY OCCUPANCY TAX AND TO CHANGE THE PURPOSES FOR WHICH THE TAX MAY BE USED, 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. 6 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES EXCEPT BY A FEDERALLY RECOGNIZED INDIAN TRIBE AS AUTHORIZED BY THE INDIAN GAMING REGULATORY ACT AND A VALID TRIBAL-STATE COMPACT, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE STOCK CAR RACING THEME SPECIAL PLATES, with a favorable report.

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

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S.B. 1171 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES, with a favorable report as to the House committee substitute bill, unfavorable as to the 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 Adams, Chair, for the Committee on Local Government II:

S.B. 1288, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY, 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 Representatives Saunders, Black, Morgan, and Brubaker (Primary Sponsors); Alexander, G. Allen, L. Allen, Barbee, Bell, Bordsen, Capps, Carney, Church, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Dockham, Earle, Ellis, England, Fisher, Fox, Frye, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Hill, Holliman, Holmes, L. Johnson, Jones, Justus, LaRoque, Lewis, Luebke, McComas, McGee, McLawhorn, McMahan, Mitchell, Owens, Parmon, Pate, Rapp, Ray, Rhodes, Sauls, Setzer, Stam, Stiller, Tolson, Wainwright, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, and G. Wilson:

H.J.R. 1807, A JOINT RESOLUTION HONORING THE FOUNDERS OF DUKE POWER ON THE COMPANY'S 100TH ANNIVERSARY, is read the first time.

June 30, 2004T

Pursuant to Rule 32(a), the resolution is placed on the Calendar of July 1.

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

H.B. 918 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR SERVICE OF PROCESS IN CIVIL CASES AND TO EARMARK THE INCREASE TO ENSURE TIMELY SERVICE OF PROCESS, is returned for concurrence in one Senate amendment.

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

S.B. 1205 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL, is read the first time and referred to the Committee on Alcoholic Beverage Control.

S.B. 1265 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS, is read the first time and referred to the Committee on Finance.

S.J.R. 1408, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GENERAL GRIFFITH RUTHERFORD ON THE 225TH ANNIVERSARY OF RUTHERFORD COUNTY, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on the Calendar of July 1.

S.J.R. 1441, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RAY CHARLES, AN AMERICAN LEGEND, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on the Calendar of July 1.

S.J.R. 1443, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF KATHLEEN BRYAN EDWARDS, ONE OF THE STATE'S MOST PROMINENT CITIZENS, is read the first time.

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Pursuant to Rule 32(a), the resolution is placed on the Calendar for immediate consideration.

The resolution passes its second reading, by electronic vote (115-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 224** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF KANNAPOLIS.

On motion of Representative L. Johnson, 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: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Brubaker, Capps, Clary, Coates, Cole, Crawford, Creech, Culp, Cunningham, Daughtridge, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Church, Gibson, McLawhorn, Miller, and Rayfield - 5.

Representatives Carney and Farmer-Butterfield request and are granted permission to be recorded as voting "aye". The adjusted vote total is (108-0).

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Senate Committee Substitute for **H.B. 1369**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS.

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

Those voting in the affirmative are: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Clary, Coates, Cole, Crawford, Creech, Culp, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Church, Gibson, McLawhorn, Miller, and Rayfield - 5.

Senate Committee Substitute for **H.B. 1385** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS BY THE CITY OF WASHINGTON AND THE TOWNS OF CRESWELL AND WALLACE.

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

Those voting in the affirmative are: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker,

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Capps, Carney, Clary, Coates, Cole, Crawford, Creech, Culp, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Church, Gibson, McLawhorn, Miller, and Rayfield - 5.

H.B. 1737 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, passes its second reading, by electronic vote (111-2), 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.

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

S.B. 1201 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY, passes its second reading, by electronic vote (111-2), 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 the House committee substitute bill by Special Message.

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

S.B. 1093 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD EDGECOMBE, NASH, AND WILSON COUNTIES TO

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THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

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

H.B. 1699, 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 by Special Message.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Clary, Coates, Cole, Crawford, Creech, Culp, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McMahan, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Church, Gibson, McLawhorn, Miller, and Rayfield - 5.

H.B. 1795 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS, 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, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Clary, Coates, Cole, Crawford, Creech, Culp,

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Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McMahan, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Church, Gibson, McLawhorn, Miller, and Rayfield - 5.

H.B. 1427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A RECREATIONAL SHELLFISH LICENSE, TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH.

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

H.B. 1760 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PUBLICATION, MONITORING, AND REPORTING ON ECONOMIC DEVELOPMENT INCENTIVE CLAWBACKS AND TO PROVIDE FOR FIRST SOURCE HIRING AGREEMENTS FOR INCENTIVE GRANTS AND LOANS.

Speaker Morgan rules that the bill is not a roll call measure and can receive second and third readings today.

The bill passes its second reading by electronic vote (110-0).

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

H.B. 1344 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO DEFINE THE INTRASTATE HIGHWAY SYSTEM OF THE STATE AND TO MAKE

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THE INTRASTATE SYSTEM ELIGIBLE FOR HIGHWAY TRUST FUND FUNDS.

The bill, as amended, passes its third reading, by electronic vote (106-5), and is ordered engrossed and sent to the Senate by Special Message.

H.B. 1393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MARINE FISHERIES INSPECTORS TO ACCEPT DELEGATION OF LAW ENFORCEMENT POWERS FROM THE NATIONAL MARINE FISHERIES SERVICE AND TO DIRECT THE DIVISION OF MARINE FISHERIES TO REPORT ON THE PROVISIONS AND IMPLEMENTATION OF ANY JOINT ENFORCEMENT AGREEMENT WITH THE NATIONAL MARINE FISHERIES SERVICE, passes its second reading by electronic vote (70-41).

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

WITHDRAWAL OF OBJECTION TO THIRD READING

Representative Stam removes his objection to the third reading of **H.B. 1760** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PUBLICATION, MONITORING, AND REPORTING ON ECONOMIC DEVELOPMENT INCENTIVE CLAWBACKS AND TO PROVIDE FOR FIRST SOURCE HIRING AGREEMENTS FOR INCENTIVE GRANTS AND LOANS.

Representative Stam offers Amendment No. 1 which fails of adoption by electronic vote (53-57).

The bill passes its third reading, by electronic vote (111-2), and is ordered sent to the Senate by Special Message.

Representatives Allred and Bowie request and are granted permission to be recorded as voting "aye". The adjusted vote total is (113-0).

CONFERENCE REPORT

Representatives Daughtridge and Owens send forth the Conference Report on **H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING

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INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND. Without objection, the Conference Report is placed on today's Calendar.

CALENDAR (continued)

H.B. 1457 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO ENCOURAGE THE IDENTIFICATION AND DEVELOPMENT OF A CONTINUUM OF COMMUNITY SOLUTIONS TO MEET THE EDUCATIONAL NEEDS OF STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS, TO ADD AN ALTERNATIVE SCHOOL OR ALTERNATIVE LEARNING PROGRAM ADMINISTRATOR TO THE COUNTY JUVENILE CRIME PREVENTION COUNCILS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT A POLICY ESTABLISHING A CONTINUUM OF EDUCATIONAL SERVICES FOR THESE STUDENTS.

On motion of Representative Preston, the bill is temporarily displaced.

H.B. 1460 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO REQUIRE SCHOOLS TO DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR STUDENTS WHO ARE SUSPENDED FROM SCHOOL.

On motion of Representative Preston, the bill is temporarily displaced.

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

H.B. 1602 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS.

On motion of Representative McComas, the bill is temporarily displaced.

H.B. 1636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR DISPENSING AND PROCESSING

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RENEWABLE FUELS, passes its second reading, by electronic vote (111-1), 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. 1086 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES, passes its second reading, by electronic vote (110-0), 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.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Allred and Coates, Chairs, for the Committee on Transportation:

H.B. 1359, A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1394, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES, with a favorable report as to the committee substitute bill, unfavorable as to the 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. 1422, A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS, with a favorable

report as to the committee substitute bill, which changes the title, unfavorable as to the 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. 1043 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION, with a favorable report as to the House committee substitute bill, unfavorable as to the 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. 1078 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW, with a favorable report.

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

S.B. 1083, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 38(b), the House committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 6** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE REGULATION OF

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THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES AND TO PROVIDE FUNDING FOR THIS REGULATION, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Appropriations.

CONFERENCE REPORT

Representative Owens moves the adoption of the following Conference Report.

Committee Substitute for H.B. 1352

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 1352, A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, Committee Substitute Favorable 5/19/04, submit the following report:

The Senate recedes from amendment #1 and amendment #2.

The House and Senate agree to the following amendment to the Committee Substitute Favorable 5/19/04:

Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute PCCS H1352-PCCS30569-RB-3.

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

Date conferees approved report: June 30, 2004.

*Conferees for the
Senate*

S/ John H. Kerr, Chair
S/ Walton H. Dalton
S/ Linda Garrou
S/ Kay R. Hagan

*Conferees for the
House of Representatives*

S/ William G. Daughtridge, Jr., Co-Chair
S/ William C. Owens, Jr., Co-Chair
S/ Gordon P. Allen
S/ Rex L. Baker
S/ Jeffrey L. Barnhart
S/ James W. Crawford, Jr.

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S/ Carolyn H. Justice
S/ Paul Luebke
S/ David M. Miner
S/ William L. Wainwright

Pursuant to Rule 24.1A(c), the request that Representative Munford be excused from voting on May 20 is continued.

The Conference Report, which changes the title, is adopted, by electronic vote (100-9), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
June 30, 2004

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. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, 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

Speaker Morgan orders the bill enrolled and presented to the Governor by Special Message.

Representative Gorman moves, seconded by Representative Ray, that the House adjourn, subject to the ratification of bills and the receipt of Messages from the Senate, to reconvene July 1 at 2:00 p.m.

The motion carries.

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ENROLLED BILLS

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

H.B. 1352, AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED FOR ECONOMIC INFRASTRUCTURE, AND TO MAKE NECESSARY TRANSITIONAL ADJUSTMENTS TO THE STATE BUDGET.

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

H.B. 224, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF KANNAPOLIS, TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MIDLAND.

No messages from the Senate having been received, the House stands adjourned at 5:44 p.m.

ONE HUNDRED THIRTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Thursday, July 1, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Gracious God, giver of every good and perfect gift:

"We thank You that by Your abundant hand of providence we have been given the gifts of leadership necessary to serve Your children. Forgive us if our requests become redundant, but we believe You to be a God who has patience and understands our human condition. As a collective

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Legislative Body, we would once again ask for the gift of patience. Help us to wait with hope and expectancy for a fair and equitable compromise on the budget. We would once again ask for the gift of kindness as the Conferees undoubtedly must face off with one another in hotly contested debate. We would once again ask for the gifts of peace and reconciliation...so that when adjournment finally finds its way to this Chamber, our differences and emotional rhetoric may discover an avenue that gives way to the commonality of our having served together, side-by-side, for the past two years, not for our own sakes, but on behalf of the people of the Great State of North Carolina. May God continue to have mercy on us all. Amen."

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

Leaves of absence are granted Representatives Alexander, Culp, Gibson, Holmes, McHenry, Miller, Rayfield, and Sauls for today.

ENROLLED BILLS

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

S.B. 582, AN ACT TO IMPROVE PUBLIC HEALTH PREPAREDNESS AND RESPONSE.

S.B. 1086, AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES.

H.B. 1478, AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE.

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

H.B. 1668, AN ACT TO AMEND THE ACT ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WILSON.

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

S.J.R. 1443, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF KATHLEEN BRYAN EDWARDS, ONE OF THE STATE'S MOST PROMINENT CITIZENS. (RESOLUTION 2004-8)

CHAPTERED BILLS

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

H.B. 224, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF KANNAPOLIS, TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MIDLAND. (S.L. 2004-39)

H.B. 1475, AN ACT TO ANNEX THE ALBEMARLE CORRECTIONAL INSTITUTION TO THE TOWN OF BADIN. (S.L. 2004-40)

H.B. 1484, AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS. (S.L. 2004-41)

H.B. 1593, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF SWANSBORO. (S.L. 2004-42)

H.B. 1678, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD. (S.L. 2004-43)

H.B. 1684, AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN VANCE COUNTY. (S.L. 2004-44)

H.B. 1722, AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD FROM THREE TO FIVE MEMBERS. (S.L. 2004-45)

H.B. 1724, AN ACT RELATING TO THE DEFINITION OF SUB-DIVISION IN HARNETT AND PITT COUNTIES. (S.L. 2004-46)

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H.B. 1732, AN ACT TO CLARIFY THE WARD BOUNDARIES OF THE CITY OF SOUTHPORT TO REFLECT RECENT ANNEXATIONS. (S.L. 2004-47)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Baker, Clary, Crawford, Earle, Grady, Owens, Sherrill, and Wright, Chairs, for the Committee on Appropriations:

S.B. 991, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STATE GOVERNMENT SHALL REQUIRE IN EVERY CONTRACT FOR THE PERFORMANCE OF TELEMARKETING SERVICES PROVISIONS THAT ONLY CITIZENS OF THE UNITED STATES AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES MAY BE EMPLOYED, AND TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION FROM CUSTOMER SALES AND SERVICE CENTERS, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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.

H.B. 1423 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR EMPLOYERS WHO PARTICIPATE IN AN APPRENTICESHIP PROGRAM APPROVED BY THE DEPARTMENT OF LABOR, 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. 1624, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, with a favorable report.

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

H.B. 1513, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM DEATH BENEFIT PAYABLE FROM THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, with a favorable report.

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

By Representative Weiss, Chair, for the Committee on Aging:

S.B. 1148 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with a favorable report as to the House committee substitute bill, unfavorable as to the 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 G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1389, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b)(2), the committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

S.B. 852 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND INITIATIVES THAT EDUCATE AND PROMOTE ORGAN AND

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TISSUE DONATION; AND TO INCREASE THE FEE FOR ISSUANCE, RENEWAL, AND DUPLICATION OF A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD AND PROVIDE THAT THE PROCEEDS OF THE INCREASE SHALL BE USED TO IMPLEMENT THIS ACT, with a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill No. 3.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar. Senate Committee Substitute Bill No. 3 is placed on the Unfavorable Calendar.

S.B. 933, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AND LOCAL GOVERNMENT AGENCIES THAT ACQUIRE LAND FOR WETLANDS MITIGATION TO REIMBURSE THE COUNTY IN WHICH THE LAND IS LOCATED FOR ITS LOST TAXES DUE TO THE ACQUISITION, with a favorable report.

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

S.B. 1128 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE AND TO MAKE A TECHNICAL CORRECTION, with a favorable report.

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

S.B. 1254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, with a favorable report.

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

S.B. 1265 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS, with a favorable report.

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

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S.B. 1305 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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. 1356, A BILL TO BE ENTITLED AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT, with a favorable report.

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

S.B. 1384 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING, AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, AND INCREASING FEES, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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.

RE-REFERRAL

On motion of Speaker Black and without objection, **S.B. 1312** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar pursuant to Rule 36(b).

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

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S.B. 1210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE TEMPORARY IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS BY PROVIDING: (1) THAT LOCAL GOVERNMENT APPLICATIONS FOR PHASE II STORMWATER PERMITS THAT WERE SUBMITTED IN ACCORDANCE WITH THE TEMPORARY STORMWATER RULE WILL BE DEEMED TIMELY RECEIVED; (2) STANDARDS FOR THE EVALUATION OF APPLICATIONS FOR PHASE II STORMWATER PERMITS; (3) AN EXEMPTION FROM PHASE II STORMWATER PERMIT REQUIREMENTS FOR CERTAIN SMALL MUNICIPALITIES; (4) THAT NEW DEVELOPMENT AND REDEVELOPMENT LOCATED IN A REGULATED COVERAGE AREA MUST COMPLY WITH THE STORMWATER MANAGEMENT RULE; (5) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION WILL ADMINISTER AND ENFORCE THE STORMWATER MANAGEMENT RULE IN A REGULATED COVERAGE AREA UNLESS A COUNTY VOLUNTARILY UNDERTAKES TO IMPLEMENT A LOCAL STORMWATER MANAGEMENT PROGRAM; (6) FOR THE COORDINATION OF PHASE II STORMWATER MANAGEMENT PROGRAMS AND OTHER EXISTING STATE PROGRAMS THAT REGULATE STORMWATER IN ORDER TO AVOID CONFLICTING, DUPLICATIVE, OR INCONSISTENT STORMWATER MANAGEMENT REQUIREMENTS; (7) THAT A LOCAL GOVERNMENT MAY OPT TO BE COVERED UNDER A GENERAL STORMWATER PERMIT DEVELOPED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; (8) DEADLINES FOR WHEN THE ENVIRONMENTAL MANAGEMENT COMMISSION MUST MAKE CERTAIN PHASE II STORMWATER PERMITTING DECISIONS; (9) DESIGNATION AND PETITION PROCESSES BY WHICH ADDITIONAL LOCAL GOVERNMENTS AND OTHER ENTITIES MAY BE REQUIRED TO OBTAIN A PHASE II STORMWATER PERMIT; (10) FOR THE DEVELOPMENT OF A STORMWATER MODEL ORDINANCE AND STORMWATER DESIGN MANUAL; (11) FOR THE ROLES OF STATE AND LOCAL GOVERNMENTS IN REGULATING THE STORMWATER IMPACTS OF FEDERAL AND STATE PROJECTS; (12) DEFINITIONS OF TERMS TO BE USED IN THE IMPLEMENTATION OF THIS ACT; (13) THAT CERTAIN AGRICULTURE AND FORESTRY ACTIVITIES ARE EXEMPT FROM PHASE II STORMWATER PERMIT REQUIREMENTS; AND (14) HOW THE ACT SHALL BE CONSTRUED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is read the first time and referred to the Committee on Environment and Natural Resources.

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S.J.R. 1444, A JOINT RESOLUTION HONORING THE MEMORY OF DR. GIL WYLIE ON THE 100TH ANNIVERSARY OF LAKE WYLIE, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on the Calendar of July 6.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1369**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS.

On motion of Representative Preston, 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: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Alexander, Culp, Gibson, Holmes, McHenry, Miller, Rayfield, and Sauls - 8.

Senate Committee Substitute for **H.B. 1385** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE

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ANNEXATIONS BY THE CITY OF WASHINGTON AND THE TOWNS OF CRESWELL AND WALLACE.

On motion of Representative A. Williams, 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: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Alexander, Culp, Gibson, Holmes, McHenry, Miller, Rayfield, and Sauls - 8.

H.B. 918 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR SERVICE OF PROCESS IN CIVIL CASES AND TO EARMARK THE INCREASE TO ENSURE TIMELY SERVICE OF PROCESS.

On motion of Representative Goodwin, the House concurs in the Senate amendment, by electronic vote (107-2), and the bill is ordered enrolled and presented to the Governor.

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

Senate Committee Substitute for **H.B. 1430** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS.

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

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rhodes, Ross, Saunders, Sexton, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 107.

Voting in the negative: Representatives Blackwood, Gulley, Insko, Setzer, and Starnes - 5.

Excused absences: Representatives Alexander, Culp, Gibson, Holmes, McHenry, Miller, Rayfield, and Sauls - 8.

S.B. 1093 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD EDGECOMBE, NASH, AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

Representative LaRoque offers Amendment No. 1 which is adopted by electronic vote (109-1). This amendment changes the title.

The bill, as amended, passes its second reading, by electronic vote (106-2). The caption having been amended, the bill remains on the Calendar.

H.B. 1427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A RECREATIONAL SHELLFISH LICENSE, TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF

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SHELLFISH, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH.

Representative Stiller offers Amendment No. 1 which is adopted by electronic vote (106-3).

On motion of Representative Wright and without objection, the bill, as amended, is withdrawn from the Calendar and placed on the Calendar of July 6.

H.B. 1457 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO ENCOURAGE THE IDENTIFICATION AND DEVELOPMENT OF A CONTINUUM OF COMMUNITY SOLUTIONS TO MEET THE EDUCATIONAL NEEDS OF STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS, TO ADD AN ALTERNATIVE SCHOOL OR ALTERNATIVE LEARNING PROGRAM ADMINISTRATOR TO THE COUNTY JUVENILE CRIME PREVENTION COUNCILS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT A POLICY ESTABLISHING A CONTINUUM OF EDUCATIONAL SERVICES FOR THESE STUDENTS.

Representative Preston offers Amendment No. 1 which is adopted by electronic vote (100-2).

Representatives Cunningham and Wainwright state that their voting equipment malfunctioned and they request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (102-2).

The bill, as amended, passes its second reading, by electronic vote (104-3), 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 by Special Message.

H.B. 1460 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO REQUIRE

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SCHOOLS TO DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR STUDENTS WHO ARE SUSPENDED FROM SCHOOL.

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

The bill, as amended, passes its second reading, by electronic vote (106-4), 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 by Special Message.

H.B. 1602 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS.

Representative Luebke offers Amendment No. 1 which is adopted by electronic vote (101-1).

The bill, as amended, passes its second reading, by electronic vote (102-0), and there being no objection is read a third time.

Representative Munford states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (103-0).

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

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

S.B. 1178, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

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

S.B. 1233, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY

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OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED SALE, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

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

S.B. 1277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD OF THE TOWN OF MADISON, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

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

S.B. 1279, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS TO CONTRACT WITH BOTH THE TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

H.B. 1393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MARINE FISHERIES INSPECTORS TO ACCEPT DELEGATION OF LAW ENFORCEMENT POWERS FROM THE NATIONAL MARINE FISHERIES SERVICE AND TO DIRECT THE DIVISION OF MARINE FISHERIES TO REPORT ON THE PROVISIONS AND IMPLEMENTATION OF ANY JOINT ENFORCEMENT AGREEMENT WITH THE NATIONAL MARINE FISHERIES SERVICE.

SPEAKER MORGAN PRESIDING.

The bill passes its third reading, by electronic vote (87-22), and is ordered sent to the Senate by Special Message.

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

H.B. 1665 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISPOSITIONAL HEARING OF A JUVENILE WHO IS IN RESIDENTIAL TREATMENT BE HELD IN THE COUNTY

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IN WHICH THE JUVENILE IS RECEIVING TREATMENT, passes its second reading, by electronic vote (104-5), 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.

H.J.R. 1807, A JOINT RESOLUTION HONORING THE FOUNDERS OF DUKE POWER ON THE COMPANY'S 100TH ANNIVERSARY, passes its second reading, by electronic vote (105-0), and there being no objection is read a third time.

Speaker Black is recorded as voting "aye". The adjusted vote total is (106-0).

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

CONFEREES APPOINTED

Speaker Morgan appoints the following conferees on **S.B. 230** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE RELATING TO BULK TRANSFERS AND TO ENACT CONFORMING AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES: Representatives Bordsen, Goodwin, Moore, and Stam.

The Senate is so notified by Special Message.

WITHDRAWAL OF BILLS FROM CALENDAR

Pursuant to Rule 36(b)(2), the following bills are withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT ENTITY FOR A PUBLIC OR PRIVATE UNIVERSITY OR COMMUNITY COLLEGE LOCATED IN NORTH CAROLINA.

H.B. 1423 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR EMPLOYERS WHO

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PARTICIPATE IN AN APPRENTICESHIP PROGRAM APPROVED BY THE DEPARTMENT OF LABOR.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative C. Wilson, Chair, for the Committee on Commerce:

H.B. 1464, A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN AFTER AUGUST 25 AND CLOSE NOT AFTER JUNE 10, EXCEPT IN UNUSUAL CIRCUMSTANCES OR IN YEAR-ROUND SCHOOLS; TO ENSURE THAT TEACHERS MAY BE PAID IN AUGUST IF THEY SO DESIRE; AND TO PROVIDE THAT SALARIES NOT DECREASE AS A RESULT OF THE REDUCTION IN TEACHER WORKDAYS, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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 (continued)

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

S.B. 1092, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT.

SPEAKER BLACK PRESIDING.

The bill passes its second reading, by electronic vote (108-0), 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.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Wainwright and without objection, **H.B. 1427** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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ESTABLISH A RECREATIONAL SHELLFISH LICENSE, TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH, is withdrawn from the Calendar of July 6, ordered engrossed, and re-referred to the Committee on Finance.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 991** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (94-9).

Representative Warner requests and is granted permission to be recorded as voting "aye". Representative Frye requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (96-8).

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

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 1136** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST PETITIONS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Local Government II.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 848** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY MEDICAL BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS

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THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL, is withdrawn from the Committee on Occupational Safety and Health and re-referred to the Committee on Finance.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.J.R. 1693**, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER "A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA TO EXCLUDE CERTAIN PRIVATE IN-HOME NURSING CARE", is withdrawn from the Committee on Health and re-referred to the Committee on Ways and Means.

RULES SUSPENDED

On motion of Representative Tolson, Rule 41(b) is suspended, by electronic vote (86-18), and **S.B. 991** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY, is before the Body on its third reading.

The bill passes its third reading, by electronic vote (95-13), and is ordered sent to the Senate for concurrence in the House committee substitute bill by Special Message.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 1356**, A BILL TO BE ENTITLED AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Local Government II.

On motion of Representative Culpepper, seconded by Representative K. Williams, the House adjourns at 4:36 p.m. to reconvene July 2 at 10:00 a.m.

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ONE HUNDRED THIRTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Friday, July 2, 2004

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by Speaker Morgan.

The following prayer is offered by the Reverend Ed New, Associate Pastor, Edenton Street Methodist Church, Raleigh, North Carolina.

"Almighty God:

"We come to You this morning asking that You would use this Body as an instrument of Your hands in the world. With every session and vote may Your will in this world be furthered and our closeness to You increased. Remove any feelings or frustrations that hinder Your servants and instead allow these women and men to be raised up with power, understanding, confidence, empathy, and love for themselves and the lives that they will touch this day. God, we pray for these servants and thank You for the work that they have been set apart to perform, may it all be to Your glory. Amen."

Representative Dickson reports the Journal of July 1 has been examined and found correct. Upon her motion, the Journal is approved as written.

Leaves of absence are granted Representatives Alexander, Miller, Rayfield, and Sauls 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. 1219, AN ACT TO INCREASE THE PERCENTAGE OF REVENUE CREDITED TO THE DRY-CLEANING SOLVENT CLEANUP FUND THAT MAY BE USED TO PAY COSTS OF ASSESSMENT OR REMEDIATION OF DRY-CLEANING SOLVENT CONTAMINATION THAT OCCURRED PRIOR TO 1 JULY 2001, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (S.L. 2004-48)

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S.B. 1159, AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS. (S.L. 2004-49)

H.B. 1668, AN ACT TO AMEND THE ACT ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WILSON. (S.L. 2004-50)

On motion of Representative Dickson, seconded by Representative Starnes, the House adjourns at 10:11 a.m. to reconvene Tuesday, July 6, 2004, at 7:00 p.m.

ONE HUNDRED THIRTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, July 6, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Almighty God:

"You are the author and perfecter of all life. It is only because of Your gracious mercy that we, along with every nation upon the Earth, receive our respective sovereignties. And we, a Nation united under God, openly recognize and claim our inheritance as a free and open society precisely because we humbly acknowledge our allegiance to You and to Your gracious gift of benevolence and mercy. Thus, as the United States of America continues to celebrate our Nation's birth, we humbly beseech Thee, O God, who is above all, in all and is all; grant unto us a renewed commitment to life, liberty and the pursuit of happiness. And, as elected leaders of this State, help this House of Representatives to renew its commitment through the fair and just process of human government to seek those same pursuits for their constituents with grace, dignity, humility and thanksgiving for Your merciful providence. For these, and for all Your gifts, we offer You thanks and praise. Amen."

Speaker Morgan leads the Body in the Pledge of Allegiance.

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Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 2 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Barbee, Farmer-Butterfield, McAllister, McHenry, Miner, Sauls, and Wright for today.

ENROLLED BILLS

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

S.B. 1092, AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT.

S.B. 1167, AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO PERMIT ELECTRONIC NOTICES OF OWNERS' ASSOCIATION MEETINGS, TO AMEND THE SECRET PEEPING STATUTE, AND TO MAKE CONFORMING CHANGES.

H.B. 918, AN ACT TO INCREASE THE FEE FOR SERVICE OF PROCESS IN CIVIL CASES AND TO EARMARK THE INCREASE TO ENSURE TIMELY SERVICE OF PROCESS.

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

S.B. 1178, AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY.

S.B. 1201, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY.

S.B. 1233, AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED SALE.

S.B. 1277, AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD OF THE TOWN OF MADISON.

S.B. 1279, AN ACT TO ALLOW THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS TO CONTRACT WITH BOTH THE

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TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT.

H.B. 1369, AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS AND TO ANNEX CERTAIN DESCRIBED TERRITORY INTO THE TOWN OF MIDLAND.

H.B. 1385, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES.

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

Senate Committee Substitute for **H.B. 356**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, ALLOWING THE MEMBERS OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND MAKING TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Finance.

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

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

Senate Committee Substitute for **H.B. 1107** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES TO MAKE THEM CONFORM WITH THE UNITED STATES DEPARTMENT OF LABOR CLAIM RULES, is returned for concurrence

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in the Senate committee substitute bill and referred to the Committee on Insurance.

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

Senate Committee Substitute for **H.B. 1349**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY AND FOR TRAPPING FOXES IN PITT COUNTY, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 7.

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

H.B. 1420, A BILL TO BE ENTITLED AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE, is returned for concurrence in the Senate amendment and referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence, the Senate amendment changes the title.

H.B. 1728 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 7.

S.B. 1060, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is read the first time and referred to the Committee on Finance.

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CALENDAR

Action is taken on the following:

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

H.B. 1463 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

On motion of Representative C. Wilson, the House does not concur in the Senate committee substitute bill, by electronic vote (112-0), and conferees are requested.

The Senate is so notified by Special Message.

Senate Committee Substitute for **H.B. 1430** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS.

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: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 111.

Voting in the negative: None.

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Excused absences: Representatives Barbee, Farmer-Butterfield, McAllister, McHenry, Miner, Sauls, and Wright - 7.

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

Senate Committee Substitute for **H.B. 964**, A BILL TO BE ENTITLED AN ACT ELIMINATING THE REQUIREMENT THAT THE STATE PURCHASING OFFICER DETERMINE WHETHER THREE QUALIFIED VENDORS ARE AVAILABLE IN FURNITURE REQUIREMENTS CONTRACTS AND CLARIFYING THE TERM QUALIFIED VENDOR IN SUCH CONTRACTS.

Pursuant to Rule 24.1A(c), the request that Representative Fox be excused from voting on April 30, 2003, is continued.

On motion of Representative Warner, 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.

S.J.R. 1408, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GENERAL GRIFFITH RUTHERFORD ON THE 225TH ANNIVERSARY OF RUTHERFORD COUNTY, passes its second reading, by electronic vote (110-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

S.J.R. 1441, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RAY CHARLES, AN AMERICAN LEGEND.

Representative Bell offers Amendment No. 1 which is adopted by electronic vote (111-0).

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

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

S.J.R. 1444, A JOINT RESOLUTION HONORING THE MEMORY OF DR. GIL WYLIE ON THE 100TH ANNIVERSARY OF LAKE WYLIE, passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

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The resolution passes its third reading and is ordered enrolled.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 20** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS, is withdrawn from the Calendar and placed on the Calendar of July 7.

CALENDAR (continued)

S.B. 1093 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD EDGECOMBE, HALIFAX, LENOIR, NASH, PENDER, AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

The bill, as amended, passes its third reading, by electronic vote (104-2), and is ordered sent to the Senate for concurrence in the House amendment by Special Message.

S.B. 1118 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque,

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Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Miller, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 109.

Voting in the negative: Representatives Creech, Hall, and Sutton - 3.

Excused absences: Representatives Barbee, Farmer-Butterfield, McAllister, McHenry, Miner, Sauls, and Wright - 7.

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

S.B. 1144, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN "IN GOD WE TRUST" SPECIAL REGISTRATION PLATE WITH THE PROCEEDS GOING TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED NORTH CAROLINA NATIONAL GUARDSMEN, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 108.

Voting in the negative: Representatives Creech, Miller, and Stam - 3.

Excused absences: Representatives Barbee, Farmer-Butterfield, McAllister, McHenry, Miner, Sauls, and Wright - 7.

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

S.B. 1145 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY.

Pursuant to Rule 36.1, Representative Luebke, Chair of the Committee on Finance, requests a fiscal note on the bill.

The bill is removed from the Calendar.

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

H.B. 1348, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY 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: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Fisher, Fox, Frye, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Mitchell, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, and Yongue - 104.

Voting in the negative: Representatives Allred, Baker, Capps, Gillespie, Hilton, Lewis, Moore, and Wood - 8.

Excused absences: Representatives Barbee, Farmer-Butterfield, Gibson, McAllister, McHenry, Miner, Sauls, and Wright - 8.

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

H.B. 1721 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCREASE IN THE CURRITUCK COUNTY OCCUPANCY TAX AND TO CHANGE THE PURPOSES FOR WHICH THE TAX MAY BE USED, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Fisher, Fox, Frye, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Mitchell, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, and Yongue - 104.

Voting in the negative: Representatives Allred, Baker, Capps, Gillespie, Hilton, Lewis, Moore, and Wood - 8.

Excused absences: Representatives Barbee, Farmer-Butterfield, Gibson, McAllister, McHenry, Miner, Sauls, and Wright - 8.

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

S.B. 732 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO IMPLEMENT A PILOT PROGRAM UNDER WHICH A COUNTY MAY DESIGNATE AN AREA AS A NEW URBAN WATERFRONT UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974, passes its second reading, by electronic vote (108-0), 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 the House committee substitute bill by Special Message.

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

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S.B. 1202 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE MINIMUM HORIZONTAL SEPARATION DISTANCES BETWEEN A SUBSURFACE WASTEWATER DISPOSAL SYSTEM TO BE LOCATED ON A LOT OR TRACT OF LAND PLATTED PRIOR TO 1 JULY 1977, THAT WILL BE OPERATED IN SAND OR LOAMY SAND SOILS, AND THAT MEETS CERTAIN OTHER REQUIREMENTS, AND ANY OTHER SUBSURFACE WASTEWATER DISPOSAL SYSTEM, passes its second reading, by electronic vote (106-4).

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

INTRODUCTION OF PAGES

Pages for the week of July 6 are introduced to the membership. They are: David Acosta of Cumberland; Andrew Austin of Wake; William Batchelor of Mecklenburg; Clay Bowman of Union; Patrick Clare of Wake; Wilder Clark of Cleveland; Richard Coley of Wake; Geoffrey Edmonds of Cumberland; Laura Fox of Wake; Ryan Gabriel of Cumberland; Luke George of Wake; Elie Greige of Mecklenburg; John Haywood of Wake; Hanah Heckner of Wake; Kasey Hudson of Johnston; Kenan Jernigan of Wake; John Krebsler of Wilkes; Zee Lamb of Pasquotank; Matthew Light of Rockingham; Bradley McPherson of Randolph; Franklin Munford of Wake; Cole Phillips of Wake; Caroline Rankin of Wake; Joshua Scott of Mecklenburg; Jamal Scott of Mecklenburg; Russell Spitler of Wake; John Tart, III, of Wayne; Morgan Throckmorton of Wake; and Robert Tomsick of Orange.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 242**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED FIREFIGHTERS BY AWARDED THEIR FIRE HELMETS TO THEM OR TO A SURVIVING RELATIVE, is withdrawn from the Committee on Ways and Means and re-referred to the Committee on Finance.

On motion of Representative Culpepper, seconded by Representative Earle, the House adjourns at 8:48 p.m. to reconvene July 7 at 2:00 p.m.

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ONE HUNDRED THIRTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 7, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Merciful God:

"We confess that we do not always love You with our whole hearts. Sometimes, we fail to be obedient to Your laws; and quite often we do not love our neighbors as we love ourselves. Forgive us for these and for our many other shortcomings. Free our hearts for joyful obedience as we seek to serve You and Your people through this grand institution. Keep us true to the tasks before us, but in so doing, help us not to take ourselves too seriously, lest we fall too hard upon the pavement of self-aggrandizement. Keep us humble. Keep us honest. Keep us ever in Thy care. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 6 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Ellis, Gibson, McAllister, McHenry, and Miner 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. 1178, AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY. (S.L. 2004-51)

S.B. 1201, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY. (S.L. 2004-52)

S.B. 1233, AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED SALE. (S.L. 2004-53)

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S.B. 1277, AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD OF THE TOWN OF MADISON. (S.L. 2004-54)

S.B. 1279, AN ACT TO ALLOW THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS TO CONTRACT WITH BOTH THE TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT. (S.L. 2004-55)

H.B. 1369, AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS AND TO ANNEX CERTAIN DESCRIBED TERRITORY INTO THE TOWN OF MIDLAND. (S.L. 2004-56)

H.B. 1385, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES. (S.L. 2004-57)

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON

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WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Appropriations.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Church, Vice Chair, for the Committee on Environment and Natural Resources:

S.B. 1210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE TEMPORARY IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS BY PROVIDING: (1) THAT LOCAL GOVERNMENT APPLICATIONS FOR PHASE II STORMWATER PERMITS THAT WERE SUBMITTED IN ACCORDANCE WITH THE TEMPORARY STORMWATER RULE WILL BE DEEMED TIMELY RECEIVED; (2) STANDARDS FOR THE EVALUATION OF APPLICATIONS FOR PHASE II STORMWATER PERMITS; (3) AN EXEMPTION FROM PHASE II STORMWATER PERMIT REQUIREMENTS FOR CERTAIN SMALL MUNICIPALITIES; (4) THAT NEW DEVELOPMENT AND

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REDEVELOPMENT LOCATED IN A REGULATED COVERAGE AREA MUST COMPLY WITH THE STORMWATER MANAGEMENT RULE; (5) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION WILL ADMINISTER AND ENFORCE THE STORMWATER MANAGEMENT RULE IN A REGULATED COVERAGE AREA UNLESS A COUNTY VOLUNTARILY UNDERTAKES TO IMPLEMENT A LOCAL STORMWATER MANAGEMENT PROGRAM; (6) FOR THE COORDINATION OF PHASE II STORMWATER MANAGEMENT PROGRAMS AND OTHER EXISTING STATE PROGRAMS THAT REGULATE STORMWATER IN ORDER TO AVOID CONFLICTING, DUPLICATIVE, OR INCONSISTENT STORMWATER MANAGEMENT REQUIREMENTS; (7) THAT A LOCAL GOVERNMENT MAY OPT TO BE COVERED UNDER A GENERAL STORMWATER PERMIT DEVELOPED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; (8) DEADLINES FOR WHEN THE ENVIRONMENTAL MANAGEMENT COMMISSION MUST MAKE CERTAIN PHASE II STORMWATER PERMITTING DECISIONS; (9) DESIGNATION AND PETITION PROCESSES BY WHICH ADDITIONAL LOCAL GOVERNMENTS AND OTHER ENTITIES MAY BE REQUIRED TO OBTAIN A PHASE II STORMWATER PERMIT; (10) FOR THE DEVELOPMENT OF A STORMWATER MODEL ORDINANCE AND STORMWATER DESIGN MANUAL; (11) FOR THE ROLES OF STATE AND LOCAL GOVERNMENTS IN REGULATING THE STORMWATER IMPACTS OF FEDERAL AND STATE PROJECTS; (12) DEFINITIONS OF TERMS TO BE USED IN THE IMPLEMENTATION OF THIS ACT; (13) THAT CERTAIN AGRICULTURE AND FORESTRY ACTIVITIES ARE EXEMPT FROM PHASE II STORMWATER PERMIT REQUIREMENTS; AND (14) HOW THE ACT SHALL BE CONSTRUED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

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

By Representative Adams, Chair, for the Committee on Local Government II:

S.B. 1209, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS, with a favorable report.

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

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S.B. 1355, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, with a favorable report.

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

S.B. 1356, A BILL TO BE ENTITLED AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 8.

S.B. 1370 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY, with a favorable report.

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

By Representatives G. Allen, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1343, A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPED IDENTIFICATION TAGS, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of July 8. The original bill is placed on the Unfavorable Calendar.

H.B. 1427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A RECREATIONAL SHELLFISH LICENSE, TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

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Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar of July 8. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

H.B. 1700, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE DURHAM CITY ADDITIONAL MUNICIPAL VEHICLE TAX AND CONCERNING THE PURPOSES FOR WHICH THOSE FUNDS MAY BE EXPENDED, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of July 8. The original bill is placed on the Unfavorable Calendar.

S.B. 848 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY MEDICAL BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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. 1244 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES AND MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of July 8. The Senate committee substitute bill is placed on the Unfavorable Calendar.

S.B. 1315, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY, with a favorable report as to the House committee substitute bill, unfavorable as to the original bill.

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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 Holliman and Setzer, Chairs, for the Committee on Insurance:

H.B. 1370, A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICATION OF THE WORKERS' COMPENSATION LAW TO CERTAIN MOTOR CARRIERS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 8.

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative K. Williams and without objection, **H.B. 1359** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION, is withdrawn from the Calendar and placed on the Calendar of July 8.

On motion of Representative Hill and without objection, **S.B. 1202** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE MINIMUM HORIZONTAL SEPARATION DISTANCES BETWEEN A SUBSURFACE WASTEWATER DISPOSAL SYSTEM TO BE LOCATED ON A LOT OR TRACT OF LAND PLATTED PRIOR TO 1 JULY 1977, THAT WILL BE OPERATED IN SAND OR LOAMY SAND SOILS, AND THAT MEETS CERTAIN OTHER REQUIREMENTS, AND ANY OTHER SUBSURFACE WASTEWATER DISPOSAL SYSTEM, is withdrawn from the Calendar and placed on the Calendar of July 14.

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

Senate Committee Substitute for **H.B. 1139** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE JUDICIAL APPROVAL FOR PLEA ARRANGEMENTS IN SEX OFFENSE CASES THAT RESULT IN THE VICTIM BECOMING PREGNANT, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Judiciary I.

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

S.B. 1054 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, AND TO IMPOSE AN ENHANCED SENTENCE FOR CONVICTION OF MANUFACTURE OF METHAMPHETAMINE IF THE OFFENSE RESULTS IN SERIOUS INJURY TO A LAW ENFORCEMENT OFFICER, PROBATION OR PAROLE OFFICER, EMS EMPLOYEE, OR FIREFIGHTER, is read the first time and referred to the Committee on Judiciary IV.

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. 1349**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY AND FOR TRAPPING FOXES IN PITT COUNTY.

On motion of Representative Hill, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (112-2), and the bill is ordered enrolled.

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

H.B. 1728 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE

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AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT.

On motion of Representative L. Allen, the House concurs in the Senate committee substitute bill, by electronic vote (112-2), and the bill is ordered enrolled.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 1288**, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR (continued)

H.B. 1348, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, 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, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Barnhart, Bell, Blackwood, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridg, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lucas, Luebke, McComas, McGee, McLawhorn, Michaux, Miller, Mitchell, Munford, Nye, Owens, Parmon, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 102.

Voting in the negative: Representatives Allred, Baker, Barbee, Blust, Capps, Creech, Gillespie, Hilton, Lewis, Moore, Pate, and Wood - 12.

Excused absences: Representatives Ellis, Gibson, McAllister, McHenry, and Miner - 5.

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H.B. 1721 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCREASE IN THE CURRITUCK COUNTY OCCUPANCY TAX AND TO CHANGE THE PURPOSES FOR WHICH THE TAX MAY BE USED, 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, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Barnhart, Bell, Blackwood, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lucas, Luebke, McComas, McGee, McLawhorn, Michaux, Miller, Mitchell, Munford, Nye, Owens, Parmon, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 102.

Voting in the negative: Representatives Allred, Baker, Barbee, Blust, Capps, Creech, Gillespie, Hilton, Lewis, Moore, Pate, and Wood - 12.

Excused absences: Representatives Ellis, Gibson, McAllister, McHenry, and Miner - 5.

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

H.B. 1688, A BILL TO BE ENTITLED AN ACT TO ALLOW A DEFERRED EFFECTIVE DATE FOR CERTAIN VOLUNTARY ANNEXATIONS OF THE CITY OF CONCORD, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser,

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LaRoque, Lewis, Lucas, Luebke, McComas, McGee, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Ellis, Gibson, McAllister, McHenry, and Miner - 5.

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

H.B. 1422 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

Representative Moore offers Amendment No. 1 which is adopted by electronic vote (113-1). This amendment changes the title.

The bill, as amended, passes its second reading by electronic vote (114-0). The caption having been amended, the bill remains on the Calendar.

S.B. 1118 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE.

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

S.B. 1144, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN "IN GOD WE TRUST" SPECIAL REGISTRATION PLATE WITH THE PROCEEDS

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GOING TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED NORTH CAROLINA NATIONAL GUARDSMEN, passes its third reading, by the following vote, and is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McComas, McGee, McHenry, McLawhorn, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 110.

Voting in the negative: Representatives Creech, Insko, Miller, and Stam - 4.

Excused absences: Representatives Ellis, Gibson, McAllister, and Miner - 4.

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

S.B. 20 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS.

Representative Holliman offers Amendment No. 1 which is adopted by electronic vote (114-0).

Speaker Morgan is recorded as voting "aye". The adjusted vote total is (115-0).

Representative Goodwin offers Amendment No. 2 which is adopted by electronic vote (112-1).

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

Those voting in the affirmative are: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McComas, McGee, McHenry, McLawhorn, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 112.

Voting in the negative: Representative Starnes.

Excused absences: Representatives Ellis, Gibson, McAllister, and Miner - 4.

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

S.B. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE STOCK CAR RACING THEME SPECIAL PLATES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Blackwood, Blust, Bonner, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Decker, Dickson, Dockham, Eddins, England, Fisher, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Harrell, Hill, Hilton, Holliman, Howard, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, McComas, McGee, McHenry, McLawhorn, McMahan, Mitchell, Moore, Munford, Nye, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Sauls, Saunders, Setzer, Sexton, Sherrill, Starnes, Steen, Stiller, Wainwright, Walend, Walker, Warner,

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Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 91.

Voting in the negative: Representatives Adams, G. Allen, Bell, Bordsen, Bowie, Creech, Daughtry, Earle, Farmer-Butterfield, Fox, Hackney, Haire, Hall, Holmes, Luebke, Michaux, Miller, Owens, Parmon, Ross, Stam, Sutton, Tolson, and Womble - 24.

Excused absences: Representatives Ellis, Gibson, McAllister, and Miner - 4.

CONFERENCE REPORT

Representative Bordsen sends forth the Conference Report on **S.B. 230** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE RELATING TO BULK TRANSFERS AND TO ENACT CONFORMING AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 8.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from permanent subcommittee is presented:

By Representatives Dockham and Warren, Chairs, for the Education Subcommittee on Pre-School, Elementary and Secondary Education.

H.B. 102, A BILL TO BE ENTITLED AN ACT TO GIVE THE ALAMANCE-BURLINGTON BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER, reported to the Standing Committee on Education, with recommendation that the bill be postponed indefinitely.

CONFEREES APPOINTED

Speaker Black appoints the following conferees on **H.B. 1463** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION: Representatives Jones and C. Wilson, Co-Chairs; Representatives Church, Daughtridge, LaRoque, and Owens.

The Senate is so notified by Special Message.

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WITHDRAWAL OF BILL FROM CALENDAR

On motion of Speaker Black and without objection, **S.B. 1202** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE MINIMUM HORIZONTAL SEPARATION DISTANCES BETWEEN A SUBSURFACE WASTEWATER DISPOSAL SYSTEM TO BE LOCATED ON A LOT OR TRACT OF LAND PLATTED PRIOR TO 1 JULY 1977, THAT WILL BE OPERATED IN SAND OR LOAMY SAND SOILS, AND THAT MEETS CERTAIN OTHER REQUIREMENTS, AND ANY OTHER SUBSURFACE WASTEWATER DISPOSAL SYSTEM, is withdrawn from the Calendar of July 14 and placed on the Calendar of July 8.

FISCAL NOTE ATTACHED

The fiscal note requested by Representative Luebke on July 6 is attached to **S.B. 1145** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY, and the bill is placed on today's Calendar for immediate consideration.

On motion of Speaker Black, the bill is temporarily displaced.

CALENDAR (continued)

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

S.B. 1171 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES, passes its second reading, by the following vote, and remains on the Calendar.

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Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Ellis, Gibson, McAllister, and Miner - 4.

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

H.B. 1394 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES.

On motion of Representative Allred, the bill is withdrawn from the Calendar, by electronic vote (84-31), and re-referred to the Committee on Transportation.

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

H.B. 1513, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM DEATH BENEFIT PAYABLE FROM THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, 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 by Special Message.

S.B. 1145 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO

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THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY, which was temporarily displaced, is before the Body.

Representative Baker offers Amendment No. 1, which is ruled to be material. The amendment is adopted by the following vote.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 111.

Voting in the negative: Representatives Capps, LaRoque, and Miller - 3.

Excused absences: Representatives Ellis, Gibson, McAllister, and Miner - 4.

The bill remains on the Calendar.

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

H.B. 1624, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE

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CONSOLIDATED JUDICIAL 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 by Special Message.

ENROLLED BILLS

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

S.B. 486, AN ACT TO PROHIBIT INSURANCE COMPANIES FROM USING CUSTOMER INQUIRIES TO TERMINATE A POLICY, TO REFUSE TO ISSUE OR RENEW A POLICY, OR TO SUBJECT A POLICY TO CONSENT TO RATE.

H.B. 964, AN ACT TO AMEND THE LAW GOVERNING FURNITURE REQUIREMENT CONTRACTS FOR STATE AGENCIES.

H.B. 1430, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO SET THE PUBLIC UTILITY AND INSURANCE REGULATORY FEES, TO EXTEND THE SUNSET ON THE LOW-INCOME HOUSING TAX CREDIT, TO CLARIFY THE SALES TAX INCENTIVES FOR MAJOR PROJECTS, TO MAINTAIN THE CURRENT SALES TAX RATES ON ELECTRICITY USED BY MANUFACTURERS, AND TO ESTABLISH FAMILY COURT FEES.

H.B. 1469, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INITIATE OR CONTINUE CERTAIN DISEASE MANAGEMENT ACTIVITIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE.

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

H.B. 1462, AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

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H.B. 1589, AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

H.B. 1613, AN ACT TO AMEND THE LAW IN CHOWAN COUNTY REGULATING HUNTING ON PRIVATE LAND, TO REGULATE THE DISCHARGE OF A CENTER-FIRE RIFLE IN CHOWAN COUNTY, AND TO ADD CHOWAN AND ANSON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

H.B. 1614, AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM.

H.B. 1659, AN ACT TO AMEND THE LAW REGULATING THE USE OF HUNTING STANDS IN PERQUIMANS COUNTY.

H.B. 1662, AN ACT TO PROHIBIT THE DISCHARGE OF A FIRE-ARM FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN CHEROKEE AND CLAY COUNTIES.

H.B. 1674, AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON.

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

S.J.R. 1408, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GENERAL GRIFFITH RUTHERFORD ON THE 225TH ANNIVERSARY OF RUTHERFORD COUNTY. (RESOLUTION 2004-9)

S.J.R. 1444, A JOINT RESOLUTION HONORING THE MEMORY OF DR. GIL WYLIE ON THE 100TH ANNIVERSARY OF LAKE WYLIE. (RESOLUTION 2004-10)

Representative Culpepper moves, seconded by Representative Hunter, that the House adjourn, subject to committee assignments, to reconvene July 8 at 1:00 p.m.

The motion carries.

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ADDENDA TO COMMITTEE ASSIGNMENTS

July 7, 2004

Speaker Black makes the following committee assignment:

JUDICIARY II: Representative Harrell, Chair.

The House stands adjourned at 5:14 p.m.

ONE HUNDRED THIRTY-NINTH DAY

HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by Speaker Morgan.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Holy God, by whose grace our days here are accomplished, we come to the close of another legislative week. Committees have met, bills continue to be reviewed, refined, or returned. The budget remains somewhere between 'just a few sticking points remaining to both sides are still far apart.' Such are the daily toils of any legislative body. Indeed, perhaps it is easy for those on the outside looking in to think that time is being wasted or politics is occurring as usual. Nevertheless, our duties remain and our jobs continue. Thus we ask You, O Lord, You, who are the only One who truly knows our hearts, to help the Members keep their hands on the plow. Help them to keep working in the political fields that are theirs in which to labor. Grant them the grace necessary to balance both their legislative and personal obligations keeping everything in its proper perspective. And, always remind us to offer You our thanks for the priceless nature of our lives and the lives of others. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 7 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 Gibson and Goodwin for today. Representatives Clary, England, Hall, Hill, Insko, McHenry, Steen, and Weiss are excused for a portion of the session.

ENROLLED BILLS

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

S.B. 444, AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING MENINGOCOCCAL MENINGITIS AND INFLUENZA AND THEIR VACCINES.

S.B. 1144, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN "IN GOD WE TRUST" SPECIAL REGISTRATION PLATE WITH THE PROCEEDS GOING TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED NORTH CAROLINA NATIONAL GUARDSMEN.

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

H.B. 1349, AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY.

H.B. 1728, AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittee are presented:

By Representatives Bowie and McAllister, Chairs, for the Committee on Education Subcommittee on Universities:

H.B. 567, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OUT-OF-STATE TUITION MUST BE SET AT A LEVEL TO RECOVER

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NOT LESS THAN THE FULL COST OF THE EDUCATION, reported to the Standing Committee on Education, with no action taken.

By Representatives G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

Senate Committee Substitute for **H.B. 817**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN, with recommendation that the House do not concur and request conferees.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 9.

S.B. 464 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE, 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. 868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF ASSAULT IN THE PRESENCE OF A CHILD, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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. 1083 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, AND TO EXEMPT HISTORIC VEHICLES FROM THE REQUIREMENT FOR A SAFETY INSPECTION, with a favorable report.

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

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CALENDAR

Action is taken on the following:

S.B. 1202 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE MINIMUM HORIZONTAL SEPARATION DISTANCES BETWEEN A SUBSURFACE WASTEWATER DISPOSAL SYSTEM TO BE LOCATED ON A LOT OR TRACT OF LAND PLATTED PRIOR TO 1 JULY 1977, THAT WILL BE OPERATED IN SAND OR LOAMY SAND SOILS, AND THAT MEETS CERTAIN OTHER REQUIREMENTS, AND ANY OTHER SUBSURFACE WASTEWATER DISPOSAL SYSTEM, passes its third reading, by electronic vote (107-2), and is ordered sent to the Senate for concurrence in the House committee substitute bill by Special Message.

CONFERENCE REPORT

On motion of Speaker Morgan, the Conference Report on **S.B. 230** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE RELATING TO BULK TRANSFERS AND TO ENACT CONFORMING AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, is temporarily displaced.

SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 7, 2004

Mr. Speaker:

Pursuant to the message from the Senate on June 29, 2004, informing the House of Representatives that the Senate failed to concur in the House Committee Substitute to **S.B. 1063**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, it is ordered that a message be sent your Honorable Body with the information that the Senate requests conferees. The President *Pro Tempore* appoints:

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Senator Hartsell, Chair
Senator Sloan
Senator Dalton
Senator Kerr
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

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

Senate Committee Substitute for **H.B. 831** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 9.

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

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

H.B. 951 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF INDIVIDUALS WHO ARE VICTIMS OF UNLAWFUL CONDUCT, is returned for concurrence in the 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. 965** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PENALTIES FOR

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PERSONS WHO CAUSE BODILY INJURY OR DEATH WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES, is returned for concurrence in the 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. 1152** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING AN INSURER FROM AUTHORIZING OR REQUIRING THE USE OF NONORIGINAL CRASH REPAIR PARTS FOR MOTOR VEHICLE REPAIRS WITHOUT CONSENT FROM THE INSURED OR CLAIMANT AND PROHIBITING THE NONREPLACEMENT OF AIR BAGS, is returned for concurrence in the 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.

H.B. 1518 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD, is returned for concurrence in the Senate committee substitute bill.

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

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 8, 2004

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. 230** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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ENACT REVISED ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE, BULK SALES, AND CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, 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

CONFERENCE REPORT

Representative Bordsen moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 230

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 230, A BILL TO BE ENTITLED AN ACT TO REPEAL ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE RELATING TO BULK TRANSFERS AND TO ENACT CONFORMING AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, House Committee Substitute Favorable 6/11/03, submit the following report:

The Senate and House agree to the following amendment and the Senate concurs in House Committee Substitute Favorable 6/11/03, as amended:

On page 2, line 10, by deleting the phrase "January 1, 2004" and substituting the phrase "January 1, 2005".

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

Date conferees approved report: July 7, 2004.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

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S/ Fletcher L. Hartsell, Jr., Chair	S/ Alice L. Bordsen, Chair
S/ Daniel G. Clodfelter	S/ Wayne Goodwin
S/ John H. Kerr	S/ Tim Moore
	S/ Paul Stam

The Conference Report is adopted, by electronic vote (111-0), and the Senate is so notified by Special Message.

CALENDAR (continued)

S.B. 1118 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in the House committee substitute bill by Special Message.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Blackwood, Bonner, Bordsen, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Decker, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Frye, Gillespie, Glazier, Gorman, Grady, Gulley, Hackney, Harrell, Hill, Hilton, Holliman, Howard, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, LaRoque, Lewis, Lucas, Luebke, McComas, McHenry, McLawhorn, McMahan, Miller, Mitchell, Moore, Munford, Nye, Pate, Rapp, Ray, Rayfield, Sauls, Saunders, Setzer, Sexton, Sherrill, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 92.

Voting in the negative: Representatives Bell, Blust, Bowie, Creech, Daughtridge, Daughtry, Ellis, Fox, Goforth, Haire, Hall, Holmes, Hunter, Kiser, McAllister, McGee, Michaux, Owens, Parmon, Rhodes, Ross, Stam, and Sutton - 23.

Excused absences: Representatives Gibson, Goodwin, and Insko - 3.

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

S.B. 470 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE LAW AFFECTING THE COMPENSATION OF TRUSTEES AND OTHER FIDUCIARIES.

Representative Stam requests that he be excused from voting on this bill, because he is a trustee of a charitable trust and his compensation will be significantly affected, under Rule 24.1A and this request is granted.

The bill 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 the House committee substitute bill by Special Message.

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

S.B. 1043 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION.

Representative McComas requests that he be excused from voting on this bill under Rule 24.1A and this request is granted. Representative K. Williams requests that he be excused from voting on this bill, because he has part interest in a dump trucking business, under Rule 24.1A and this request is granted.

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

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

S.B. 1078 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW, passes its second reading by electronic vote (116-0).

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Representative Gulley 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. 1218 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

Speaker Morgan stops debate.

On motion of Speaker Morgan, the House recesses at 2:12 p.m.

RECESS

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

ENROLLED BILLS

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

S.B. 732, AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO IMPLEMENT A PILOT PROGRAM UNDER WHICH A COUNTY MAY DESIGNATE AN AREA AS A NEW URBAN WATERFRONT UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974.

H.B. 1459, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHETHER TEACHER PREPARATION PROGRAMS SHOULD REQUIRE COURSES IN DIVERSITY TRAINING, ANGER MANAGEMENT, CONFLICT RESOLUTION, AND CLASSROOM MANAGEMENT.

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

S.B. 1093, AN ACT TO ADD EDGECOMBE, HALIFAX, LENOIR, NASH, PENDER, AND WILSON COUNTIES TO THOSE COUNTIES

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AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

H.B. 1509, AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD ADVANCED DEGREES TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE.

H.B. 1529, AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE U. S. OPEN GOLF TOURNAMENT.

H.B. 1669, AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC.

H.B. 1726, AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Baker, Crawford, Earle, Grady, Owens, Sherrill, and Wright, Chairs, for the Committee on Appropriations:

H.B. 1464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT

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THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, with a favorable report.

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

S.B. 6 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE REGULATION OF THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES AND TO PROVIDE FUNDING FOR THIS REGULATION, 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.

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

S.B. 916 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE AND INDIVIDUALS WHO ARE VICTIMS OF UNLAWFUL CONDUCT, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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.

CONFEREES APPOINTED

Speaker Morgan appoints the following conferees on **S.B. 1063** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS: Representatives Owens and Daughtridge, Co-Chairs; Representatives Coates, LaRoque, Crawford, Barnhart, Fox, Gorman, Tolson, and Justice.

The Senate is so notified by Special Message.

CALENDAR (continued)

S.B. 1218 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, is before the Body.

The bill passes its second reading, by electronic vote (68-40).

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

S.B. 1312 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES, passes its second reading, by electronic vote (110-0), 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 the House committee substitute bill by Special Message.

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

S.B. 852 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND INITIATIVES THAT EDUCATE AND PROMOTE ORGAN AND TISSUE DONATION; AND TO INCREASE THE FEE FOR ISSUANCE, RENEWAL, AND DUPLICATION OF A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD AND PROVIDE THAT THE PROCEEDS OF THE INCREASE SHALL BE USED TO IMPLEMENT THIS ACT, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Gorman, Grady, Gulley, Hackney, Haire, Harrell, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Clary, England, Gibson, Goodwin, Hall, Hill, McHenry, and Steen - 8.

Representatives England and Hall request and are granted permission to be recorded as voting "aye". The adjusted vote total is (111-0).

ELECTRONIC VOTE TIME CHANGED

Pursuant to Rule 20(c), Speaker Morgan directs the time for voting changed from fifteen seconds to ten seconds.

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CALENDAR (continued)

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

S.B. 1128 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE AND TO MAKE A TECHNICAL CORRECTION, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Baker, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Gillespie, Glazier, Goforth, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Sexton, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 104.

Voting in the negative: Representatives Allred, Creech, Mitchell, Moore, Rhodes, and Setzer - 6.

Excused absences: Representatives Clary, Gibson, Goodwin, Hill, McHenry, and Steen - 6.

S.B. 1145 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY.

The bill, as amended, passes its second reading, by the following vote.

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Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Clary, Gibson, Goodwin, Hill, McHenry, and Steen - 6.

The bill is ordered engrossed and remains on the Calendar.

S.B. 1244 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES, MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT, AND MODIFYING THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY.

Representative Michaux requests that he be excused from voting on this bill, because he is a cemetery 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: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Bell, Bonner, Bordsen, Bowie, Carney, Church, Coates, Cole, Crawford, Culpepper, Cunningham, Daughtride, Dickson, Dockham, Earle, Ellis, England, Farmer-Butterfield, Fisher, Fox, Glazier, Gorman, Grady, Hackney, Haire, Hall, Harrell, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, LaRoque, Lucas, Luebke,

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McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Miner, Nye, Owens, Parmon, Rapp, Ross, Saunders, Setzer, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Wainwright, Walker, Warren, Weiss, A. Williams, C. Wilson, G. Wilson, Womble, and Yongue - 76.

Voting in the negative: Representatives Allred, Baker, Barbee, Barnhart, Blackwood, Blust, Brubaker, Capps, Creech, Culp, Daughtry, Decker, Eddins, Frye, Gillespie, Gulley, Hilton, Holmes, Kiser, Lewis, Mitchell, Moore, Munford, Pate, Ray, Rayfield, Rhodes, Sauls, Sexton, Walend, Warner, West, K. Williams, Wood, and Wright - 35.

Excused absences: Representatives Clary, Gibson, Goodwin, Hill, McHenry, and Steen - 6.

Excused vote: Representative Michaux.

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

S.B. 1254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holmes, Howard, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 106.

Voting in the negative: Representatives Blust, Creech, Rhodes, and Wood - 4.

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Excused absences: Representatives Clary, Gibson, Goodwin, Hill, McHenry, and Steen - 6.

H.B. 1427 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH.

Representative Preston offers Amendment No. 1 which is adopted by electronic vote (75-36).

Speaker Black changes his vote from "aye" to "no". Representative Luebke requests and is granted permission to change his vote from "aye" to "no". Representative Decker requests and is granted permission to be recorded as voting "aye". Representative Adams requests and is granted permission to be recorded as voting "no". The adjusted vote total is (74-39).

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

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 111.

Voting in the negative: Representatives B. Allen, Moore, and Wright - 3.

Excused absences: Representatives Clary, Gibson, Goodwin, Hill, McHenry, and Steen - 6.

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Representative Moore requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (112-2).

H.B. 1343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPEDED IDENTIFICATION TAGS, TO AUTHORIZE THE ESTABLISHMENT OF A PRIVATE MOPEDED REGISTRATION SYSTEM, TO AUTHORIZE MOPEDED DEALERS TO CHARGE A ONE-TIME FEE TO PURCHASERS OF NEW AND USED MOPEDED, AND TO ESTABLISH A PENALTY FOR FAILURE TO COMPLY WITH THE REGISTRATION OR DISPLAY REQUIREMENTS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Baker, Barbee, Barnhart, Bell, Bonner, Bordsen, Bowie, Carney, Church, Coates, Cole, Crawford, Culpepper, Cunningham, Dickson, Earle, Ellis, England, Farmer-Butterfield, Fisher, Fox, Gillespie, Glazier, Goforth, Hackney, Haire, Hall, Hunter, Insko, Jeffus, C. Johnson, Lucas, McComas, McLawhorn, Miller, Nye, Owens, Parmon, Rapp, Ray, Ross, Saunders, Setzer, Tolson, Wainwright, Walend, Warner, Warren, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wright, and Yongue - 61.

Voting in the negative: Representatives Allred, Blackwood, Blust, Brubaker, Capps, Creech, Culp, Daughtridge, Daughtry, Decker, Dockham, Frye, Gorman, Grady, Gully, Harrell, Hilton, Holliman, Holmes, Howard, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Luebke, McAllister, McGee, McMahan, Michaux, Mitchell, Moore, Munford, Pate, Preston, Rayfield, Rhodes, Sauls, Sexton, Sherrill, Stam, Starnes, Stiller, Sutton, Walker, Weiss, Womble, and Wood - 50.

Excused absences: Representatives Clary, Gibson, Goodwin, Hill, McHenry, and Steen - 6.

H.B. 1688, A BILL TO BE ENTITLED AN ACT TO ALLOW A DEFERRED EFFECTIVE DATE FOR CERTAIN VOLUNTARY ANNEXATIONS OF THE CITY OF CONCORD, 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 Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle,

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England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Holmes, Howard, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Mitchell, Moore, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 107.

Voting in the negative: None.

Excused absences: Representatives Clary, Gibson, Goodwin, Hill, McHenry, and Steen - 6.

H.B. 1700 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE DURHAM CITY ADDITIONAL MUNICIPAL VEHICLE TAX AND CONCERNING THE PURPOSES FOR WHICH THOSE FUNDS MAY BE EXPENDED, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridg, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Miner, Mitchell, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sexton, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 107.

Voting in the negative: Representatives Moore, Setzer, and Wood - 3.

Excused absences: Representatives Clary, Gibson, Goodwin, Hill, McHenry, and Steen - 6.

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

S.B. 1265 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Miner, Mitchell, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sexton, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 107.

Voting in the negative: Representatives Moore, Setzer, and Wood - 3.

Excused absences: Representatives Clary, Gibson, Goodwin, Hill, McHenry, and Steen - 6.

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

S.B. 1305 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE TOWN OF ANGIER, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth,

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Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Miner, Mitchell, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sexton, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 107.

Voting in the negative: Representatives Moore, Setzer, and Wood - 3.

Excused absences: Representatives Clary, Gibson, Goodwin, Hill, McHenry, and Steen - 6.

S.B. 1356, A BILL TO BE ENTITLED AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Miner, Mitchell, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sexton, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 107.

Voting in the negative: Representatives Moore, Setzer, and Wood - 3.

Excused absences: Representatives Clary, Gibson, Goodwin, Hill, McHenry, and Steen - 6.

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H.B. 1422 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The bill, as amended, passes its third reading, by electronic vote (110-0), and is ordered engrossed and sent to the Senate by Special Message.

Representative Allred requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (111-0).

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Holliman and without objection, **S.B. 20** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS, is withdrawn from the Calendar and placed on the Calendar of July 12.

On motion of Representative Ray and without objection, **S.B. 754** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE STOCK CAR RACING THEME SPECIAL PLATES, is withdrawn from the Calendar and placed on the Calendar of July 9.

On motion of Representative Insko and without objection, **S.B. 1148** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is withdrawn from the Calendar and placed on the Calendar of July 12.

On motion of Representative Hackney and without objection, **S.B. 1043** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT

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AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION, which was temporarily displaced, is withdrawn from the Calendar and placed on the Calendar of July 9.

On motion of Speaker Morgan and without objection, **S.B. 1171** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES, is withdrawn from the Calendar and placed on the Calendar of July 9.

On motion of Representative K. Williams and without objection, **H.B. 1359** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION, is withdrawn from the Calendar and re-referred to the Committee on Transportation.

CALENDAR (continued)

H.B. 1370, A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICATION OF THE WORKERS' COMPENSATION LAW TO CERTAIN MOTOR CARRIERS, passes its second reading, by electronic vote (94-11), 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.

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

S.B. 933, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AND LOCAL GOVERNMENT AGENCIES THAT ACQUIRE LAND FOR WETLANDS MITIGATION TO REIMBURSE THE COUNTY IN WHICH THE LAND IS LOCATED FOR ITS LOST TAXES DUE TO THE ACQUISITION, passes its second reading, by electronic vote (109-1).

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

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

S.B. 1384 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, passes its second reading, by electronic vote (108-0), 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 the House committee substitute bill by Special Message.

WITHDRAWAL OF OBJECTION TO THIRD READING

Representative Haire removes his objection to the third reading of **S.B. 933**, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AND LOCAL GOVERNMENT AGENCIES THAT ACQUIRE LAND FOR WETLANDS MITIGATION TO REIMBURSE THE COUNTY IN WHICH THE LAND IS LOCATED FOR ITS LOST TAXES DUE TO THE ACQUISITION.

The bill passes its third reading and is ordered enrolled and presented to the Governor by Special Message.

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

H.B. 1737 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, is returned for concurrence in the Senate committee substitute bill.

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

S.B. 1058 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY

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COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE, is read the first time and referred to the Committee on Appropriations.

S.B. 1181, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX, is read the first time and referred to the Committee on Finance.

S.B. 1431 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE FIRST IN FLIGHT REGISTRATION PLATES TO THE DEPARTMENT OF DEFENSE, is read the first time and referred to the Committee on Finance.

Representative Culpepper moves, seconded by Representative West, that the House adjourn, subject to the ratification of bills, the receipt of Committee Reports, the referral of bills, and the receipt of Messages from the Senate, to reconvene July 9 at 9:00 a.m.

The motion carries.

No messages from the Senate or committee reports being received, no bills being referred, and no bills being ratified, the House stands adjourned at 5:55 p.m.

ONE HUNDRED FORTIETH DAY

HOUSE OF REPRESENTATIVES
Friday, July 9, 2004

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

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Almighty God:

"Who are we that we should be called the children of God? Who are we to You whose grip holds the celestial sky in its place? Who are we that we might offer our simple prayers in Your direction? We are Your children.

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That is who we are. You have created us. You call each of us by our name. And, You claim each one of us as Your own kin. We are not presumptuous in coming to Thee. No, we are simply trying to be faithful to Your most inward hope...that we, Your blessed ones, would seek conversation, indeed, a relationship with Thee, the Most High God who is above all else. We welcome your blessed invitation to draw near in faith, O Lord. And, we would ask, as we always do, that You would have mercy upon us. And, because You show mercy upon us, teach us to go and do likewise unto others. Bless our efforts in so doing. Make good our defects. And, bring us at last to Your home in glory where eyes have not seen nor ears have heard what you have in store for those who love You. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 8 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, and Weiss for today. Representatives Baker and Starnes are excused for a portion of the session.

ENROLLED BILLS

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

S.B. 230, AN ACT TO REPEAL ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE RELATING TO BULK TRANSFERS AND TO ENACT CONFORMING AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES.

S.B. 933, AN ACT TO REQUIRE STATE AND LOCAL GOVERNMENT AGENCIES THAT ACQUIRE LAND FOR WETLANDS MITIGATION TO REIMBURSE THE COUNTY IN WHICH THE LAND IS LOCATED FOR ITS LOST TAXES DUE TO THE ACQUISITION.

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

S.J.R. 1441, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RAY CHARLES, AN AMERICAN LEGEND. (RESOLUTION 2004-11)

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CHAPTERED BILLS

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

H.B. 1462, AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES. (S.L. 2004-58)

H.B. 1589, AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA. (S.L. 2004-59)

H.B. 1613, AN ACT TO AMEND THE LAW IN CHOWAN COUNTY REGULATING HUNTING ON PRIVATE LAND, TO REGULATE THE DISCHARGE OF A CENTER-FIRE RIFLE IN CHOWAN COUNTY, AND TO ADD CHOWAN AND ANSON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS. (S.L. 2004-60)

H.B. 1614, AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM. (S.L. 2004-61)

H.B. 1659, AN ACT TO AMEND THE LAW REGULATING THE USE OF HUNTING STANDS IN PERQUIMANS COUNTY. (S.L. 2004-62)

H.B. 1662, AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN CHEROKEE AND CLAY COUNTIES. (S.L. 2004-63)

H.B. 1674, AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON. (S.L. 2004-64)

S.B. 1093, AN ACT TO ADD EDGECOMBE, HALIFAX, LENOIR, NASH, PENDER, AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES. (S.L. 2004-65)

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H.B. 1349, AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY. (S.L. 2004-66)

H.B. 1509, AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD ADVANCED DEGREES TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE. (S.L. 2004-67)

H.B. 1529, AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE U. S. OPEN GOLF TOURNAMENT. (S.L. 2004-68)

H.B. 1669, AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC. (S.L. 2004-69)

H.B. 1726, AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS. (S.L. 2004-70)

H.B. 1728, AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT. (S.L. 2004-71)

H.B. 257, AN ACT TO PROHIBIT THE USE OF CITIZENS BAND RADIO EQUIPMENT NOT AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION. (S.L. 2004-72)

H.B. 1456, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS. (S.L. 2004-73)

S.B. 51, AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES AND

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TO REMOVE PROVISIONS THAT COULD RESULT IN FRANCHISE TAXES ON ASSETS NOT INDIRECTLY OWNED BY CORPORATIONS. (S.L. 2004-74)

S.B. 1161, AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES. (S.L. 2004-75)

H.B. 1455, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS. (S.L. 2004-76)

H.B. 1555, AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY CUSTOMER SERVICE PROVIDED BY THE DIVISION OF MOTOR VEHICLES AND THE COMMISSION CONTRACT AGENTS. (S.L. 2004-77)

H.B. 354, AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN. (S.L. 2004-78)

H.B. 26, AN ACT TO CLARIFY THAT DEVICES DESIGNED TO COVER REGISTRATION PLATES TO PREVENT THE TAKING OF A CLEAR PHOTOGRAPH BY TRAFFIC CONTROL SYSTEMS USING CAMERAS ARE UNLAWFUL. (S.L. 2004-79)

S.B. 582, AN ACT TO IMPROVE PUBLIC HEALTH PREPAREDNESS AND RESPONSE. (S.L. 2004-80)

H.B. 1478, AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE. (S.L. 2004-81)

S.B. 1086, AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES. (S.L. 2004-82)

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S.B. 859, AN ACT TO ESTABLISH THE CATAWBA/WATEREE RIVER BASIN ADVISORY COMMISSION AND THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION. (S.L. 2004-83)

H.B. 1303, AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES. (S.L. 2004-84)

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Munford, Chair, for the Committee on Judiciary IV:

S.B. 1054 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, AND TO IMPOSE AN ENHANCED SENTENCE FOR CONVICTION OF MANUFACTURE OF METHAMPHETAMINE IF THE OFFENSE RESULTS IN SERIOUS INJURY TO A LAW ENFORCEMENT OFFICER, PROBATION OR PAROLE OFFICER, EMS EMPLOYEE, OR FIREFIGHTER, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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 Hall, Chair, for the Committee on Alcoholic Beverage Control:

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S.B. 74 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT CERTAIN TOWNSHIP ABC ELECTIONS, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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. 1205 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 12.

S.B. 1347, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF KANNAPOLIS TO HOLD A REFERENDUM ON THE OPERATION OF ABC STORES AS PART OF THE ROWAN COUNTY ABC SYSTEM, AND TO SPECIFY HOW PROFITS FROM THOSE STORES SHALL BE DISTRIBUTED, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 12.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), the following bills are withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 6 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW REGULATING GAMING MACHINES.

S.B. 868 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STATE GOVERNMENT SHALL REQUIRE IN EVERY CONTRACT FOR THE PERFORMANCE OF TELE-MARKETING SERVICES PROVISIONS THAT ONLY CITIZENS OF THE UNITED STATES AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES MAY BE EMPLOYED, TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION FROM CUSTOMER SALES AND SERVICE CENTERS, AND TO AMEND THE QUALIFIED BUSINESS INVESTMENT CREDIT.

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CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 817**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN.

On motion of Representative Hilton, 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: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Hilton, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Mitchell, Moore, Nye, Owens, Pate, Preston, Rapp, Ray, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warren, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 95.

Voting in the negative: Representatives Decker, Rayfield, and Warner - 3.

Excused absences: Representatives Adams, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 14.

H.B. 1700 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE DURHAM CITY ADDITIONAL MUNICIPAL VEHICLE TAX AND CONCERNING THE PURPOSES FOR WHICH THOSE FUNDS MAY BE EXPENDED, 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, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Barbee, Bell, Bonner, Bordsen, Bowie, Brubaker, Carney, Coates, Cole, Crawford, Culpepper, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield,

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Fisher, Fox, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrell, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Mitchell, Nye, Owens, Preston, Rapp, Rayfield, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Tolson, Wainwright, Walend, Walker, Warner, Warren, West, A. Williams, K. Williams, G. Wilson, Womble, Wright, and Yongue - 81.

Voting in the negative: Representatives Allred, Baker, Barnhart, Blackwood, Blust, Capps, Creech, Culp, Frye, Gillespie, Hilton, Lewis, Moore, Pate, Ray, Rhodes, Steen, Stiller, and Wood - 19.

Excused absences: Representatives Adams, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 14.

S.B. 1265 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 100.

Voting in the negative: None.

Excused absences: Representatives Adams, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 14.

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S.B. 1305 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE TOWN OF ANGIER, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in the House committee substitute bill by Special Message.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 100.

Voting in the negative: None.

Excused absences: Representatives Adams, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 14.

S.B. 1356, A BILL TO BE ENTITLED AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas,

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Luebke, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 100.

Voting in the negative: None.

Excused absences: Representatives Adams, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 14.

H.B. 1343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPED IDENTIFICATION TAGS, TO AUTHORIZE THE ESTABLISHMENT OF A PRIVATE MOPED REGISTRATION SYSTEM, TO AUTHORIZE MOPED DEALERS TO CHARGE A ONE-TIME FEE TO PURCHASERS OF NEW AND USED MOPEDS, AND TO ESTABLISH A PENALTY FOR FAILURE TO COMPLY WITH THE REGISTRATION OR DISPLAY REQUIREMENTS.

Representative Stam offers Amendment No. 1 which is adopted by electronic vote (95-4).

Representative Allred moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Transportation. The motion fails by electronic vote (31-66).

Representatives Luebke and Harrell request and are granted permission to be recorded as voting "no". The adjusted vote total is (31-68).

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: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Baker, Barbee, Barnhart, Bell, Bonner, Bordsen, Bowie, Carney, Coates, Cole, Crawford, Culpepper, Dickson, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Gibson, Gillespie, Glazier, Goodwin, Grady, Hackney, Haire, Hall, Harrell, Howard, Hunter, Insko, Jeffus, C. Johnson, Justice, Lucas, McComas, McLawhorn, Miller, Nye, Owens, Rapp, Ray, Ross, Saunders,

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Sexton, Sherrill, Stam, Tolson, Wainwright, Walend, Warner, Warren, West, A. Williams, K. Williams, G. Wilson, Wright, and Yongue - 65.

Voting in the negative: Representatives Allred, Blackwood, Blust, Brubaker, Capps, Creech, Culp, Decker, Dockham, Frye, Goforth, Gulley, Hilton, Holmes, L. Johnson, Jones, Justus, Kiser, Lewis, McGee, McMahan, Michaux, Mitchell, Moore, Munford, Pate, Preston, Rayfield, Rhodes, Sauls, Setzer, Starnes, Steen, Stiller, Walker, Womble, and Wood - 37.

Excused absences: Representatives Adams, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 14.

CONFEREES APPOINTED

Speaker Black appoints the following conferees on the Senate Committee Substitute for **H.B. 817**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN: Representatives Hilton and A. Williams, Co-Chairs; Representatives Sexton, Lewis, Goforth, and Gibson.

The Senate is so notified by Special Message.

CALENDAR (continued)

Senate Committee Substitute for **H.B. 831** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE.

On motion of Speaker Black, the bill is temporarily displaced.

S.B. 1254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS.

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (92-5).

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Representative Decker states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. Representatives L. Johnson, Starnes, and Harrell request and are granted permission to be recorded as voting "aye". Representative Eddins requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (97-4).

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

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Coates, Cole, Crawford, Culp, Culpepper, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, West, A. Williams, K. Williams, G. Wilson, Womble, Wright, and Yongue - 98.

Voting in the negative: Representatives Blust, Creech, Rhodes, and Wood - 4.

Excused absences: Representatives Adams, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 14.

Representative Ross requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (99-4).

Senate Committee Substitute for **H.B. 831** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE, which was temporarily displaced, is before the Body.

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

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Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, L. Allen, Barbee, Bell, Bonner, Bordsen, Brubaker, Carney, Crawford, Culp, Culpepper, Daughtridg, Dickson, Ellis, England, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Hackney, Haire, Hall, Hunter, Insko, Jeffus, C. Johnson, Jones, Justice, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Miller, Miner, Munford, Pate, Rapp, Ross, Sauls, Sherrill, Stam, Stiller, Tolson, Wainwright, Warner, Warren, A. Williams, Womble, and Yongue - 54.

Voting in the negative: Representatives B. Allen, Allred, Baker, Barnhart, Blackwood, Blust, Bowie, Capps, Coates, Cole, Creech, Decker, Dockham, Earle, Eddins, Fox, Frye, Gillespie, Goodwin, Grady, Gulley, Harrell, Hilton, Holmes, Howard, L. Johnson, Justus, Kiser, Lewis, Michaux, Mitchell, Moore, Nye, Owens, Preston, Ray, Rayfield, Rhodes, Saunders, Setzer, Sexton, Starnes, Steen, Walend, Walker, West, K. Williams, G. Wilson, Wood, and Wright - 50.

Excused absences: Representatives Adams, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 14.

S.B. 1145 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in the House amendment by Special Message.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bordsen, Brubaker, Capps, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Daughtridg, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justus, Kiser, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner,

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Warren, West, A. Williams, K. Williams, G. Wilson, Womble, Wright, and Yongue - 100.

Voting in the negative: Representative Wood.

Excused absences: Representatives Adams, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 14.

H.B. 1427 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH.

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: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Barbee, Barnhart, Bell, Blackwood, Blust, Bordsen, Bowie, Brubaker, Capps, Carney, Coates, Cole, Crawford, Creech, Culp, Culpepper, Daughtridge, Decker, Dickson, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Munford, Nye, Owens, Pate, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, and Yongue - 93.

Voting in the negative: Representatives Allred, Frye, Hilton, Lewis, Sexton, and Wright - 6.

Excused absences: Representatives Adams, Baker, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 15.

S.B. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE STOCK CAR RACING THEME SPECIAL PLATES.

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Representative Luebke offers Amendment No. 1 which fails of adoption by electronic vote (34-69).

SPEAKER MORGAN PRESIDING.

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

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Allred, Barbee, Barnhart, Bell, Blust, Bordsen, Brubaker, Capps, Carney, Coates, Cole, Crawford, Culp, Culpepper, Daughtridge, Decker, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hall, Harrell, Hilton, Holmes, Howard, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, McComas, McGee, McLawhorn, McMahan, Mitchell, Moore, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 90.

Voting in the negative: Representatives Bonner, Bowie, Creech, Earle, Haire, Insko, Miller, Rhodes, and Ross - 9.

Excused absences: Representatives Adams, Baker, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 15.

Representative Luebke requests and is granted permission to be recorded as voting "no". The adjusted vote total is (90-10).

S.B. 852 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND INITIATIVES THAT EDUCATE AND PROMOTE ORGAN AND TISSUE DONATION; AND TO INCREASE THE FEE FOR ISSUANCE, RENEWAL, AND DUPLICATION OF A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD AND PROVIDE THAT THE PROCEEDS OF THE INCREASE SHALL BE USED TO IMPLEMENT THIS ACT, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in the House committee substitute bill by Special Message.

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Those voting in the affirmative are: Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Allred, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Coates, Cole, Crawford, Culp, Culpepper, Daughtridge, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Haire, Hall, Harrell, Hilton, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Miller, Mitchell, Moore, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 98.

Voting in the negative: Representatives Capps and Creech - 2.

Excused absences: Representatives Adams, Baker, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 15.

Speaker Black votes "aye". Representative Creech requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (100-1).

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Howard and without objection, **S.B. 1128** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE AND TO MAKE A TECHNICAL CORRECTION, is withdrawn from the Calendar and re-referred to the Committee on Finance.

CALENDAR (continued)

S.B. 1244 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES, MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT, AND MODIFYING THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY.

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Pursuant to Rule 24.1A(c), the request that Representative Michaux be excused from voting on July 8 is continued.

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

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, Barbee, Bell, Blackwood, Bonner, Bordsen, Capps, Carney, Coates, Cole, Crawford, Culp, Culpepper, Daughtridg, Dickson, Dockham, Earle, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Hackney, Haire, Hall, Harrell, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lucas, Luebke, McComas, McGee, McLawhorn, McMahan, Miller, Munford, Nye, Owens, Preston, Rapp, Rayfield, Ross, Sauls, Sherrill, Stam, Starnes, Stiller, Tolson, Wainwright, Walker, Warren, West, A. Williams, G. Wilson, Wright, and Yongue - 74.

Voting in the negative: Representatives Allred, Barnhart, Blust, Bowie, Brubaker, Creech, Decker, Eddins, Gillespie, Gulley, Hilton, Holmes, Lewis, Mitchell, Moore, Pate, Ray, Rhodes, Setzer, Sexton, Steen, Walend, K. Williams, Womble, and Wood - 25.

Excused absences: Representatives Adams, Baker, Clary, Cunningham, Daughtry, Gorman, Hill, Holliman, LaRoque, McAllister, McHenry, Parmon, Sutton, Weiss, and C. Wilson - 15.

Excused vote: Representative Michaux.

Representatives L. Allen and Warner request and are granted permission to be recorded as voting "aye". Representatives Frye and Capps request and are granted permission to change their votes from "aye" to "no". The adjusted vote total is (74-27).

SPEAKER BLACK PRESIDING.

S.B. 1078 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.

On motion of Speaker Black, the bill is temporarily displaced.

S.B. 1043 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW

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ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION.

Pursuant to Rule 24.1A(c), the requests that Representatives McComas and K. Williams be excused from voting on July 8 are continued.

Representative Setzer requests that he be excused from voting on this bill under Rule 24.1A and this request is granted.

The bill passes its second reading, by electronic vote (95-2), 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 the House committee substitute bill by Special Message.

S.B. 1171 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES.

On motion of Speaker Black, the bill is temporarily displaced.

S.B. 1078 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW, which was temporarily displaced, is before the Body.

Representative Gulley moves that Rule 31(d) be suspended in order that he might offer an amendment that would change the title. The motion fails by electronic vote (47-49).

Representative Gulley moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Gulley withdraws his motion.

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The bill passes its third reading, by electronic vote (96-3), and is ordered enrolled and presented to the Governor by Special Message.

S.B. 1171 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES, which was temporarily displaced, is before the Body.

Representative Decker offers Amendment No. 1.

Pursuant to Rule 36.1, Representative Luebke, Chair of the Committee on Finance, requests a fiscal note on the amendment.

The bill, with pending Amendment No. 1, is removed from the Calendar.

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

S.B. 1210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE TEMPORARY IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS BY PROVIDING: (1) THAT LOCAL GOVERNMENT APPLICATIONS FOR PHASE II STORMWATER PERMITS THAT WERE SUBMITTED IN ACCORDANCE WITH THE TEMPORARY STORMWATER RULE WILL BE DEEMED TIMELY RECEIVED; (2) STANDARDS FOR THE EVALUATION OF APPLICATIONS FOR PHASE II STORMWATER PERMITS; (3) AN EXEMPTION FROM PHASE II STORMWATER PERMIT REQUIREMENTS FOR CERTAIN SMALL MUNICIPALITIES; (4) THAT NEW DEVELOPMENT AND REDEVELOPMENT LOCATED IN A REGULATED COVERAGE AREA MUST COMPLY WITH THE STORMWATER MANAGEMENT RULE; (5) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION WILL ADMINISTER AND ENFORCE THE STORMWATER MANAGEMENT RULE IN A REGULATED COVERAGE AREA UNLESS A COUNTY VOLUNTARILY UNDERTAKES TO IMPLEMENT A LOCAL STORMWATER MANAGEMENT PROGRAM; (6) FOR THE COORDINATION OF PHASE II STORMWATER MANAGEMENT PROGRAMS AND OTHER EXISTING STATE PROGRAMS THAT REGULATE STORMWATER IN ORDER TO AVOID CONFLICTING, DUPLICATIVE, OR INCONSISTENT STORMWATER MANAGEMENT REQUIREMENTS; (7)

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THAT A LOCAL GOVERNMENT MAY OPT TO BE COVERED UNDER A GENERAL STORMWATER PERMIT DEVELOPED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; (8) DEADLINES FOR WHEN THE ENVIRONMENTAL MANAGEMENT COMMISSION MUST MAKE CERTAIN PHASE II STORMWATER PERMITTING DECISIONS; (9) DESIGNATION AND PETITION PROCESSES BY WHICH ADDITIONAL LOCAL GOVERNMENTS AND OTHER ENTITIES MAY BE REQUIRED TO OBTAIN A PHASE II STORMWATER PERMIT; (10) FOR THE DEVELOPMENT OF A STORMWATER MODEL ORDINANCE AND STORMWATER DESIGN MANUAL; (11) FOR THE ROLES OF STATE AND LOCAL GOVERNMENTS IN REGULATING THE STORMWATER IMPACTS OF FEDERAL AND STATE PROJECTS; (12) DEFINITIONS OF TERMS TO BE USED IN THE IMPLEMENTATION OF THIS ACT; (13) THAT CERTAIN AGRICULTURE AND FORESTRY ACTIVITIES ARE EXEMPT FROM PHASE II STORMWATER PERMIT REQUIREMENTS; AND (14) HOW THE ACT SHALL BE CONSTRUED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Speaker Black stops debate and attends to the following business.

ENROLLED BILLS

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

S.B. 1254, AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS.

H.B. 1356, AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES.

H.B. 1624, AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND

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STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

H.B. 1795, AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS.

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

S.B. 1265, AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS.

S.B. 1356, AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT.

H.B. 1649, AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS.

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

H.J.R. 1807, A JOINT RESOLUTION HONORING THE FOUNDERS OF DUKE POWER ON THE COMPANY'S 100TH ANNIVERSARY. (RESOLUTION 2004-12)

CALENDAR (continued)

S.B. 1210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE TEMPORARY IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS BY PROVIDING: (1) THAT LOCAL GOVERNMENT APPLICATIONS FOR PHASE II STORMWATER PERMITS THAT WERE SUBMITTED IN ACCORDANCE WITH THE TEMPORARY STORMWATER RULE WILL BE DEEMED TIMELY RECEIVED; (2) STANDARDS FOR THE EVALUATION OF APPLICATIONS FOR PHASE II STORMWATER PERMITS; (3) AN EXEMPTION FROM PHASE II STORMWATER PERMIT REQUIREMENTS FOR CERTAIN SMALL MUNICIPALITIES;

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(4) THAT NEW DEVELOPMENT AND REDEVELOPMENT LOCATED IN A REGULATED COVERAGE AREA MUST COMPLY WITH THE STORMWATER MANAGEMENT RULE; (5) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION WILL ADMINISTER AND ENFORCE THE STORMWATER MANAGEMENT RULE IN A REGULATED COVERAGE AREA UNLESS A COUNTY VOLUNTARILY UNDERTAKES TO IMPLEMENT A LOCAL STORMWATER MANAGEMENT PROGRAM; (6) FOR THE COORDINATION OF PHASE II STORMWATER MANAGEMENT PROGRAMS AND OTHER EXISTING STATE PROGRAMS THAT REGULATE STORMWATER IN ORDER TO AVOID CONFLICTING, DUPLICATIVE, OR INCONSISTENT STORMWATER MANAGEMENT REQUIREMENTS; (7) THAT A LOCAL GOVERNMENT MAY OPT TO BE COVERED UNDER A GENERAL STORMWATER PERMIT DEVELOPED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; (8) DEADLINES FOR WHEN THE ENVIRONMENTAL MANAGEMENT COMMISSION MUST MAKE CERTAIN PHASE II STORMWATER PERMITTING DECISIONS; (9) DESIGNATION AND PETITION PROCESSES BY WHICH ADDITIONAL LOCAL GOVERNMENTS AND OTHER ENTITIES MAY BE REQUIRED TO OBTAIN A PHASE II STORMWATER PERMIT; (10) FOR THE DEVELOPMENT OF A STORMWATER MODEL ORDINANCE AND STORMWATER DESIGN MANUAL; (11) FOR THE ROLES OF STATE AND LOCAL GOVERNMENTS IN REGULATING THE STORMWATER IMPACTS OF FEDERAL AND STATE PROJECTS; (12) DEFINITIONS OF TERMS TO BE USED IN THE IMPLEMENTATION OF THIS ACT; (13) THAT CERTAIN AGRICULTURE AND FORESTRY ACTIVITIES ARE EXEMPT FROM PHASE II STORMWATER PERMIT REQUIREMENTS; AND (14) HOW THE ACT SHALL BE CONSTRUED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is before the Body.

Representative Setzer requests that he be excused from voting on this bill under Rule 24.1A and this request is granted.

The bill passes its second reading, by electronic vote (90-9), 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.

RE-REFERRAL

On motion of Representative Culpepper, **S.B. 760** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT

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GRANTS FROM UNIFORM PROGRAMS FOR PUBLIC CAMPAIGN FINANCING DO NOT CONSTITUTE "CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON CONTRIBUTIONS; TO CLARIFY THAT GOVERNMENTS IN CITIES AND COUNTIES OF A CERTAIN SIZE ARE AUTHORIZED TO CONDUCT THOSE PROGRAMS; AND TO REQUIRE A REVIEW OF LOCAL PUBLIC CAMPAIGN FINANCING PROGRAMS, is withdrawn from the Committee on Election Law and Campaign Finance Reform 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 ratification of bills and the receipt of Messages from the Senate, to reconvene Monday, July 12, 2004, at 7:00 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. 1083**, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 12.

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

Senate Committee Substitute for **H.B. 1264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT REGULATORY FEES, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Finance.

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

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

July 9, 2004T

Senate Committee Substitute for **H.B. 1594**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 12.

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

H.B. 1602 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS, is returned for concurrence in one Senate amendment.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 12.

H.B. 1449 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, 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 12.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 9, 2004

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. 991**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STATE GOVERNMENT SHALL REQUIRE IN EVERY CONTRACT FOR THE PERFORMANCE OF TELEMARKETING SERVICES PROVISIONS THAT ONLY CITIZENS OF THE UNITED STATES AND

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PERSONS AUTHORIZED TO WORK IN THE UNITED STATES MAY BE EMPLOYED, AND TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION FROM CUSTOMER SALES AND SERVICE CENTERS, and requests conferees. The President *Pro Tempore* appoints:

Senator Reeves, Chair
Senator Rand
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

SPECIAL MESSAGE FROM THE SENATE

**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 9, 2004

Mr. Speaker:

Pursuant to your message received today, July 9, 2004, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 817**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN, and requests conferees, the President *Pro Tempore* appoints:

Senator Thomas, Chair
Senator Hargett
Senator Clodfelter
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

July 9, 2004T

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

Senate Committee Substitute No. 3 for **H.B. 1112**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATED TO SANITATION OF FOOD AND LODGING FACILITIES, 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 of July 12.

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

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

The House stands adjourned at 2:04 p.m.

ONE HUNDRED FORTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Monday, July 12, 2004

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

The following prayer is offered by the Reverend Bob Inskeep, First Presbyterian Church, Raleigh, North Carolina.

"In the Bible's book of Proverbs is this saying about patience:

"'With patience, a ruler can be persuaded...and a soft tongue can break bones.' (Proverbs 25:15)

"Let us pray patiently and persistently:

"Lord, as the task at hand is yet to be resolved, we pray for patience. As Jesus said, 'bear fruit with patient endurance.' (Luke 8:15)

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"But may we also pray for persistence, courage, and strength to press on toward a resolve.

"May these Representatives press on to approve a budget,

- Respectful of their colleagues,
- Mindful of their constituents,
- And solidly anchored in Your eternal tenets of justice and mercy for all, and compassion and special concern for those who have the least. Amen."

Speaker Morgan 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 9 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Hill, Justice, and Miller for today.

ENROLLED BILLS

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

S.B. 754, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE STOCK CAR RACING THEME SPECIAL PLATES.

S.B. 1078, AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.

S.B. 1202, AN ACT TO SPECIFY THE MINIMUM HORIZONTAL SEPARATION DISTANCES BETWEEN A SUBSURFACE WASTE-WATER DISPOSAL SYSTEM TO BE LOCATED ON A LOT OR TRACT OF LAND PLATTED PRIOR TO 1 JULY 1977, THAT WILL BE OPERATED IN SAND OR LOAMY SAND SOILS, AND THAT MEETS CERTAIN OTHER REQUIREMENTS, AND ANY OTHER SUB-SURFACE WASTEWATER DISPOSAL SYSTEM.

S.B. 1210, AN ACT TO PROVIDE FOR THE TEMPORARY IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS BY PROVIDING: (1) THAT LOCAL GOVERNMENT APPLICATIONS FOR PHASE II STORMWATER PERMITS THAT WERE SUBMITTED IN ACCORDANCE WITH THE

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TEMPORARY STORMWATER RULE WILL BE DEEMED TIMELY RECEIVED; (2) STANDARDS FOR THE EVALUATION OF APPLICATIONS FOR PHASE II STORMWATER PERMITS; (3) AN EXEMPTION FROM PHASE II STORMWATER PERMIT REQUIREMENTS FOR CERTAIN SMALL MUNICIPALITIES; (4) THAT NEW DEVELOPMENT AND REDEVELOPMENT LOCATED IN A REGULATED COVERAGE AREA MUST COMPLY WITH THE STORMWATER MANAGEMENT RULE; (5) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION WILL ADMINISTER AND ENFORCE THE STORMWATER MANAGEMENT RULE IN A REGULATED COVERAGE AREA UNLESS A COUNTY VOLUNTARILY UNDERTAKES TO IMPLEMENT A LOCAL STORMWATER MANAGEMENT PROGRAM; (6) FOR THE COORDINATION OF PHASE II STORMWATER MANAGEMENT PROGRAMS AND OTHER EXISTING STATE PROGRAMS THAT REGULATE STORMWATER IN ORDER TO AVOID CONFLICTING, DUPLICATIVE, OR INCONSISTENT STORMWATER MANAGEMENT REQUIREMENTS; (7) THAT A LOCAL GOVERNMENT MAY OPT TO BE COVERED UNDER A GENERAL STORMWATER PERMIT DEVELOPED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; (8) DEADLINES FOR WHEN THE ENVIRONMENTAL MANAGEMENT COMMISSION MUST MAKE CERTAIN PHASE II STORMWATER PERMITTING DECISIONS; (9) DESIGNATION AND PETITION PROCESSES BY WHICH ADDITIONAL LOCAL GOVERNMENTS AND OTHER ENTITIES MAY BE REQUIRED TO OBTAIN A PHASE II STORMWATER PERMIT; (10) FOR THE DEVELOPMENT OF A STORMWATER MODEL ORDINANCE AND STORMWATER DESIGN MANUAL; (11) FOR THE ROLES OF STATE AND LOCAL GOVERNMENTS IN REGULATING THE STORMWATER IMPACTS OF FEDERAL AND STATE PROJECTS; (12) DEFINITIONS OF TERMS TO BE USED IN THE IMPLEMENTATION OF THIS ACT; (13) THAT CERTAIN AGRICULTURE AND FORESTRY ACTIVITIES ARE EXEMPT FROM PHASE II STORMWATER PERMIT REQUIREMENTS; AND (14) HOW THE ACT SHALL BE CONSTRUED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

S.B. 1312, AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES.

H.B. 1513, AN ACT TO INCREASE THE MAXIMUM DEATH BENEFIT PAYABLE FROM THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

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CHAPTERED BILLS

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

S.B. 1265, AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS. (S.L. 2004-85)

S.B. 1356, AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT. (S.L. 2004-86)

H.B. 1649, AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS. (S.L. 2004-87)

H.B. 1352, AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED FOR ECONOMIC INFRASTRUCTURE, AND TO MAKE NECESSARY TRANSITIONAL ADJUSTMENTS TO THE STATE BUDGET. (S.L. 2004-88)

CONFERENCE REPORT

Representative Brubaker sends forth the Conference Report on **S.B. 676** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA, AND TO EXEMPT CERTAIN FREE DISTRIBUTION PUBLICATIONS FROM THE SALES TAX AND TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 13.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

July 12, 2004T

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

Senate Committee Substitute for **H.B. 1139** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE JUDICIAL APPROVAL FOR PLEA ARRANGEMENTS IN SEX OFFENSE CASES THAT RESULT IN THE VICTIM BECOMING PREGNANT, with recommendation that the House do not concur.

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

By Representatives Decker and Pate, Chairs, for the Committee on Ways and Means:

The following bills are reported with an indefinite postponement report and placed on the Unfavorable Calendar.

H.B. 46, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA GOVERNMENT COMPETITION COMMISSION TO PROVIDE FOR BETTER GOVERNMENT IN NORTH CAROLINA THROUGH A COMPREHENSIVE STATE GOVERNMENT COMPETITION INITIATIVE.

H.B. 233, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPOSE UNDER THE MEDICAID PROGRAM PRIOR AUTHORIZATION RESTRICTIONS ON ALL BRAND-NAME PRESCRIPTION DRUGS FOR WHICH THERE IS A GENERIC EQUIVALENT THAT IS LESS COSTLY THAN THE BRAND-NAME DRUG.

H.B. 238, A BILL TO BE ENTITLED AN ACT TO REGULATE BODY PIERCING.

H.B. 410, A BILL TO BE ENTITLED AN ACT TO REDUCE THE COUNTY SHARE OF NONFEDERAL PAYMENTS FOR THE MEDICAL ASSISTANCE PROGRAM FOR CERTAIN COUNTIES.

H.B. 481, A BILL TO BE ENTITLED AN ACT AUTHORIZING CERTAIN MUNICIPALITIES TO REQUIRE OWNERS TO REPAIR RESIDENTIAL PROPERTY DETERMINED UNFIT FOR HUMAN HABITATION UNDER THE MUNICIPALITIES' MINIMUM HOUSING CODES INSTEAD OF VACATING AND CLOSING THE PROPERTY.

H.B. 628, A BILL TO BE ENTITLED AN ACT AUTHORIZING CERTAIN MUNICIPALITIES TO REQUIRE OWNERS TO REPAIR

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RESIDENTIAL PROPERTY DETERMINED UNFIT FOR HUMAN HABITATION UNDER THE MUNICIPALITIES' MINIMUM HOUSING CODES INSTEAD OF VACATING AND CLOSING THE PROPERTY.

H.B. 833, A BILL TO BE ENTITLED AN ACT TO REQUIRE SOLICITORS OF CHARITABLE SOLICITATIONS THAT REQUEST CONTRIBUTIONS BY TELEPHONE TO, WHEN REQUESTED BY THE PERSON BEING SOLICITED ON THE TELEPHONE, CLEARLY DISCLOSE TO THAT PERSON AT THE TIME OF THE REQUEST THE FIXED PERCENTAGE OF THE GROSS REVENUES THAT THE CHARITABLE ORGANIZATION OR SPONSOR WILL RECEIVE AS A BENEFIT FROM THE SOLICITATION CAMPAIGN AND SEND THAT PERSON A COPY OF THE SOLICITOR'S MOST RECENT FINANCIAL REPORT, TO REQUIRE THIS PERCENTAGE TO BE INCLUDED IN THE SOLICITOR'S FINANCIAL REPORT, AND TO PROHIBIT A PERSON FROM MISREPRESENTING THIS REQUESTED INFORMATION.

H.B. 1202, A BILL TO BE ENTITLED AN ACT TO LIMIT PROGRAMMING BY THE UNIVERSITY OF NORTH CAROLINA PUBLIC TELEVISION FOR INTERNAL FUND-RAISING FOR PUBLIC TELEVISION.

H.J.R. 1693, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER "A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA TO EXCLUDE CERTAIN PRIVATE IN-HOME NURSING CARE."

H.B. 1695, A BILL TO BE ENTITLED AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING REFERENDA ON ANNEXATIONS IN THE TOWN OF KERNERSVILLE IF REQUESTED BY PETITION OR BY THE GOVERNING BOARD OF THE TOWN.

H.J.R. 1785, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

July 12, 2004T

Senate Chamber
July 9, 2004

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. 676** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA, 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

**2004 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 9, 2004

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. 1118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO ISSUE A 4-H SPECIAL REGISTRATION PLATE AND A HIGH SCHOOL INSIGNIA PLATE.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

**2004 GENERAL ASSEMBLY
SECOND SESSION 2004**

July 12, 2004T

Senate Chamber
July 9, 2004

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. 1384** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING, AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, AND INCREASING FEES.

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. 142**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET 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, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Finance.

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

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

H.B. 1453 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, is returned for concurrence in the Senate committee substitute bill.

July 12, 2004T

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

RE-REFERRAL

On motion of Speaker Morgan, **H.B. 1420**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar pursuant to Rule 36(b) for July 13.

MESSAGE FROM THE GOVERNOR

STATE OF NORTH CAROLINA OFFICE OF THE GOVERNOR

20301 Mail Service Center • Raleigh, NC 27699-0301

Michael F. Easley
Governor

July 9, 2004

GOVERNOR'S OBJECTION AND VETO MESSAGE

House Bill 429, "An act to require local governments to pay monetary compensation for removal of lawfully erected off-premises outdoor advertising signs and to authorize local governments to enter into relocation and reconstruction agreements with owners of nonconforming off-premises outdoor advertising signs."

I support fair compensation for the owners of billboards that are removed by localities. I urge the General Assembly to find a reasonable compensation formula because this bill does not accomplish that goal. The formula provided in this legislation is unfair and overly burdensome to city and county governments and the taxpayers they represent. Further, it raises constitutional questions.

Therefore, I veto the bill.

S/ Michael F. Easley

July 12, 2004T

The bill, having been vetoed, is returned to the Clerk of the North Carolina House of Representatives on this 9th day of July, 2004 at 2:01 p.m. for reconsideration by that Body.

Pursuant to Article II, Section 22(1), of the North Carolina Constitution, **H.B. 429**, AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS, is placed before the Body for reconsideration.

Pursuant to Rule 24.1A(c), the request that Speaker Morgan be excused from voting on April 9, 2003, is continued.

The bill passes, notwithstanding the objections of the Governor, by the following vote of three-fifths of the Members present and voting.

Those voting in the affirmative are: Speaker Black; Representatives B. Allen, G. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bowie, Brubaker, Capps, Church, Clary, Coates, Cole, Crawford, Creech, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dockham, Earle, Eddins, Ellis, Farmer-Butterfield, Fox, Frye, Gibson, Gillespie, Gorman, Grady, Gulley, Harrell, Hilton, Holliman, Holmes, Howard, L. Johnson, Jones, Justus, Kiser, LaRoque, McHenry, McMahan, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Tolson, Wainwright, Walend, Walker, Warner, West, K. Williams, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 79.

Voting in the negative: Representatives Adams, Alexander, L. Allen, Bordsen, Carney, Culp, Dickson, England, Fisher, Glazier, Goforth, Goodwin, Hackney, Haire, Insko, Jeffus, C. Johnson, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, Michaux, Rapp, Ross, Saunders, Stiller, Sutton, Warren, Weiss, A. Williams, and Womble - 34.

Excused absences: Representatives Hill, Justice, and Miller - 3.

Excused vote: Speaker Morgan.

The bill is sent, together with the objections and veto message, to the Senate by Special Message for reconsideration by that Body.

July 12, 2004T

CALENDAR

Action is taken on the following:

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

H.B. 1737 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

On motion of Representative Womble, the House concurs in the Senate committee substitute bill, by electronic vote (109-3), and the bill is ordered enrolled and presented to the Governor by Special Message.

Senate Committee Substitute for **H.B. 831** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE.

On motion of Representative Gibson and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of July 13.

FISCAL NOTE ATTACHED

The fiscal note requested by Representative Luebke on July 9 is attached to **S.B. 1171** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES, and the bill appears on today's Calendar.

CALENDAR (continued)

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

Senate Committee Substitute No. 3 for **H.B. 1112**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATED TO SANITATION OF FOOD AND LODGING FACILITIES.

July 12, 2004T

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

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hilton, Holliman, Holmes, Howard, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 110.

Voting in the negative: Representatives Allred, Baker, Harrell, and West - 4.

Excused absences: Representatives Hill, Justice, and Miller - 3.

Representative Harrell requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (111-3).

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

H.B. 951 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF INDIVIDUALS WHO ARE VICTIMS OF UNLAWFUL CONDUCT.

On motion of Representative Hackney and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of July 13.

Senate Committee Substitute for **H.B. 1083**, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES.

July 12, 2004T

On motion of Representative Gibson, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (113-1), and the bill is ordered enrolled and presented to the Governor by Special Message.

Representative Wright 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).

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

H.B. 1518 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD.

On motion of Representative Holliman, the House concurs in the Senate committee substitute bill, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

H.B. 1449 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT.

On motion of Representative Fisher, the House concurs in the Senate committee substitute bill, by electronic vote (114-1), and the bill is ordered enrolled and presented to the Governor by Special Message.

Senate Committee Substitute for **H.B. 1594**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT.

On motion of Representative Haire, the House does not concur in the Senate committee substitute bill, by electronic vote (109-3), and conferees are requested.

Representatives Decker and Warren request and are granted permission to change their votes from "no" to "aye". The adjusted vote total is (111-1).

H.B. 1602 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE

July 12, 2004T

DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS.

On motion of Representative McComas, the House concurs in the Senate amendment, which changes the title, by electronic vote (112-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

S.B. 1218 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

S.B. 1205 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL, passes its second reading, by electronic vote (114-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

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

S.B. 1209, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS, passes its second reading, by electronic vote (114-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

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

S.B. 1315 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY, passes its second reading, by electronic vote (114-1), 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 the House committee substitute bill by Special Message.

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S.B. 1347, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF KANNAPOLIS TO HOLD A REFERENDUM ON THE OPERATION OF ABC STORES AS PART OF THE ROWAN COUNTY ABC SYSTEM, AND TO SPECIFY HOW PROFITS FROM THOSE STORES SHALL BE DISTRIBUTED, passes its second reading, by electronic vote (114-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

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

S.B. 1355, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, passes its second reading, by electronic vote (114-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

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

S.B. 1370 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY, passes its second reading, by electronic vote (114-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

S.B. 1218 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, which was temporarily displaced, is before the Body.

Representative Allred offers Amendment No. 1.

Speaker Morgan rules the amendment out of order.

Representative Allred inquires of the Chair why the amendment is out of order. Speaker Morgan states that the amendment is not a recommendation of the Child Fatality Task Force and is not germane to the title.

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The bill passes its third reading, by electronic vote (73-41), and is ordered sent to the Senate for concurrence in the House committee substitute bill by Special Message.

S.B. 20 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS.

Representative Holliman offers Amendment No. 3 which is adopted by electronic vote (111-2).

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

Those voting in the affirmative are: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Capps, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Harrell, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, Jones, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sexton, Stam, Starnes, Steen, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 104.

Voting in the negative: Representatives Brubaker, L. Johnson, Justus, Kiser, Sauls, Sherrill, Stiller, K. Williams, and Wood - 9.

Excused absences: Representatives Hill, Justice, and Miller - 3.

Representative Moore requests and is granted permission to change his vote from "aye" to "no". Representative Sauls requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (104-9).

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

S.B. 464 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR

July 12, 2004T

VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Blackwood, Blust, Bordsen, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Daughtride, Daughtry, Decker, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Harrell, Hilton, Holliman, Holmes, Howard, Hunter, C. Johnson, L. Johnson, Jones, Justus, Kiser, LaRoque, Lewis, Lucas, McComas, McGee, McHenry, McLawhorn, McMahan, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wood, and Wright - 94.

Voting in the negative: Representatives Adams, B. Allen, Bell, Bonner, Bowie, Creech, Cunningham, Earle, Fisher, Fox, Hackney, Haire, Insko, Jeffus, Luebke, McAllister, Michaux, Rhodes, Sutton, Womble, and Yongue - 21.

Excused absences: Representatives Hill, Justice, and Miller - 3.

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 PROVIDE A TAX INCENTIVE FOR AN ADVANCED VEHICLE RESEARCH CENTER IN NORTHAMPTON COUNTY, passes its second reading, by electronic vote (95-20).

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

CONFEREES APPOINTED

Speaker Morgan appoints the following conferees on Senate Committee Substitute for **H.B. 1594**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT: Representatives Haire and Howard, Co-Chairs; Representatives Tolson and LaRoque.

July 12, 2004T

The Senate is so notified by Special Message.

CALENDAR (continued)

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

S.B. 1148 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, passes its second reading, by electronic vote (116-0), 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 the House committee substitute bill 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:

S.B. 6 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW REGULATING GAMING MACHINES, reported without prejudice as to House Committee Substitute Bill No. 3, which changes the title, unfavorable as to House Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 3 is placed on the Calendar of July 13. House Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

CONFERENCE REPORT

Representative Daughtridg sends forth the Conference Report on **S.B. 1063** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 13.

July 12, 2004T

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

H.B. 1734 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE, is returned for concurrence in one Senate amendment.

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

CALENDAR (continued)

S.B. 1171 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES, with Amendment No. 1 pending, is before the Body.

On motion of Representative Hackney and without objection, the bill with pending Amendment No. 1, is withdrawn from the Calendar and placed on the Calendar of July 13.

INTRODUCTION OF PAGES

Pages for the week of July 13 are introduced to the membership. They are: Bernard Allen of Wake; Claire Alston of Forsyth; Bethany Anderson of Guilford; Hamilton Ansley of Lee; Corey Barnard of Wake; Donald Beal of Lenoir; Douglas Beal of Lenoir; Tyrone Boone of Nash; Blair Boyette of Wake; Katlyn Brahmmer of Jackson; Johnny Brown of Guilford; Britta Burkhardt of Harnett; Channing Carter of Guilford; Lauren Cottle of Pender; Megan Flanagan of Mecklenburg; John Flint of Guilford; Kenan Gay of Lee; Eric Helke of Guilford; Carrie Hemingway of Wake; Mary Hill of Chatham; Bryon Houghton of Jackson; Molly Kirkpatrick of Wake; Scott Libfraind of Wake; Franklin Munford of Wake; Jason Nelson of Wake; Bryceton Proctor of Guilford; Nathan Proctor of Guilford; Caroline Rankin of Wake; Kelsey Schmidt of Mecklenburg; Christopher Sheppard of Durham; Heyward Smith of Haywood; Christopher Snyder of Mecklenburg; Kimberly Stewart of Franklin; John Tart, III, of Wayne; Kimberly White of Buncombe; and Joseph Winslow, III, of Pasquotank.

July 12, 2004T

SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 12, 2004

Mr. Speaker:

Pursuant to the message from the Senate on July 9, 2004, informing the House of Representatives that the Senate failed to concur in the House Committee Substitute to **S.B. 1384** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING, AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, AND INCREASING FEES, 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 Albertson, Chair
Senator Hunt
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

On motion of Representative Culpepper, seconded by Representative Brubaker, the House adjourns at 8:58 p.m. to reconvene July 13 at 1:00 p.m.

ONE HUNDRED FORTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Tuesday, July 13, 2004

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by Speaker Black.

July 13, 2004T

The following prayer is offered by Dr. Jeffrey Roberts, Pastor, Trinity Baptist Church, Raleigh, North Carolina.

"God, we quiet ourselves in the middle of this day to become aware of Your presence with us. All around us Your voice calls us unto You. In the beauty of Your creation we see Your handiwork. We have gathered from across this great State. For some of us our minds wander back to the majestic mountains of the west. And, in their grandeur we are reminded of Your might and strength. Still others of us think of home as ocean's shore. We envision the rolling waves. They remind us of Your grace and forgiveness that comes to our lives over and over again. Some of us today are thinking of city streets and familiar faces. Others picture rolling hills of farms and rural community where time seems to stand still and values of past generations are not forgotten. For this great State and for the people who call it home, we give You thanks.

"I pray that as our leaders gather today from different experiences, backgrounds, agendas, convictions and vision for our State that they would ultimately seek Your ways and Your thoughts. God, bless our leaders, these servants, as they work this day. May Your Holy Word guide us all that we might act justly, love mercy and walk humbly with You all of our days. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 12 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Church, Daughtry, and Miller for today. Speaker Morgan, Representatives Barbee, Clary, Gibson, Haire, Howard, C. Johnson, Justice, LaRoque, and Ray are excused for a portion of the session.

ENROLLED BILLS

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

S.B. 852, AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND INITIATIVES THAT EDUCATE AND PROMOTE ORGAN AND TISSUE DONATION; AND TO INCREASE THE FEE FOR ISSUANCE, RENEWAL, AND DUPLICATION OF A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD AND

July 13, 2004T

PROVIDE THAT THE PROCEEDS OF THE INCREASE SHALL BE USED TO IMPLEMENT THIS ACT.

S.B. 1043, AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION.

H.B. 1083, AN ACT TO PROMOTE WATER CONSERVATION IN MULTIFAMILY RESIDENTIAL PROPERTIES BY AMENDING VARIOUS STATE LAWS REGARDING THE USE OF SUBMETERS IN LIGHT OF CHANGES IN POLICY RELATED TO WATER TESTING REQUIREMENTS AND WATER CONSERVATION BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 1449, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT.

H.B. 1518, AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD.

H.B. 1602, AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS.

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

S.B. 1205, AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

S.B. 1209, AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS.

S.B. 1347, AN ACT AUTHORIZING THE CITY OF KANNAPOLIS TO HOLD A REFERENDUM ON THE OPERATION OF ABC STORES

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AS PART OF THE ROWAN COUNTY ABC SYSTEM, AND TO SPECIFY HOW PROFITS FROM THOSE STORES SHALL BE DISTRIBUTED.

S.B. 1355, AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

S.B. 1370, AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY.

H.B. 1721, AN ACT TO ALLOW AN INCREASE IN THE CURRITUCK COUNTY OCCUPANCY TAX AND TO CHANGE THE PURPOSES FOR WHICH THE TAX MAY BE USED.

H.B. 1730, AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A SEWER TREATMENT FEE.

H.B. 1733, AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING UTILITIES.

H.B. 1737, AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Holliman and Setzer, Chairs, for the Committee on Insurance:

Senate Committee Substitute for **H.B. 1107** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES TO MAKE THEM CONFORM WITH THE UNITED STATES DEPARTMENT OF LABOR CLAIM RULES, with recommendation that the House concur.

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

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By Representatives G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

Senate Committee Substitute for **H.B. 356**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, ALLOWING THE MEMBERS OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND MAKING TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE, with recommendation that the House concur; committee believes bill to be material.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 14.

S.B. 1060, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 14.

S.B. 1181, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 14.

S.B. 1343, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF WHITEVILLE THE EXISTING DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF US HIGHWAYS 74/76 AND 701 AROUND THE OVERPASS AREA TO HELP ACCOMMODATE THE MAINTENANCE REQUIREMENTS OF THE INTERCHANGE LIGHTING PROJECT, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 14.

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

S.B. 52 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS,

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with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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 Allred and Coates, Chairs, for the Committee on Transportation:

S.B. 1089, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS, with a favorable report.

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

CONFERENCE REPORT

Representative Hilton sends forth the Conference Report on Senate Committee Substitute for **H.B. 817**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 14.

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

H.B. 1119 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE ELECTION LAWS, is returned for concurrence in the Senate committee substitute bill.

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

H.B. 1354 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON

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DOMESTIC VIOLENCE, 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 of July 14.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative McComas and without objection, Senate Committee Substitute for **H.B. 831** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE, is withdrawn from the Calendar and placed on the Calendar of July 14.

GUEST

Representatives Weiss, Miner, Hackney, Kiser, Ray, Sherrill, and Earle, escort Miss Kirsten Elrod, Miss North Carolina, to the Well of the House, where she makes brief remarks to the Body.

CONFERENCE REPORT

Representative Brubaker moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 676

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 676, A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA, AND TO EXEMPT CERTAIN FREE DISTRIBUTION PUBLICATIONS FROM THE SALES TAX AND TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES, House Committee Substitute Favorable 7/10/03, Fourth Edition Engrossed 7/20/03, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/10/03, Fourth Edition Engrossed 7/20/03, and the Senate concurs in the House Committee Substitute as amended:

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Delete the entire House Committee Substitute Favorable 7/10/03, Fourth Edition Engrossed 7/20/03, and substitute the attached Proposed Conference Committee Substitute S676-PCCS65471-RO-2.

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

Date conferees approved report: July 9, 2004.

*Conferees for the
Senate*

S/ David W. Hoyle, Chair
S/ Walter H. Dalton
S/ Fred Smith

*Conferees for the
House of Representatives*

S/ Harold Brubaker, Chair
S/ Paul Luebke
S/ Julia Howard

The Conference Report, which changes the title, is adopted, by electronic vote (114-0), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Representative Dickson states that her voting equipment malfunctioned and she requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (115-0).

CONFERENCE REPORT

Representative Daughtridge moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1063

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 1063, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, House Committee Substitute Favorable 6/9/04 Third Edition Engrossed 6/23/04, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute Favorable 6/9/04, Third Edition Engrossed 6/23/04, and the Senate concurs in the House Committee Substitute as amended:

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Delete the entire House Committee Substitute Favorable 6/9/04, Third Edition Engrossed 6/23/04 and substitute the attached Proposed Conference Committee Substitute PCCS55314-RB-5.

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

Date conferees approved report: July 12, 2004.

*Conferees for the
Senate*

S/ Fletcher L. Hartsell, Jr., Chair
S/ Walter Dalton
S/ John H. Kerr, III
S/ R. B. Sloan, Jr.

*Conferees for the
House of Representatives*

S/ William G. Daughtridge, Jr., Chair
S/ W. C. Owens, Jr., Chair
S/ Jeffrey L. Barnhart
S/ Lorene Coates
S/ James W. Crawford, Jr.
S/ Stan Fox
S/ Michael A. Gorman
S/ Carolyn H. Justice
S/ Stephen LaRoque

On motion of Representative Daughtridge, the Conference Report is temporarily displaced.

CONFEREES APPOINTED

Speaker Black appoints the following conferees on **S.B. 991** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY: Representatives Tolson and Sauls, Chairs; Representatives Sherrill and Saunders.

The Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

Senate Committee Substitute No. 3 for **H.B. 1112**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATED TO SANITATION OF FOOD AND LODGING FACILITIES.

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On motion of Representative Gibson, the House concurs in material Senate Committee Substitute Bill No. 3, which changes the title, on its third roll call reading, by the following vote.

Those voting in the affirmative are: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtride, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, McMahan, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 111.

Voting in the negative: Representatives Baker, Hilton, and West - 3.

Excused absences: Representatives Church, Daughtry, and Miller - 3.

Speaker Black votes "aye". Representative Capps requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (113-3).

The bill is ordered enrolled and presented to the Governor by Special Message.

H.B. 951 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF INDIVIDUALS WHO ARE VICTIMS OF UNLAWFUL CONDUCT.

On motion of Representative Hackney, the House concurs in the Senate committee substitute bill, by electronic vote (115-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

Senate Committee Substitute for **H.B. 965** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PENALTIES FOR PERSONS

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WHO CAUSE BODILY INJURY OR DEATH WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES.

On motion of Representative Hill, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (112-3), and the bill is ordered enrolled and presented to the Governor by Special Message.

S.B. 464 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE, 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: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bordsen, Brubaker, Capps, Carney, Clary, Coates, Cole, Crawford, Culp, Cunningham, Daughtridg, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hill, Hilton, Holliman, Holmes, Howard, Hunter, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, McAllister, McComas, McGee, McHenry, McLawhorn, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wood, and Wright - 96.

Voting in the negative: Representatives Adams, Bonner, Bowie, Creech, Fisher, Fox, Hackney, Haire, Insko, Jeffus, Luebke, Michaux, Weiss, and Womble - 14.

Excused absences: Representatives Church, Daughtry, Gibson, and Miller - 4.

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

H.B. 1420, A BILL TO BE ENTITLED AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE.

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Representative LaRoque moves that the House do not concur in the Senate amendment.

Representative Ellis inquires of the Chair if concurrence in the Senate amendment will allow the Global TransPark Authority to receive more money. Speaker Black defers to Representative Owens who states that concurrence will keep the Authority from being able to borrow any more money.

Representative LaRoque moves that the bill be temporarily displaced. The motion fails by electronic vote (21-88).

The motion before the Body is to not concur in the Senate amendment. The motion fails by electronic (14-97).

On motion of Representative Owens, the House concurs in the Senate amendment, by electronic vote (110-3), and the bill is ordered enrolled and presented to the Governor by Special Message.

Representative Rhodes states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (111-3).

S.B. 1171 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES, with Amendment No. 1 pending, is before the Body.

On motion of Representative Owens, the bill, with pending Amendment No. 1, is withdrawn from the Calendar, by electronic vote (75-40), and referred to the Committee on Appropriations.

BILL RECALLED FROM SENATE

On motion of Representative Holliman, and without objection, the House recalls **S.B. 20** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS, from the Senate for further consideration.

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On motion of Representative Holliman, the vote by which the bill passed its third reading is reconsidered by electronic vote (103-4).

On motion of Speaker Black, the bill is temporarily displaced.

CONFEREES APPOINTED

Speaker Black appoints the following conferees on **S.B. 1384** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING: Representatives Howard, Holliman, Setzer, and Wainwright.

The Senate is so notified by Special Message.

CALENDAR (continued)

S.B. 6 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW ENFORCEMENT STATUTES PERTAINING TO VIDEO GAMING MACHINES BY PROVIDING THAT MACHINES BE EQUIPPED WITH A HAND COUNT FEATURE; TO PROVIDE THAT VIDEO GAMING MACHINES SHALL HAVE A UNIQUE SERIAL NUMBER THAT SHALL BE PERMANENTLY AFFIXED TO THE MACHINE; TO PROVIDE FOR THE ANNUAL REGISTRATION OF VIDEO GAMING MACHINES WITH THE ALCOHOL LAW ENFORCEMENT DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (DIVISION); TO REQUIRE EVERY OWNER OF A VIDEO GAMING MACHINE TO PAY A THREE HUNDRED DOLLAR FEE PER MACHINE TO THE DIVISION FOR USE IN ENFORCING CERTAIN GAMING STATUTES; TO PERMIT REGISTERED MACHINES TO BE WAREHOUSED; TO PROVIDE THAT ANY PERSON WHO KNOWINGLY OWNS A MACHINE THAT VIOLATES G.S. 14-306.1(A)(1) IS GUILTY OF A CLASS G FELONY; AND TO LEVY AN EXCISE TAX ON ILLEGAL VIDEO GAMING MACHINES OF FIVE THOUSAND DOLLARS PER MACHINE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, B. Allen, G. Allen, L. Allen, Bell, Bonner, Bordsen, Bowie, Carney, Cole, Culpepper, Cunningham, Daughtridge, Decker, Dockham, Earle, England, Farmer-Butterfield, Fisher, Fox, Goforth, Grady, Gulley, Hackney, Haire, Hall, Harrell, Holliman, Hunter, Insko, Jeffus, C. Johnson, Jones,

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LaRoque, Lucas, Luebke, McAllister, McLawhorn, McMahan, Michaux, Mitchell, Moore, Munford, Owens, Parmon, Preston, Sauls, Saunders, Sexton, Sherrill, Tolson, Wainwright, Warren, Weiss, A. Williams, K. Williams, Womble, Wood, Wright, and Yongue - 61.

Voting in the negative: Speaker Morgan; Representatives Alexander, Allred, Baker, Barbee, Barnhart, Blackwood, Blust, Brubaker, Capps, Coates, Crawford, Creech, Culp, Dickson, Eddins, Ellis, Frye, Gillespie, Glazier, Goodwin, Gorman, Hill, Hilton, Holmes, L. Johnson, Justice, Justus, Kiser, Lewis, McComas, McGee, McHenry, Nye, Pate, Rapp, Ray, Rayfield, Rhodes, Ross, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Walend, Walker, Warner, West, C. Wilson, and G. Wilson - 52.

Excused absences: Representatives Church, Clary, Daughtry, Gibson, Howard, and Miller - 6.

Representative Moore requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (60-53).

S.B. 20 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS, which was temporarily displaced, is before the Body.

Representative Holliman offers Amendment No. 4 which is adopted by electronic vote (107-0).

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

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Capps, Carney, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Hunter, Insko, Jeffus, C. Johnson, Jones, Justice, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McHenry, McLawhorn, McMahan, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Setzer, Sexton, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker,

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Warner, Warren, Weiss, West, A. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 101.

Voting in the negative: Representatives Brubaker, L. Johnson, Justus, Kiser, Sherrill, K. Williams, and Wood - 7.

Excused absences: Representatives Church, Clary, Daughtry, Gibson, Howard, and Miller - 6.

S.B. 848 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX INCENTIVE FOR AN ADVANCED VEHICLE RESEARCH CENTER IN NORTHAMPTON COUNTY.

Representative L. Allen offers Amendment No. 1 which is adopted by electronic vote (106-3).

Representative Decker requests and is granted permission to be recorded as voting "aye". Representative Ross requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (108-2).

The bill, as amended, passes its third reading, by electronic vote (99-12), and is ordered engrossed and sent to the Senate for concurrence in the House committee substitute bill by Special Message.

Representative Daughtridge requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (100-12).

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

H.B. 1464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED

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FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

Representative Fox moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Education. The motion fails by electronic vote (46-66).

The bill passes its second reading by electronic vote (64-40).

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

Representatives Grady and Walend request and are granted permission to be recorded as voting "aye". The adjusted vote total is (66-40).

CONFERENCE REPORT

The Conference Report on **S.B. 1063** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD

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FOR INDUSTRIAL REVENUE BONDS, which was temporarily displaced, is before the Body.

The Conference Report is adopted, by electronic vote (93-15), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Hackney, Vice Chair, for the Committee on Environment and Natural Resources:

H.B. 1429, A BILL TO BE ENTITLED AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING THE FISHERY, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of July 14. The original bill is placed on the Unfavorable Calendar.

S.B. 823, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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.

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

Senate Committee Substitute for **H.B. 1345**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY

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TRUST FUND STATUTES, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 14.

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

H.B. 1519 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS AND CIVIL JUDGMENTS ENTERED AGAINST THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME, is returned for concurrence in the Senate committee substitute bill.

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

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 13, 2004

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. 1063**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, 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

July 13, 2004T

SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 13, 2004

Mr. Speaker:

Pursuant to your message received on July 12, 2004, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1594**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT, and requests conferees, the President *Pro Tempore* appoints:

Senator Kerr, Chair
Senator Albertson
Senator Stevens

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**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 13, 2004

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. 676** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN BANKING LAWS OF NORTH CAROLINA

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AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEED FOR FURTHER AMENDMENTS TO THE STATE BANKING LAWS.

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

On motion of Representative Culpepper, seconded by Representative K. Williams, the House adjourns at 5:23 p.m. to reconvene July 14 at 2:00 p.m.

ONE HUNDRED FORTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 14, 2004

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

The following prayer is offered by the Reverend Byron Wade, Davie Street Presbyterian Church, Raleigh, North Carolina.

"O Lord our God:

"We acknowledge You as the Maker and Creator of all things. We thank You and praise You that You have allowed us to be here today. We ask the Holy Spirit to bestow blessings upon us. We ask, Lord, that You may guide these legislators' work here today. Give them the guidance that they need to make the proper decisions as they seek to bring life and health to the Members and citizens of the State of North Carolina. Bless our State, our Nation, and our world as we strive to glorify Your name in all that we do and we say. It is for these and other blessings that we ask in Your name today. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 13 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 Barnhart, McMahan, and Miller for today. Representatives Adams, Ellis, Haire, Howard, Ray, Warren, and Weiss are excused for a portion of the session.

ENROLLED BILLS

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

S.B. 470, AN ACT TO MODERNIZE THE LAW AFFECTING THE COMPENSATION OF TRUSTEES AND OTHER FIDUCIARIES.

S.B. 676, AN ACT TO AMEND CERTAIN BANKING LAWS OF NORTH CAROLINA AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEED FOR FURTHER AMENDMENTS TO THE STATE BANKING LAWS.

S.B. 1244, AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES, MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT, AND MODIFYING THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY.

H.B. 951, AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF INDIVIDUALS WHO ARE VICTIMS OF UNLAWFUL CONDUCT.

H.B. 965, AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE SERIOUS BODILY INJURY WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES; TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY AT AN INTERSECTION WHERE TRAFFIC IS ALLOWED TO TURN RIGHT ON A RED LIGHT, TO INCREASE THE PENALTY FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN WHEN TURNING RIGHT AT A RED LIGHT; TO INCREASE THE DRIVERS LICENSE POINTS ASSESSED FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A BICYCLE, MOTOR SCOOTER, MOTORCYCLE, OR PEDESTRIAN; AND TO COLLECT DATA REGARDING PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT.

H.B. 1112, AN ACT TO IMPLEMENT REQUIREMENTS APPLICABLE TO NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND ANIMAL WASTE MANAGEMENT PLANS GOVERNING ANIMAL FEEDING OPERATIONS TO MAKE THE

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STATE PERMIT REQUIREMENTS CONSISTENT WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 1420, AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE AND CONCERNING THE GLOBAL TRANSPARK AUTHORITY.

CHAPTERED BILLS

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

S.B. 1254, AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS. (S.L. 2004-89)

S.B. 1205, AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL. (S.L. 2004-90)

S.B. 1209, AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS. (S.L. 2004-91)

S.B. 1347, AN ACT AUTHORIZING THE CITY OF KANNAPOLIS TO HOLD A REFERENDUM ON THE OPERATION OF ABC STORES AS PART OF THE ROWAN COUNTY ABC SYSTEM, AND TO SPECIFY HOW PROFITS FROM THOSE STORES SHALL BE DISTRIBUTED. (S.L. 2004-92)

S.B. 1355, AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR. (S.L. 2004-93)

S.B. 1370, AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY. (S.L. 2004-94)

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H.B. 1721, AN ACT TO ALLOW AN INCREASE IN THE CURRITUCK COUNTY OCCUPANCY TAX AND TO CHANGE THE PURPOSES FOR WHICH THE TAX MAY BE USED. (S.L. 2004-95)

H.B. 1730, AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A SEWER TREATMENT FEE. (S.L. 2004-96)

H.B. 1733, AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING UTILITIES. (S.L. 2004-97)

H.B. 1737, AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS. (S.L. 2004-98)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from permanent subcommittee is presented:

By Representatives Cole and Gillespie, Chairs, for the Appropriations Subcommittee on Transportation:

H.R. 921 (Committee Substitute), A HOUSE RESOLUTION TO URGE THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE THE COMPLETION OF CERTAIN HIGHWAY CORRIDORS TO AID IN RURAL ECONOMIC DEVELOPMENT, reported to the Standing Committee on Appropriations, with no action taken.

CALENDAR

Action is taken on the following:

S.B. 1060, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN 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: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher,

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Fox, Frye, Gibson, Glazier, Goforth, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Insko, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Luebke, McAllister, McComas, McGee, McLawhorn, Michaux, Mitchell, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Sauls, Saunders, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, and Yongue - 93.

Voting in the negative: Representatives Baker, Capps, Creech, Decker, Hilton, Moore, Setzer, and Wood - 8.

Excused absences: Representatives Adams, Barnhart, McMahan, and Miller - 4.

S.B. 1181, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Glazier, Goforth, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Insko, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Luebke, McAllister, McComas, McGee, McLawhorn, Michaux, Mitchell, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Sauls, Saunders, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, and Yongue - 93.

Voting in the negative: Representatives Baker, Capps, Creech, Decker, Hilton, Moore, Setzer, and Wood - 8.

Excused absences: Representatives Adams, Barnhart, McMahan, and Miller - 4.

S.B. 1343, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF WHITEVILLE THE EXISTING DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF US HIGHWAYS 74/76 AND 701 AROUND THE OVERPASS AREA TO HELP ACCOMMODATE

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THE MAINTENANCE REQUIREMENTS OF THE INTERCHANGE LIGHTING PROJECT, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Alexander, B. Allen, G. Allen, L. Allen, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Glazier, Goforth, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Insko, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Luebke, McAllister, McComas, McGee, McLawhorn, Michaux, Mitchell, Munford, Nye, Owens, Pate, Preston, Rapp, Ray, Rayfield, Sauls, Saunders, Sexton, Sherrill, Stam, Starnes, Steen, Stillier, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, and Yongue - 93.

Voting in the negative: Representatives Baker, Capps, Creech, Decker, Hilton, Moore, Setzer, and Wood - 8.

Excused absences: Representatives Adams, Barnhart, McMahan, and Miller - 4.

S.B. 6 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW ENFORCEMENT STATUTES PERTAINING TO VIDEO GAMING MACHINES BY PROVIDING THAT MACHINES BE EQUIPPED WITH A HAND COUNT FEATURE; TO PROVIDE THAT VIDEO GAMING MACHINES SHALL HAVE A UNIQUE SERIAL NUMBER THAT SHALL BE PERMANENTLY AFFIXED TO THE MACHINE; TO PROVIDE FOR THE ANNUAL REGISTRATION OF VIDEO GAMING MACHINES WITH THE ALCOHOL LAW ENFORCEMENT DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (DIVISION); TO REQUIRE EVERY OWNER OF A VIDEO GAMING MACHINE TO PAY A THREE HUNDRED DOLLAR FEE PER MACHINE TO THE DIVISION FOR USE IN ENFORCING CERTAIN GAMING STATUTES; TO PERMIT REGISTERED MACHINES TO BE WAREHOUSED; TO PROVIDE THAT ANY PERSON WHO KNOWINGLY OWNS A MACHINE THAT VIOLATES G.S. 14-306.1(A)(1) IS GUILTY OF A CLASS G FELONY; AND TO LEVY AN EXCISE TAX ON ILLEGAL VIDEO GAMING MACHINES OF FIVE THOUSAND DOLLARS PER MACHINE.

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Representative Daughtry requests that he be excused from voting on this bill, because of local representation of the coin operators, under Rule 24.1A and this request is granted.

Representative Blackwood offers Amendment No. 1 which fails of adoption by electronic vote (23-88).

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. 3 by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, B. Allen, G. Allen, L. Allen, Bell, Bonner, Bordsen, Bowie, Carney, Church, Clary, Cole, Culpepper, Cunningham, Daughtridge, Decker, Dockham, Earle, England, Farmer-Butterfield, Fisher, Fox, Goforth, Grady, Hackney, Haire, Hall, Harrell, Holliman, Hunter, Insko, Jeffus, C. Johnson, Jones, LaRoque, Luebke, McAllister, McLawhorn, Michaux, Mitchell, Munford, Owens, Parmon, Preston, Sauls, Saunders, Sexton, Sherrill, Tolson, Wainwright, Warren, Weiss, West, A. Williams, K. Williams, Womble, Wright, and Yongue - 59.

Voting in the negative: Speaker Morgan; Representatives Alexander, Allred, Baker, Barbee, Blackwood, Blust, Brubaker, Capps, Crawford, Creech, Culp, Dickson, Eddins, Ellis, Frye, Gibson, Gillespie, Glazier, Goodwin, Gorman, Gullely, Hilton, Holmes, L. Johnson, Justice, Justus, Kiser, Lewis, Lucas, McComas, McGee, McHenry, Moore, Nye, Pate, Ray, Rayfield, Rhodes, Ross, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Walend, Walker, Warner, C. Wilson, G. Wilson, and Wood - 52.

Excused absences: Representatives Barnhart, Howard, McMahan, and Miller - 4.

Excused vote: Representative Daughtry.

S.B. 74 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING WINERY PERMITS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Bell, Blackwood, Blust, Bordsen, Bowie, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Earle, Eddins, England, Farmer-Butterfield, Fisher,

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Fox, Frye, Gibson, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Michaux, Mitchell, Moore, Munford, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 104.

Voting in the negative: Representatives Brubaker, Capps, Dockham, Gillespie, Nye, Stam, and Wood - 7.

Excused absences: Representatives Barnhart, McMahan, and Miller - 3.

H.B. 1464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NON-INSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR

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THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

Representative Luebke inquires of the Chair if, pursuant to Rule 36.2, an actuarial note is required on this bill. Speaker Morgan rules that the request should have come at the committee level.

The bill passes its third reading, by electronic vote (67-44), and is ordered sent to the Senate by Special Message.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Speaker Morgan and without objection, Senate Committee Substitute for **H.B. 1264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT REGULATORY FEES, is withdrawn from the Committee on Finance and placed on the Calendar for immediate consideration.

On motion of Representative Culpepper, the House does not concur in the material Senate committee substitute bill, by the following vote, and conferees are requested.

Those voting in the affirmative are: Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Capps, Carney, Church, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Decker, Dickson, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister,

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McComas, McGee, McHenry, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 109.

Voting in the negative: Representatives Baker, Dockham, and McLawhorn - 3.

Excused absences: Representatives Barnhart, McMahan, Miller, and Weiss - 4.

Speaker Black votes "aye". Representative McLawhorn requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (111-2).

Speaker Morgan appoints Representatives Crawford and Sherrill, Chairs; Representatives Earle, Baker, Owens, Grady, Wright, Clary, Wainwright, McComas, G. Allen, Howard, Luebke, Miner, Hackney, and Kiser as conferees on the part of the House.

The Senate is so notified by Special Message.

CALENDAR (continued)

H.B. 1429 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING A FISHERY, passes its second reading, by electronic vote (110-1), and there being no objection is read a third time.

Representative Wright states that his voting equipment malfunctioned and he requests to be recorded as voting "no". This request is granted. The adjusted vote total is (110-2).

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

S.B. 1054 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE

July 14, 2004T

DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, TO IMPOSE AN ENHANCED SENTENCE FOR CONVICTION OF MANUFACTURE OF METHAMPHETAMINE IF THE OFFENSE RESULTS IN SERIOUS INJURY TO A LAW ENFORCEMENT OFFICER, PROBATION OR PAROLE OFFICER, EMS EMPLOYEE, OR FIREFIGHTER AND TO PROVIDE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY FOR CERTAIN GOOD FAITH ACTIONS OF A PERSON PARTICIPATING IN A METHAMPHETAMINE WATCH PROGRAM, 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 the House committee substitute bill by Special Message.

BILLS PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and the following bills are placed on today's Calendar.

S.B. 916 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE.

S.B. 1083 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, AND TO EXEMPT HISTORIC VEHICLES FROM THE REQUIREMENT FOR A SAFETY INSPECTION.

CONFERENCE REPORT

Representatives Howard and Holliman send forth the Conference Report on **S.B. 1384** (House Committee Substitute), A BILL TO BE ENTITLED AN

July 14, 2004T

ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 15.

Speaker Morgan rules the Conference Report to be material, thus constituting its first reading.

CONFERENCE REPORT

Representative Haire sends forth the Conference Report on Senate Committee Substitute for **H.B. 1594**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 15.

CALENDAR (continued)

Senate Committee Substitute for **H.B. 1345**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES.

On motion of Representative Crawford, the House does not concur in the Senate committee substitute bill, by electronic vote (109-1), and conferees are requested.

Representative Haire requests and is granted permission to change his vote from "no" to "aye". Representative Allred requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (111-0).

Speaker Morgan appoints Representatives Crawford and Gillespie, Chairs; Representatives Cole, Saunders, and K. Williams as conferees on the part of the House.

The Senate is so notified by Special Message.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

July 14, 2004T

Senate Chamber
July 14, 2004

Mr. Speaker:

Pursuant to your message received on July 7, 2004, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1463**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION, and requests conferees, the President *Pro Tempore* appoints:

Senator Hoyle, Chair
Senator Thomas
Senator Swindell
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

CALENDAR (continued)

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

H.B. 1354 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE.

On motion of Representative Sherrill, the House concurs in the Senate committee substitute bill, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 1453 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM

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ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

On motion of Representative Moore, the House concurs in the Senate committee substitute bill, by electronic vote (112-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

Senate Committee Substitute for **H.B. 356**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, ALLOWING THE MEMBERS OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND MAKING TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE.

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

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Bell, Blackwood, Blust, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Michaux, Miner, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 112.

Voting in the negative: Representative Wood.

Excused absences: Representatives Barnhart, Ellis, McMahan, Miller, and Warren - 5.

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CONFERENCE REPORT

Representative Hilton moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 817

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 817, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE, Senate Judiciary I Committee Substitute Adopted 6/15/04, submit the following report:

The House and Senate agree to the following amendment to the Senate Judiciary I Committee Substitute Adopted 6/15/04, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Judiciary I Committee Substitute Adopted 6/15/04, and substitute the attached Proposed Conference Committee Substitute H817-PCCS70506-RK-1.

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

Date conferees approved report: July 13, 2004.

*Conferees for the
Senate*

S/ Scott Thomas, Chair
S/ Cecil Hargett
S/ Daniel G. Clodfelter
S/ John H. Carrington

*Conferees for the
House of Representatives*

S/ Mark Hilton, Co-Chair
S/ Arthur Williams, Co-Chair
S/ Pryor Gibson
S/ D. Bruce Goforth
S/ David R. Lewis
S/ Wayne Sexton

July 14, 2004T

The Conference Report, which changes the title, is adopted, by electronic vote (107-7), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Representative Adams requests and is granted permission to change her vote from "aye" to "no". The adjusted vote total is (106-8).

CALENDAR (continued)

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

H.B. 1734 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE.

On motion of Representative Stiller, the House concurs in the Senate amendment, by electronic vote (105-7), and the bill is ordered enrolled.

S.B. 916 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE.

Representative Ross offers Amendment No. 1 which is adopted by electronic vote (108-1).

Representative Decker requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (109-1).

The bill, as amended, passes its second reading, by electronic vote (112-1), and there being no objection is read a third time.

Representative Haire requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (113-0).

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

S.B. 1083 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, AND TO EXEMPT HISTORIC VEHICLES FROM THE REQUIREMENT FOR A SAFETY

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INSPECTION, passes its second reading, by electronic vote (110-3), 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 the House committee substitute bill by Special Message.

SPECIAL MESSAGE FROM THE SENATE

**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 14, 2004

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. 817**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN, 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

Speaker Morgan orders the bill enrolled and presented to the Governor by Special Message.

RULES SUSPENDED

On motion of Representative Culpepper and without objection, Rule 36(a) is suspended for the remainder of the 2004 Session in order that House bills might remain in Committee.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 657** (Committee Substitute), A BILL TO BE ENTITLED AN ACT IMPOSING RESTRICTIONS ON THE USE AND OPERATION

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OF TANNING FACILITIES AND EQUIPMENT, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Health.

Representative Culpepper moves, seconded by Representative Steen, that the House adjourn, subject to the receipt of Messages from the Senate, to reconvene July 15 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. 1046** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE THE OFFENSE OF AGGRESSIVE DRIVING, is returned for concurrence in the 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. 1348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is returned for concurrence in the 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.

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

H.B. 1723 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES'

July 14, 2004T

RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN, is returned for concurrence in the Senate committee substitute bill.

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

The House stands adjourned at 6:00 p.m.

ONE HUNDRED FORTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Thursday, July 15, 2004

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

The following prayer is offered by the Reverend Jonathan Jeffries, Edenton Street United Methodist Church, Raleigh, North Carolina:

"Almighty God:

"To You all hearts are open, to You all desires known. You are the creator of every detail of the world and yet You hear us when we pray. Holy is Your name in all the earth.

"Forgive us Lord for our sins – those that we know and those we fail to realize. Help us to surrender our lives to You this day for Your work and Your glory. Guide our steps, guide our paths, guide our decision-making in all that we do and say.

"Father, we pray for our Nation, its leaders, and all those that serve this Nation to help protect, defend, and further the freedoms that You have granted to us. We pray for the leaders of the House that give their time, resources, and energy to fight for the rights and life of people all over this Good Ol' North State. Grant them strength, wisdom, courage, and peace in their decisions and policy-making this day and always.

"Let the words of our mouths and the meditation of our hearts, be acceptable in Your sight, O Lord, our strength and our redeemer. Amen."

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Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 14 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Alexander, Barnhart, and Miller for today. Speaker Morgan, Representatives Daughtridge, Hill, Hilton, McAllister, McHenry, McMahan, Nye, Steen, Sutton, and C. Wilson are excused for a portion of the session.

ENROLLED BILLS

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

S.B. 464, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE.

S.B. 1063, AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS.

S.B. 1145, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY.

S.B. 1148, AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

S.B. 1218, AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

H.B. 817, AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN.

H.B. 1354, AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE

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TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE.

H.B. 1453, AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

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

S.B. 1305, AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE TOWN OF ANGIER.

S.B. 1315, AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY.

H.B. 1401, AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA.

H.B. 1688, AN ACT TO ALLOW A DEFERRED EFFECTIVE DATE FOR CERTAIN VOLUNTARY ANNEXATIONS OF THE CITY OF CONCORD.

H.B. 1700, AN ACT TO EXTEND THE SUNSET ON THE DURHAM CITY ADDITIONAL MUNICIPAL VEHICLE TAX AND CONCERNING THE PURPOSES FOR WHICH THOSE FUNDS MAY BE EXPENDED.

H.B. 1734, AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE.

WITHDRAWAL OF BILLS FROM CALENDAR

Pursuant to Rule 36(b)(2), the following bills are withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 823 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND

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TECHNICAL AMENDMENT; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) ABOLISH OBSOLETE AND INACTIVE COUNCILS; (4) EXTEND BY ONE YEAR THE TIME FOR THE DEVELOPMENT OF PERMANENT RULES RELATED TO WATER CONSERVATION PURSUANT TO SECTION 3 OF S.L. 2002-167; (5) PROVIDE FOR STAGGERED TERMS OF THE MEMBERS OF THE AGRICULTURAL FINANCE AUTHORITY AND SPECIFY THE MAXIMUM NUMBER OF SUCCESSIVE TERMS THAT MEMBERS OF THE AUTHORITY MAY SERVE; AND (6) PROHIBIT THE SALE OR DISPENSING OF RAW MILK.

Senate Committee Substitute for **H.B. 1139** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE JUDICIAL APPROVAL FOR PLEA ARRANGEMENTS IN SEX OFFENSE CASES THAT RESULT IN THE VICTIM BECOMING PREGNANT.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Bell and G. Wilson, Chairs, for the Committee on Pensions and Retirement:

H.B. 1276, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN OPTIONAL GRADUATED TWENTY-FIVE-YEAR RETIREMENT PLAN FOR LOCAL GOVERNMENTS PARTICIPATING IN THE LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the 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.

By Representatives Allred and Coates, Chairs, for the Committee on Transportation:

H.B. 1359 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION, with a favorable report

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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 July 15. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

WITHDRAWAL OF BILLS FROM COMMITTEE

On motion of Speaker Black and without objection, **H.B. 1520**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar pursuant to Rule 36(b).

On motion of Speaker Black and without objection, Senate Committee Substitute for **H.B. 1152** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING AN INSURER FROM AUTHORIZING OR REQUIRING THE USE OF NONORIGINAL CRASH REPAIR PARTS FOR MOTOR VEHICLE REPAIRS WITHOUT CONSENT FROM THE INSURED OR CLAIMANT AND PROHIBITING THE NONREPLACEMENT OF AIR BAGS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar pursuant to Rule 36(b).

On motion of Speaker Black and without objection, Senate Committee Substitute for **H.B. 142**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET 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, is withdrawn from the Committee on Finance and placed on the Calendar pursuant to Rule 36(b).

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 14, 2004

Mr. Speaker:

July 15, 2004T

Pursuant to the message from the Senate on July 9, 2004, informing the House of Representatives that the Senate failed to concur in the House Committee Substitute to **S.B. 1118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO ISSUE A 4-H SPECIAL REGISTRATION PLATE AND A HIGH SCHOOL INSIGNIA PLATE, 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 Kerr, Chair
Senator Albertson
Senator Hoyle
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

Speaker Black appoints Representative Lewis, Chair; Representatives Brubaker, Gibson, and Goodwin as conferees on the part of the House and the Senate is so notified by Special Message.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 15, 2004

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. 1384** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING, AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES

July 15, 2004T

REGULATING THE PRACTICE OF BARBERING, AND INCREASING FEES, 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

**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 14, 2004

Mr. Speaker:

Pursuant to your message received today, July 14, 2004, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT REGULATORY FEES, and requests conferees, the President *Pro Tempore* appoints:

Senator Kerr, Chair
Senator Clodfelter
Senator Dalton
Senator Dannelly
Senator Garrou
Senator Hagan
Senator Jenkins
Senator Nesbitt
Senator Queen
Senator Rand
Senator Weinstein

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

July 15, 2004T

SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 15, 2004

Mr. Speaker:

Pursuant to your message received on July 14, 2004, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1345**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES, and requests conferees, the President *Pro Tempore* appoints:

Senator Jenkins, Chair
Senator Hagan
Senator Rand

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**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 15, 2004

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. 1594**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS

July 15, 2004T

LICENSING ACT, 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:

H.B. 173 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE CONTINUING EDUCATION OF PERSONS PRACTICING UNDER THE COSMETIC ART ACT AND CLARIFYING THE REMITTANCE OF CIVIL PENALTIES UNDER THE ACT, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 15.

Senate Committee Substitute for **H.B. 669** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A "PRIMARY CARE HOSPITAL" TO REFLECT FEDERAL REQUIREMENTS, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 15.

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

Senate Committee Substitute for **H.B. 859** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW CONCERNING THE ELECTION OF MEMBERS OF THE BOARD OF MORTUARY SCIENCE AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 15.

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

July 15, 2004T

H.B. 1422 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 15.

Senate Committee Substitute for **H.B. 1547** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 15.

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

S.B. 1225 (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, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

Representative Holliman moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1384

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 1384, A BILL TO BE ENTITLED

July 15, 2004T

AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, House Committee Substitute Favorable 7/1/04, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute Favorable 7/1/04, and the Senate concurs in the House Committee Substitute as amended:

On page 6, line 40, by rewriting the line to read:

"SECTION 11. G.S. 86A-25 reads as rewritten:

§ 86A-25. Fees collectible by Board.

The State Board of Barber Examiners shall charge fees not to exceed the following:

Certificate of registration or renewal as a barber.....	30.00 <u>50.00</u>
Certificate of registration or renewal as an apprentice barber ..	30.00 <u>50.00</u>
Barbershop permit or renewal	30.00 <u>50.00</u>
Examination to become a registered barber.....	50.00 <u>85.00</u>
Examination to become a registered apprentice barber	50.00 <u>85.00</u>
Late fee for restoration of an expired barber certificate within first year after expiration.....	20.00 <u>35.00</u>
Late fee for restoration of an expired barber certificate after first year after expiration but within five years after expiration.....	40.00 <u>70.00</u>
Late fee for restoration of an expired apprentice certificate within first year after expiration.....	20.00 <u>35.00</u>
Late fee for restoration of an expired apprentice certificate after first year after expiration but within three years of first issuance of the certificate	25.00 <u>45.00</u>
Late fee for restoration of an expired barbershop certificate	25.00 <u>45.00</u>
Examination to become a barber school instructor.....	95.00 <u>165.00</u>
Student permit	15.00 <u>25.00</u>
Issuance of any duplicate copy of a license, certificate, or permit ...	7.50 <u>10.00</u>
Barber school permit or renewal	75.00 <u>130.00</u>
Late fee for restoration of an expired barber school certificate ..	50.00 <u>85.00</u>
Barber school instructor certificate or renewal.....	50.00 <u>85.00</u>
Late fee for restoration of an expired barber school instructor certificate within first year after expiration.....	25.00 <u>45.00</u>
Late fee for restoration of an expired barber school instructor certificate after first year after expiration but within three years after expiration.....	50.00 <u>85.00</u>
Inspection of newly established barbershop	70.00 <u>120.00</u>
Inspection of newly established barber school.....	125.00 <u>220.00</u>

July 15, 2004T

Issuance of a registered barber or
 apprentice certificate by certification~~70.00~~120.00
 Barbers 70 years and older certificate or renewal.....~~No charge~~-charge
Reasonable charges for certified copies of public documents
Reasonable charges for duplication services and material.'

SECTION 12. This act is effective when it becomes law."

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

Date conferees approved report: July 14, 2004.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ Charles W. Albertson, Chair
 S/ Ralph A. Hunt
 S/ John H. Kerr, III

S/ Julia C. Howard, Chair
 S/ L. Hugh Holliman
 S/ Mitchell S. Setzer
 S/ William L. Wainwright

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, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culpepper, Cunningham, Daughtry, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Gibson, Glazier, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lucas, Luebke, McAllister, McComas, McLawhorn, Michaux, Mitchell, Munford, Nye, Owens, Parmon, Preston, Rapp, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Stiller, Sutton, Tolson, Wainwright, Warner, Warren, Weiss, A. Williams, K. Williams, G. Wilson, Womble, Wright, and Yongue - 88.

Voting in the negative: Representatives Allred, Baker, Brubaker, Capps, Culp, Decker, Frye, Gillespie, Goforth, Hilton, Lewis, McGee, McHenry, Moore, Pate, Ray, Rayfield, Starnes, Steen, Walend, Walker, West, and Wood - 23.

Excused absences: Representatives Alexander, Barnhart, Daughtridge, McMahan, Miller, and C. Wilson - 6.

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Representatives Gorman and Harrell request and are granted permission to change their votes from "aye" to "no". The adjusted vote total is (86-25).

CONFERENCE REPORT

Representative Haire moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1594

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 1594, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT AND EXTENDING TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE, Senate Finance Committee Substitute Adopted 7/8/04, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute, Senate Finance Committee Substitute Adopted 7/8/04, and the House concurs in the Senate Finance Committee Substitute as amended:

Delete the entire Senate Finance Committee Substitute Adopted 7/8/04 and substitute the attached Proposed Conference Committee Substitute H1594-PCCS80485-RB-6.

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

Date conferees approved report: July 14, 2004.

*Conferees for the
Senate*

S/ John H. Kerr, Chair
S/ Charles W. Albertson
S/ Richard Stevens

*Conferees for the
House of Representatives*

S/ R. Phillip Haire, Chair
S/ Julia Howard, Chair
S/ Joe P. Tolson
S/ Stephen A. LaRoque

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The Conference Report, which changes the title, is adopted, by electronic vote (73-35), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Representatives Insko and Munford request and are granted permission to be recorded as voting "aye". The adjusted vote total is (75-35).

The Senate having previously adopted the Conference Report, Speaker Black orders the bill enrolled and presented to the Governor by Special Message.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 356**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, ALLOWING THE MEMBERS OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND MAKING TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE.

On motion of Representative Glazier, 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 by Special Message.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield,

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Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wright, and Yongue - 110.

Voting in the negative: Representative Wood.

Excused absences: Representatives Alexander, Barnhart, Daughtridge, McMahan, Miller, and C. Wilson - 6.

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

H.B. 1119 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE ELECTION LAWS.

On motion of Representative Michaux, the House concurs in the Senate committee substitute bill, by electronic vote (99-11), and the bill is ordered enrolled and presented to the Governor by Special Message.

Representative Sherrill requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (100-11).

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

H.B. 1519 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS AND CIVIL JUDGMENTS ENTERED AGAINST THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME.

On motion of Representative Eddins, 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 by Special Message.

Senate Committee Substitute for **H.B. 831** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE.

On motion of Representative Gibson and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of July 16.

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S.B. 1060, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Barbee, Bell, Blackwood, Bordsen, Bowie, Brubaker, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtry, Dickson, Dockham, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, Michaux, Mitchell, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wright, and Yongue - 93.

Voting in the negative: Representatives Allred, Baker, Blust, Capps, Creech, Decker, Eddins, Ellis, Gillespie, Gorman, Hilton, Kiser, McHenry, Moore, Rhodes, Stam, and Wood - 17.

Excused absences: Representatives Alexander, Barnhart, Daughtridge, McMahan, Miller, and C. Wilson - 6.

S.B. 1181, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Allred, Bell, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtry, Decker, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, LaRoque, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, Michaux, Mitchell, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright,

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Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wright, and Yongue - 97.

Voting in the negative: Representatives Baker, Barbee, Blackwood, Blust, Capps, Creech, Gillespie, Hilton, Kiser, Lewis, McHenry, Moore, Rhodes, Walend, and Wood - 15.

Excused absences: Representatives Alexander, Barnhart, Daughtridge, McMahan, Miller, and C. Wilson - 6.

S.B. 1343, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF WHITEVILLE THE EXISTING DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF US HIGHWAYS 74/76 AND 701 AROUND THE OVERPASS AREA TO HELP ACCOMMODATE THE MAINTENANCE REQUIREMENTS OF THE INTERCHANGE LIGHTING PROJECT, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtry, Decker, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 110.

Voting in the negative: Representatives Creech and Rhodes - 2.

Excused absences: Representatives Alexander, Barnhart, Daughtridge, McMahan, Miller, and C. Wilson - 6.

S.B. 74 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING WINERY PERMITS, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in the House committee substitute bill by Special Message.

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Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Gibson, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McGee, McHenry, McLawhorn, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 106.

Voting in the negative: Representatives Capps, Decker, Frye, Gillespie, Rhodes, and Stam - 6.

Excused absences: Representatives Alexander, Barnhart, Daughtridge, McMahan, Miller, and C. Wilson - 6.

S.B. 52 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PERSONNEL MEDIATIONS BY THE UNIVERSITY OF NORTH CAROLINA SYSTEM ARE NOT CONSIDERED "PRACTICE LAW"; THAT RECORDS CREATED AS PART OF THOSE PERSONNEL MEDIATIONS ARE NOT PUBLIC RECORDS; AND THAT PARTICIPANTS IN THOSE PERSONNEL MEDIATIONS ARE TREATED SIMILARLY TO PARTICIPANTS IN OTHER MEDIATIONS, TO PROVIDE FOR OPEN DISCOVERY IN ALL FELONY CASES, AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES, passes its second reading, by electronic vote (110-2), 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 the House committee substitute bill by Special Message.

On motion of Speaker Black, the House recesses at 2:51 p.m.

RECESS

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

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CALENDAR (continued)

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

Senate Committee Substitute for **H.B. 142**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET 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.

Representative Culpepper moves that the House concur in the material Senate committee substitute bill. The motion fails, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives B. Allen, G. Allen, L. Allen, Bell, Bonner, Carney, Church, Crawford, Culpepper, Cunningham, Earle, England, Farmer-Butterfield, Fisher, Glazier, Goforth, Hackney, Haire, Hall, Harrell, Hunter, Insko, Jones, Lucas, McLawhorn, Miner, Owens, Parmon, Preston, Rapp, Ross, Sauls, Tolson, Wainwright, Warren, A. Williams, Womble, Wright, and Yongue - 40.

Voting in the negative: Representatives Adams, Allred, Baker, Barbee, Blackwood, Blust, Bowie, Brubaker, Capps, Clary, Cole, Culp, Daughtridge, Decker, Dockham, Eddins, Fox, Frye, Gillespie, Gorman, Grady, Gulley, Holliman, Holmes, Howard, L. Johnson, Justice, Justus, Kiser, LaRoque, Lewis, Luebke, McComas, McGee, Michaux, Mitchell, Moore, Munford, Pate, Ray, Rayfield, Rhodes, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Stiller, Walend, Walker, Weiss, West, K. Williams, C. Wilson, G. Wilson, and Wood - 57.

Excused absences: Speaker Morgan; Representatives Alexander, Barnhart, Hilton, C. Johnson, McAllister, McHenry, McMahan, Miller, Nye, Steen, and Sutton - 12.

Representatives England, Fisher, Goforth, and Harrell request and are granted permission to change their votes from "aye" to "no". The adjusted vote total is (36-61).

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

Senate Committee Substitute for **H.B. 1348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

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Representative Owens moves that the House concur in the material Senate committee substitute bill. The motion fails, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives B. Allen, L. Allen, Bell, Bonner, Carney, Church, Crawford, Culpepper, Cunningham, Earle, England, Farmer-Butterfield, Fisher, Glazier, Hackney, Haire, Hall, Hill, Hunter, Jones, Lucas, McLawhorn, Owens, Parmon, Preston, Rapp, Ross, Sauls, Saunders, Tolson, Wainwright, Warren, A. Williams, Wright, and Yongue - 36.

Voting in the negative: Representatives Adams, G. Allen, Allred, Baker, Barbee, Blackwood, Blust, Bordsen, Bowie, Brubaker, Capps, Clary, Cole, Culp, Daughtridge, Decker, Dickson, Dockham, Eddins, Fox, Frye, Gillespie, Goforth, Goodwin, Gorman, Grady, Gulley, Holliman, Holmes, Howard, Insko, Jeffus, L. Johnson, Justice, Justus, Kiser, LaRoque, Lewis, Luebke, McComas, McGee, Michaux, Mitchell, Moore, Munford, Pate, Ray, Rayfield, Rhodes, Setzer, Sexton, Sherrill, Stam, Starnes, Stiller, Walend, Walker, Weiss, West, K. Williams, C. Wilson, G. Wilson, Womble, and Wood - 64.

Excused absences: Speaker Morgan; Representatives Alexander, Barnhart, Hilton, C. Johnson, McAllister, McHenry, McMahan, Miller, Nye, Steen, and Sutton - 12.

Representatives England and Fisher request and are granted permission to change their votes from "aye" to "no". The adjusted vote total is (34-66).

H.B. 1422 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

On motion of Representative Gulley, the House concurs in the Senate committee substitute bill, by electronic vote (95-1), and the bill is ordered enrolled.

Representative Gorman requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (96-0).

Senate Committee Substitute for **H.B. 1547** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL

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HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION.

On motion of Representative Insko, the House does not concur in the Senate committee substitute bill, by electronic vote (96-0), and the Senate is so notified by Special Message.

Representative Justice requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (97-0).

H.B. 173 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE CONTINUING EDUCATION OF PERSONS PRACTICING UNDER THE COSMETIC ART ACT AND CLARIFYING THE REMITTANCE OF CIVIL PENALTIES UNDER THE ACT.

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

REPRESENTATIVE HACKNEY PRESIDING.

The House concurs in the Senate committee substitute bill, by electronic vote (74-24), and the bill is ordered enrolled and presented to the Governor by Special Message.

Senate Committee Substitute for **H.B. 669** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A "PRIMARY CARE HOSPITAL" TO REFLECT FEDERAL REQUIREMENTS.

On motion of Representative Wright, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (99-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

Senate Committee Substitute for **H.B. 859** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW CONCERNING THE ELECTION OF MEMBERS OF THE BOARD OF MORTUARY SCIENCE AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD.

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

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SPEAKER BLACK PRESIDING.

Representative Hunter requests that he be excused from voting on this bill under Rule 24.1A and this request is granted.

The motion to concur in the Senate committee substitute bill fails, by electronic vote (42-49), and conferees are requested.

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

Senate Committee Substitute for **H.B. 1046** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE THE OFFENSE OF AGGRESSIVE DRIVING.

On motion of Representative Hackney, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (92-4), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

Senate Committee Substitute for **H.B. 1107** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES TO MAKE THEM CONFORM WITH THE UNITED STATES DEPARTMENT OF LABOR CLAIM RULES.

On motion of Representative C. Wilson, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (93-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 1723 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN.

On motion of Representative Allred, the House concurs in the Senate committee substitute bill, by electronic vote (96-1), and the bill is ordered enrolled and presented to the Governor by Special Message.

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H.B. 1520, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY.

Representative Luebke moves Rule 43 be suspended in order that he might offer an amendment that is not germane to the bill.

Representative Allred inquires of the Chair if the title change in the amendment is correct and properly before the Body. Speaker Black rules that the motion is properly before the Body.

Representative Luebke withdraws his motion.

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

Those voting in the affirmative are: Speaker Black; Representatives B. Allen, L. Allen, Barbee, Blackwood, Bordsen, Bowie, Brubaker, Carney, Church, Clary, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Dockham, Eddins, England, Farmer-Butterfield, Fisher, Frye, Gibson, Glazier, Goforth, Gorman, Grady, Gulley, Hackney, Holmes, Howard, Insko, L. Johnson, Jones, Justice, Justus, LaRoque, Lewis, Lucas, McGee, McLawhorn, Owens, Parmon, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Sexton, Sherrill, Stiller, Wainwright, Walker, Warren, Weiss, West, A. Williams, C. Wilson, G. Wilson, Wright, and Yongue - 63.

Voting in the negative: Representatives Adams, Allred, Baker, Bell, Blust, Bonner, Capps, Decker, Dickson, Earle, Gillespie, Goodwin, Haire, Hall, Harrell, Holliman, Jeffus, Kiser, Luebke, Michaux, Mitchell, Munford, Pate, Rhodes, Saunders, Setzer, Stam, Starnes, Tolson, Walend, K. Williams, Womble, and Wood - 33.

Excused absences: Speaker Morgan; Representatives Alexander, Barnhart, Hill, Hilton, C. Johnson, McAllister, McHenry, McMahan, Miller, Nye, Steen, and Sutton - 13.

VOTE RECONSIDERED

Having voted with the prevailing side, Representative Fisher moves that the vote by which the House failed to concur in the Senate Committee Substitute for **H.B. 859** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW CONCERNING THE ELECTION OF MEMBERS OF THE BOARD OF MORTUARY SCIENCE

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AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD, be reconsidered.

The motion carries, by electronic vote (53-45), and the bill is before the Body.

The House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (49-47), and the bill is ordered enrolled and presented to the Governor by Special Message.

CALENDAR (continued)

H.B. 1359 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES IN HIGHWAY CONSTRUCTION, passes its second reading, by electronic vote (97-3), 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.

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

S.B. 1089, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS, passes its second reading, by electronic vote (99-1), 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.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), Senate Committee Substitute for **H.B. 1152** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING AN INSURER FROM AUTHORIZING OR REQUIRING THE USE OF NONORIGINAL CRASH REPAIR PARTS FOR MOTOR VEHICLE REPAIRS WITHOUT CONSENT FROM THE INSURED OR CLAIMANT AND PROHIBITING THE NONREPLACEMENT OF AIR BAGS, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

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CONFERENCE REPORT

Representative Lewis sends forth the Conference Report on **S.B. 1118** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 16.

Speaker Black rules the Conference Report to be material, thus constituting its first reading.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Insko and Justus, Chairs, for the Committee on Health:

S.B. 657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT IMPOSING RESTRICTIONS ON THE USE AND OPERATION OF TANNING FACILITIES AND EQUIPMENT, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Rules, Calendar, and Operations of the House.

The House committee substitute bill is re-referred to the Committee on Rules, Calendar, and Operations of the House. The Senate committee substitute bill is placed on the Unfavorable Calendar.

CONFEREES APPOINTED

Speaker Black appoints the following conferees on Senate Committee Substitute for **H.B. 1547** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION

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AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION: Representatives Insko, Hackney, Miner, and McComas.

The Senate is so notified by Special Message.

Speaker Black appoints the following conferees on Senate Committee Substitute for **H.B. 1348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX: Representative Owens, Chair; Representatives Culpepper, Howard, Lewis, and Wainwright.

The Senate is so notified by Special Message.

CONFEREES DISMISSED

On motion of Representative Crawford and without objection, the conferees on Senate Committee Substitute for **H.B. 1345**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES, are dismissed and the bill is placed on the Calendar of July 16.

The Senate is so notified by Special Message.

Representative Culpepper moves, seconded by Representative Owens, that the House adjourn, subject to the receipt of Committee Reports, the receipt of Conference Reports, the receipt of Messages from the Senate, and the appointment of conferees, to reconvene July 16 at 12:00 Noon.

The motion carries.

CONFEREES APPOINTED

Speaker Black appoints the following conferees on Senate Committee Substitute for **H.B. 142**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET 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: Representative Culpepper, Chair; Representatives Owens, Preston, A. Williams, Sauls, and Miner.

The Senate is so notified by Special Message.

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CONFERENCE REPORT

Representative Crawford sends forth the Conference Report on Senate Committee Substitute for **H.B. 1264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT REGULATORY FEES. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 16.

Speaker Black rules the Conference Report to be material, thus constituting its first reading.

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

ONE HUNDRED FORTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Friday, July 16, 2004

The House meets at 12:00 Noon pursuant to adjournment and is called to order by Speaker Morgan.

The following prayer is offered by the Reverend Byron Wade, Davie Street Presbyterian Church, Raleigh, North Carolina.

"Almighty God:

"We thank You for allowing us to be here today. We ask that You may bless those who hold office in the government of this State that they may do their work in a spirit of wisdom, kindness, and justice. Help them to use their authority to serve faithfully and to promote the general welfare. It is for these and other blessings, we ask in Your name today. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 15 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Alexander, Hill, LaRoque, McHenry, and McMahan for today. Representatives Glazier, Goodwin, Luebke, Miller, and Nye are excused for a portion of the session.

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ENROLLED BILLS

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

S.B. 20, AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS.

S.B. 1054, AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, TO IMPOSE AN ENHANCED SENTENCE FOR CONVICTION OF MANUFACTURE OF METHAMPHETAMINE IF THE OFFENSE RESULTS IN SERIOUS INJURY TO A LAW ENFORCEMENT OFFICER, PROBATION OR PAROLE OFFICER, EMS EMPLOYEE, OR FIREFIGHTER AND TO PROVIDE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY FOR CERTAIN GOOD FAITH ACTIONS OF A PERSON PARTICIPATING IN A METHAMPHETAMINE WATCH PROGRAM.

S.B. 1083, AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, AND TO EXEMPT HISTORIC VEHICLES FROM THE REQUIREMENT FOR A SAFETY INSPECTION.

S.B. 1089, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS.

H.B. 173, AN ACT REQUIRING THE CONTINUING EDUCATION OF PERSONS PRACTICING UNDER THE COSMETIC ART ACT AND

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CLARIFYING THE REMITTANCE OF CIVIL PENALTIES UNDER THE ACT.

H.B. 356, AN ACT TO AMEND THE AUTHORITY OF THE NORTH CAROLINA STATE BAR CONCERNING PARALEGALS AND FEES RELATING TO CERTIFICATION AND TO EXTEND THE SUNSET OF THE INDUSTRIAL COMMISSION FEE EARMARKED FOR INFORMATION TECHNOLOGY.

H.B. 669, AN ACT TO AMEND THE DEFINITION OF A "PRIMARY CARE HOSPITAL" TO REFLECT FEDERAL REQUIREMENTS, TO IMPROVE THE QUALITY OF PATIENT CARE, TO PROTECT PATIENT-PHYSICIAN RELATIONSHIPS AND TO LIMIT MEDICAL DIRECTORS LIABILITY.

H.B. 859, AN ACT TO CHANGE THE LAW CONCERNING THE ELECTION OF MEMBERS OF THE BOARD OF FUNERAL SERVICE AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD.

H.B. 1046, AN ACT TO CREATE THE OFFENSE OF AGGRESSIVE DRIVING.

H.B. 1107, AN ACT TO CLARIFY THE CIVIL LIABILITY AND INCREASE THE CRIMINAL PENALTY FOR PERSONS WHO REPRESENT UNAUTHORIZED INSURERS AND TO PROVIDE THAT SUCH ACTIVITY IS GROUNDS FOR REVOCATION OF THE LICENSE OF THE INSURANCE AGENT OR BROKER; AND TO LIMIT DIRECT PROCUREMENT OF INSURANCE ONLY THROUGH ELIGIBLE SURPLUS LINES INSURERS.

H.B. 1119, AN ACT TO MAKE CHANGES TO THE ELECTION LAWS.

H.B. 1519, AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS AND CIVIL JUDGMENTS ENTERED AGAINST THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME.

H.B. 1594, AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT.

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H.B. 1699, 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. 1723, AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN.

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

S.B. 1060, AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

S.B. 1181, AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX.

S.B. 1343, AN ACT TO ANNEX TO THE CITY OF WHITEVILLE THE EXISTING DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF US HIGHWAYS 74/76 AND 701 AROUND THE OVERPASS AREA TO HELP ACCOMMODATE THE MAINTENANCE REQUIREMENTS OF THE INTERCHANGE LIGHTING PROJECT.

H.B. 1422, AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

CHAPTERED BILLS

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

S.B. 1305, AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE TOWN OF ANGIER. (S.L. 2004-99)

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S.B. 1315, AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY. (S.L. 2004-100)

H.B. 1401, AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA. (S.L. 2004-101)

H.B. 1688, AN ACT TO ALLOW A DEFERRED EFFECTIVE DATE FOR CERTAIN VOLUNTARY ANNEXATIONS OF THE CITY OF CONCORD. (S.L. 2004-102)

H.B. 1700, AN ACT TO EXTEND THE SUNSET ON THE DURHAM CITY ADDITIONAL MUNICIPAL VEHICLE TAX AND CONCERNING THE PURPOSES FOR WHICH THOSE FUNDS MAY BE EXPENDED. (S.L. 2004-103)

H.B. 1734, AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE. (S.L. 2004-104)

CONFERENCE REPORT

Representative Tolson sends forth the Conference Report on **S.B. 991** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY. Without objection, the Conference Report is placed on today's Calendar.

WITHDRAWAL OF BILL FROM COMMITTEE

On motion of Speaker Morgan and without objection, **S.B. 1128** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE AND TO MAKE A TECHNICAL CORRECTION, is withdrawn from the Committee on Finance and placed on the Calendar pursuant to Rule 36(b).

CONFERENCE REPORT

The material Conference Report for **S.B. 1384** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND

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AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, 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: Speaker Morgan; Representatives Adams, G. Allen, L. Allen, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bowie, Brubaker, Carney, Church, Clary, Cole, Crawford, Creech, Culpepper, Daughtridge, Daughtry, Dickson, Dockham, Ellis, England, Farmer-Butterfield, Fisher, Fox, Gibson, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Hall, Harrell, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Justice, Justus, Kiser, Lucas, McComas, McLawhorn, Michaux, Mitchell, Munford, Nye, Owens, Parmon, Preston, Rapp, Rhodes, Ross, Sauls, Saunders, Sherrill, Stam, Stiller, Sutton, Tolson, Wainwright, Walker, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, and Yongue - 77.

Voting in the negative: Representatives Allred, Baker, Capps, Coates, Culp, Decker, Eddins, Frye, Gillespie, Gorman, Hilton, Lewis, McGee, Moore, Pate, Ray, Rayfield, Setzer, Sexton, Starnes, Steen, Walend, West, and Wood - 24.

Excused absences: Representatives Alexander, Glazier, Hill, LaRoque, Luebke, McHenry, McMahan, and Miller - 8.

Speaker Black votes "aye". Representative Bordsen requests and is granted permission to be recorded as voting "aye". Representative Brubaker requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (78-25).

CONFERENCE REPORT

Representative Hackney moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1264

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 1264, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTED-

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NESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE, AND TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONTRACT WITH A PRIVATE CONSULTING FIRM TO STUDY UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS, Senate Finance Committee Substitute Adopted 7/7/04, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 7/7/04, and the House concurs in the Senate Finance Committee Substitute Adopted 7/7/04 as amended:

Delete the entire Senate Finance Committee Substitute Adopted 7/7/04 and substitute the attached proposed Conference Committee Substitute H1264-PCCS 60537-LCx-9.

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

Date conferees approved report: July 15, 2004.

*Conferees for the
Senate*

S/ John H. Kerr, III, Chair
S/ Daniel G. Clodfelter
S/ Linda Garrou
S/ Kay R. Hagan
S/ Walter Dalton
S/ Anthony E. Rand

*Conferees for the
House of Representatives*

S/ James W. Crawford, Jr., Chair
S/ Wilma M. Sherrill, Chair
S/ Beverly M. Earle
S/ Rex L. Baker
S/ William C. Owens, Jr.
S/ W. Robert Grady
S/ Debbie A. Clary
S/ Thomas E. Wright
S/ William L. Wainwright
S/ Daniel F. McComas
S/ Gordon P. Allen
S/ Julia C. Howard
S/ Joe Hackney
S/ Joe L. Kiser

The material Conference Report is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

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Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, G. Allen, L. Allen, Barbee, Barnhart, Bell, Blackwood, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Clary, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Dickson, Earle, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Goforth, Goodwin, Gorman, Grady, Hackney, Haire, Hall, Harrell, Hilton, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, McComas, McLawhorn, Michaux, Moore, Munford, Nye, Owens, Parmon, Pate, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Steen, Stiller, Sutton, Tolson, Wainwright, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 83.

Voting in the negative: Representatives Allred, Baker, Blust, Capps, Coates, Cole, Creech, Daughtry, Decker, Dockham, Ellis, Gulley, Holliman, Holmes, McGee, Mitchell, Preston, Rhodes, Setzer, Sexton, Stam, Starnes, Walend, Walker, West, and Wood - 26.

Excused absences: Representatives Alexander, Glazier, Hill, LaRoque, Luebke, McHenry, McMahan, and Miller - 8.

CONFERENCE REPORT

Representative Lewis moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1118

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 1118, A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE, House Committee Substitute Favorable 6/28/04, submit the following report:

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The Senate and House agree to the following amendments to the House Committee Substitute Favorable 6/28/04, and the Senate concurs in the House Committee Substitute, as amended:

On page 1, line 2, rewrite the line to read:

"AN ACT TO INCREASE THE FEE FOR THE FIRST IN";

on page 3, line 35, rewrite the line to read:

"First in Forestry ~~\$20.00~~\$30.00";

and on page 4, line 29, rewrite the line to read:

"First in Forestry \$10 ~~0~~\$10 \$10 0".

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

Date conferees approved report: July 15, 2004.

*Conferees for the
Senate*

S/ John H. Kerr, III, Chair
S/ David W. Hoyle
S/ Charles W. Albertson
S/ William R. Purcell

*Conferees for the
House of Representatives*

S/ David R. Lewis, Chair
S/ Harold J. Brubaker
S/ Pryor A. Gibson, III
S/ Wayne Goodwin

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, Speaker Morgan; sentatives Adams, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, McAllister, McComas, McGee, McLawhorn, Michaux, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 108.

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Voting in the negative: Representatives Creech, Rhodes, and Sutton - 3.

Excused absences: Representatives Alexander, Glazier, Hill, LaRoque, Luebke, McHenry, McMahan, and Miller - 8.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1345**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES.

On motion of Representative Crawford, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (108-1), and the bill is ordered enrolled and presented to the Governor by Special Message.

CONFEREES APPOINTED

Speaker Morgan appoints the following additional conferees on Senate Committee Substitute for **H.B. 142**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET 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: Representatives Stiller, Howard, McComas, Luebke, G. Allen, and Wainwright.

The Senate is so notified by Special Message.

CALENDAR (continued)

H.B. 1520, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE 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: Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Barbee, Bell, Bonner, Bowie, Brubaker, Carney, Church, Clary, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Dockham, Eddins, Fox, Frye, Gibson, Goforth, Gorman, Grady, Gulley, Harrell, Holmes, Howard, L. Johnson, Jones,

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Justice, Justus, Lewis, Lucas, McAllister, McComas, McGee, Michaux, Nye, Owens, Pate, Rayfield, Ross, Sexton, Sherrill, Stiller, Sutton, Wainwright, Warner, Warren, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Wright, and Yongue - 61.

Voting in the negative: Representatives Allred, Baker, Barnhart, Blust, Bordsen, Capps, Coates, Creech, Decker, Dickson, Earle, Ellis, England, Farmer-Butterfield, Fisher, Gillespie, Goodwin, Haire, Hilton, Holliman, Hunter, Insko, Jeffus, C. Johnson, Kiser, McLawhorn, Mitchell, Munford, Rapp, Saunders, Setzer, Stam, Starnes, Tolson, Walend, Walker, Weiss, Womble, and Wood - 39.

Excused absences: Representatives Alexander, Glazier, Hill, LaRoque, Luebke, McHenry, McMahan, and Miller - 8.

Representative Adams requests and is granted permission to change her vote from "aye" to "no". Speaker Black votes "aye". Representative Blackwood requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (62-40).

POINT OF PERSONAL PRIVILEGE

On motion of Representative Lucas and without objection, the following comments of Representative Goodwin are spread upon the Journal.

"Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

"As you know, I chose not to seek re-election this year for a fifth term.

"As you also know, it is tradition in the House of Representatives for departing Members to share parting thoughts and reflections with you.

"So, to continue that tradition, I ask for your indulgence for just a few minutes.

"I was elected in 1996. At the time there were only two House Members who were under age 30.

"Many of you may not recall or may not even know this, but like many of you I do not come from a wealthy family. I was born in Hamlet, grew up on a small family farm where we grew what we needed. We raised hogs, and grew squash, beans, corn, peas, soybeans, and many other products. My father was a farmer and a grocery store manager, and my mother

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worked in the local textile and hosiery mills. My early years were spent on that farm, growing up in a mobile home - we called them 'trailers' then - and riding with my Dad on his tractor.

"My father very soon in life suffered a debilitating illness - both physically and mentally - and could no longer work, even though he was still a young man himself in his 30s.

"As a result, we almost lost everything.

"Notwithstanding being on free and reduced lunch at school, and not having many material things in life, my family taught me that to succeed I needed to get as much education as possible, read every book I could get my hands on, and work hard.

"And I did what I could. That included working my first non-farming job as the assistant to the janitor at a local junior high school. And you think working as a school janitor is tough, imagine what the assistant to the janitor had to do!

"Anyway, never in a million years, though, did my family initially expect me to be in politics. They expected a minister, a scientist, an astronaut, maybe an editorial cartoonist. They had high hopes for me - their oldest son - and believed that no matter how poor we were that a love of learning, a love of reading, the support of public school teachers, and the kindnesses of our church would help me make something of my life.

"All of them taught me that each of us has an obligation to make our world a better place than how we found it.

"They taught me that with education I could succeed in making my future family better off than how I grew up.

"To that end, being the first family member to go to college made my father proud.

"Being the first family member to be elected to office, he and my family were quite proud.

"During the eight years I have served with you, and as part of my education in life itself, I have gained some things and lost some things - some of them serious, some funny, some delightful.

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"First of all, I lost my father. The very last public thing my father did was to work the polls for me. When he died unexpectedly, before knowing many of you at all, you all reached out to me and sent flowers, attended the service, and prayed for my family. This was before I had even been sworn into office. I will never forget that unexpected kindness.

"Second, during these eight years in the House I've gained some weight and lost some hair. But, I'm not necessarily alone in that.

"Third, I have also gained a beautiful wife and a beautiful daughter during my service in the House. I now have my own family and I could not be happier.

"Fourth, I have gained an even better and more acute understanding of how our State government works, particularly the legislature. During these eight years, my first term was on the back row - seat number 111 - when the Republicans were in the majority, my next two terms were when the Democrats were in the majority, and, now, this term, well, we know what happened.

"I have seen how vital our work on education is. We passed the Excellent Schools Act, Smart Start, More at Four, and other wonderful programs.

"We have stood up for our senior citizens, and done what we could, both for rural North Carolina and for the growing metro areas.

"We have improved our water, our air, and our soil.

"We have fought back from devastating hurricanes, we have fought back from the loss of hundreds of thousands of jobs in manufacturing and textiles, and so on.

"We have championed the rights of children to be free from abuse, and fought for the rights and needs of families, businesses, and individuals.

"We have created the Golden Leaf Foundation and done all we could to help our vital agribusiness industry.

"Working together we have done some great things.

"You have helped me appreciate even more the value of compromise, the currency of one's word, and the strength we in this House have had by often seeking bipartisan approaches to solving problems.

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"I'll also never forget the familiar refrain from both Speaker Morgan and Representative Culpepper, the two Rules Chairmen during my service here, whenever there was a dispute: 'These are your Rules...'

"I will also never forget the question our good friend, former Representative Foyle Hightower, would ask on many occasions, 'What if?' Perhaps we should ask that of ourselves more often.

"You have further educated me about how we truly - without question - stand on the shoulders of giants. None of us would be here were it not, in part, for where giants like former Speaker Liston Ramsey took us.

"But it has also been a pleasure to actually serve with giants such as Speakers Ramsey, Brubaker, Black, Blue, and Morgan. It has been a blessing to work closely with and sit behind a mentor for many of us, our own Representative Hackney, one of the finest legislative minds we've ever seen, not to mention former Representative George Miller.

"As I conclude this my last speech on the House floor, I offer these challenges:

- Please continue improvements in education at all levels.
- Please continue fighting for our struggling rural areas.
- Please continue remembering how hard our State employees work for this great State.
- Please continue remembering the folks back home who rely upon us to represent their best interests.
- Please continue standing up for the institution of the House and remain firm when dealing with the other Chamber.
- And, please be as kind and courteous and friendly to my successor in this legislative seat as you have been to me.

"Lastly, among all these thoughts shared with you, do know this: You are like family to me: Mostly like brothers and sisters, some like cousins we're still just not quite sure about, but family nonetheless.

"Like family, you have been with me in tough times and in happy times. Like family, you have accepted me for who I am and been patient. Like family, you have made me a better person.

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"And, like family, I love each and every one of you, and will miss you dearly.

"Two thousand years ago it was a badge of honor to be a citizen of Rome. I am sincerely proud to have been a Member of the North Carolina House of Representatives. For me, a country boy from Hamlet, there is no greater honor.

"Farewell, but not goodbye. And, may God bless you all."

CONFERENCE REPORT

Representative Tolson moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 991

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 991, A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY, House Committee Substitute Favorable 7/1/04, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/1/04, and the Senate concurs in the House Committee Substitute as amended:
Delete the entire House Committee Substitute Favorable 7/01/04, and substitute the attached Proposed Conference Committee Substitute S991-PCCS75358-RV-2.

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

Date conferees approved report: July 15, 2004.

*Conferees for the
Senate*

S/ Eric Miller Reeves, Chair
S/ Tony Rand
S/ John H. Carrington

*Conferees for the
House of Representatives*

S/ Joe P. Tolson, Chair
S/ John I. Sauls
S/ Wilma M. Sherrill
S/ Drew P. Saunders

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The Conference Report is adopted, by electronic vote (99-10), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

On motion of Representative Culpepper, the House recesses at 12:53 p.m., subject to the receipt of Messages from the Senate, the receipt of Committee reports, the receipt of Conference Reports, the ratification of bills, and the appointment of conferees.

SPECIAL MESSAGE FROM THE SENATE

**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 16, 2004

Mr. Speaker:

Pursuant to your message received on July 15, 2004, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 142**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET 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 requests conferees, the President *Pro Tempore* appoints:

Senator Hoyle, Chair
Senator Soles
Senator Dannelly

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

**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

July 16, 2004T

Senate Chamber
July 16, 2004

Mr. Speaker:

Pursuant to your message received on July 15, 2004, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, and requests conferees, the President *Pro Tempore* appoints:

Senator Hoyle, Chair
Senator Soles
Senator Dannelly

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

**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 16, 2004

Mr. Speaker:

Pursuant to your message received on July 15, 2004, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1547** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION, and requests conferees, the President *Pro Tempore* appoints:

Senator Kinnaird, Chair
Senator Dorsett
Senator Horton

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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

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 16, 2004

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. 52** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS, and requests conferees. The President *Pro Tempore* appoints:

Senator Clodfelter, Chair
Senator Hartsell
Senator Thomas

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

CONFERENCE REPORT

Representative C. Wilson sends forth the Conference Report on **H.B. 1463** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION. Without objection, the Conference Report is placed on today's Calendar.

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SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

H.B. 1636 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR DISPENSING AND PROCESSING RENEWABLE FUELS, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 17.

RECESS

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

RE-REFERRAL

On motion of Representative Culpepper and without objection, **S.B. 1414**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN CERTAIN MEDICAL BOARD FEES, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Finance.

On motion of Speaker Black, the House recesses at 8:11 p.m.

RECESS

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

ENROLLED BILLS

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

S.B. 52, AN ACT TO CLARIFY THAT PERSONNEL MEDIATIONS BY THE UNIVERSITY OF NORTH CAROLINA SYSTEM ARE NOT CONSIDERED "PRACTICE LAW"; THAT RECORDS CREATED AS PART OF THOSE PERSONNEL MEDIATIONS ARE NOT PUBLIC RECORDS; AND THAT PARTICIPANTS IN THOSE PERSONNEL MEDIATIONS ARE TREATED SIMILARLY TO PARTICIPANTS IN OTHER MEDIATIONS, TO PROVIDE FOR OPEN DISCOVERY IN ALL FELONY CASES, AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES.

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S.B. 1384, AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING.

H.B. 1345, AN ACT TO AUTHORIZE STATE HIGHWAY PATROL MOTOR CARRIER ENFORCEMENT OFFICERS AND OFFICERS OF THE DIVISION OF MOTOR VEHICLES TO ENFORCE CERTAIN CRIMINAL LAWS, TO EXTEND THE TEMPORARY RULE-MAKING PERIOD FOR THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR ELECTRONIC BIDDING, AND TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

H.B. 1665, AN ACT TO REQUIRE THE DISPOSITIONAL HEARING OF A JUVENILE WHO IS IN RESIDENTIAL TREATMENT BE HELD IN THE COUNTY IN WHICH THE JUVENILE IS RECEIVING TREATMENT.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs, for the Committee on Finance:

S.B. 1414, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN CERTAIN MEDICAL BOARD FEES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 17.

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

S.B. 577 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE MORE EFFICIENT USE OF ALL COURT PERSONNEL RESOURCES THROUGH CONCURRENT AND REVISED JURISDICTION AND PROCEDURES BY AUTHORIZING DISTRICT COURT JUDGES TO ACCEPT GUILTY PLEAS FOR CERTAIN CLASSES OF FELONY, BY PROVIDING FOR CONCURRENT JURISDICTION

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FOR DISTRICT AND SUPERIOR COURT JUDGES IN INFRACTIONS AND MISDEMEANOR CASES, BY RAISING THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS, BY AUTHORIZING THE USE OF EXPEDITED CHILD SUPPORT PROCESS UPON THE AGREEMENT OF THE CHIEF DISTRICT COURT JUDGE AND CLERK OF SUPERIOR COURT, AND BY CONFORMING CERTAIN PROCEDURAL REQUIREMENTS IN ACTIONS FOR ABSOLUTE DIVORCE TO THE REQUIREMENTS IN OTHER CIVIL CASES, AS RECOMMENDED BY THE STATE JUDICIAL COUNCIL, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of July 17. The Senate committee substitute bill is placed on the Unfavorable Calendar.

S.B. 823 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENT; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) ABOLISH OBSOLETE AND INACTIVE COUNCILS; (4) EXTEND BY ONE YEAR THE TIME FOR THE DEVELOPMENT OF PERMANENT RULES RELATED TO WATER CONSERVATION PURSUANT TO SECTION 3 OF S.L. 2002-167; (5) PROVIDE FOR STAGGERED TERMS OF THE MEMBERS OF THE AGRICULTURAL FINANCE AUTHORITY AND SPECIFY THE MAXIMUM NUMBER OF SUCCESSIVE TERMS THAT MEMBERS OF THE AUTHORITY MAY SERVE; AND (6) PROHIBIT THE SALE OR DISPENSING OF RAW MILK, 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 July 17. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

S.B. 1044, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.

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Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of July 17. The original bill is placed on the Unfavorable Calendar.

CONFERENCE REPORTS

Representative Culpepper sends forth the Conference Report on **S.B. 137**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 17.

Representative Culpepper sends forth the Conference Report on Senate Committee Substitute for **H.B. 281** (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. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 17.

Representative Owens sends forth the Conference Report on Senate Committee Substitute for **H.B. 1348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 17.

Representative Culpepper sends forth the Conference Report on Senate Committee Substitute for **H.B. 142**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET 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. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 17.

Speaker Morgan rules the Conference Report to be material, thus constituting its first reading.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

Senate Committee Substitute for **H.B. 1213** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT

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TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS, 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 17.

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

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 16, 2004

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. 1463**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS 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

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT

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DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, 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, the Senate committee substitute bill changes the title.

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SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 16, 2004

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 **S.B. 52**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS, and has concurred in the House Committee Substitute.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 16, 2004

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. 991** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY.

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

July 16, 2004T

SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 16, 2004

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. 1118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO ISSUE A 4-H SPECIAL REGISTRATION PLATE AND A HIGH SCHOOL INSIGNIA PLATE, 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:

S.B. 1152 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, is read the first time and 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 No. 2 for **H.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE

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THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, is placed on today's Calendar for immediate consideration.

On motion of Representative C. Wilson, the House does not concur in Senate Committee Substitute Bill No. 2, by electronic vote (72-36), and conferees are requested.

Representative Culpepper moves, seconded by Representative Rayfield, that the House adjourn, subject to the receipt of Conference Reports and the appointment of conferees, to reconvene July 17 at 12:00 Noon.

The motion carries.

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CONFEREES APPOINTED

Speaker Morgan appoints the following conferees on Senate Committee Substitute No. 2 for **H.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED

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COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW: Representatives C. Wilson and Culpepper, Co-Chairs; Representatives Wood, Hilton, Carney, Grady, Parmon, Stiller, Hill, K. Williams, Weiss, Insko, Wainwright, Justice, L. Johnson, and Earle.

The Senate is so notified by Special Message.

The House stands adjourned.

ONE HUNDRED FORTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Saturday, July 17, 2004

The House meets at 12:00 Noon pursuant to adjournment and is called to order by Speaker Black.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Almighty and Everlasting God:

"We greet You this day with weary, tired yet hopeful hearts. Hopeful that those involved in the negotiations are searching for real solutions...hopeful that there has been fair and balanced debate...hopeful that even when we fall asleep, You remain awake and ever vigilant working toward all that is perfect and good.

"We recognize that our best efforts are human efforts and therefore finite and limited in scope. However, the purpose of this solemn moment is to remember that in the midst of our labors, You are a constant presence and force in our lives and therefore, You are directly involved in desiring that our final presentations represent kindness, justice, and a humility of heart that far surpass our own expectations and understanding.

"So, come now dear Lord, help us, indeed save us in these waning moments of this Legislative Session. Forgive us our sins as we forgive the sins of others and lead us not into temptation but deliver us from evil for Thine is the kingdom, and the power, and the glory forever. Amen."

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Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 16 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Alexander, Earle, Hill, LaRoque, and McMahan for today. Representatives Daughtry, Gibson, Goodwin, Grady, McHenry, Ray, Sherrill, Walker, G. Wilson, and Wood are excused for a portion of the session.

ENROLLED BILLS

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

S.B. 916, AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE.

S.B. 991, AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY.

H.B. 1427, AN ACT TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH.

H.B. 1429, AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING A FISHERY.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 16, 2004

Mr. Speaker:

July 17, 2004T

Pursuant to your message received today, July 16, 2004, that the House of Representatives fails to concur in the Senate Committee Substitute No. 2 to **H.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE

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ACT IS EFFECTIVE WHEN IT BECOMES LAW, and requests conferees, the President *Pro Tempore* appoints:

Senator Thomas, Chair
Senator Apodaca
Senator Clodfelter
Senator Dannelly
Senator Reeves
Senator Swindell

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

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 17, 2004

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. 1348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT 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

CONFERENCE REPORT

The material Conference Report for Senate Committee Substitute for **H.B. 1264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT

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TO ADOPT REGULATORY FEES, 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: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Barbee, Barnhart, Bell, Blackwood, Bonner, Bordsen, Bowie, Brubaker, Carney, Church, Clary, Crawford, Culp, Culpepper, Cunningham, Daughtridg, Decker, Dickson, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lucas, Luebke, McComas, McLawhorn, Michaux, Moore, Munford, Nye, Owens, Parmon, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Steen, Stiller, Sutton, Tolson, Wainwright, Walker, Warner, Warren, Weiss, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 87.

Voting in the negative: Representatives Allred, Baker, Blust, Capps, Coates, Cole, Creech, Daughtry, Dockham, Ellis, Gulley, Lewis, McGee, Miller, Mitchell, Pate, Preston, Rhodes, Sexton, Stam, Starnes, Walend, West, and Wood - 24.

Excused absences: Representatives Alexander, Earle, Hill, LaRoque, McHenry, and McMahan - 6.

CONFEREES DISMISSED

On motion of Representative Insko and without objection, the conferees on **H.B. 1547** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION, are dismissed and the bill is placed on today's Calendar.

CONFERENCE REPORT

The material Conference Report for **S.B. 1118** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE

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THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE, 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: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Harrell, Hilton, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, Miller, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 106.

Voting in the negative: Representatives Creech, Hall, Michaux, Rhodes, and Sutton - 5.

Excused absences: Representatives Alexander, Earle, Hill, LaRoque, McHenry, and McMahan - 6.

CONFERENCE REPORT

Representative Owens moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1348

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 1348, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND

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TO AUTHORIZE HYDE COUNTY TO LEVY A PREPARED FOOD TAX, Senate Finance Committee Substitute Adopted 7/12/04, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 7/12/04, and the House concurs in the Senate Finance Committee Substitute as amended:

On page 1, lines 3-4, by rewriting those lines to read:
"AND TOURISM DEVELOPMENT TAX.";

and on page 1, line 6, by deleting that line;

and on page 2, line 40, through page 4, line 27, by deleting those lines and renumbering the remaining section accordingly.

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

Date conferees approved report: July 16, 2004.

*Conferees for the
Senate*

S/ David W. Hoyle, Chair
S/ R. C. Soles, Jr.
S/ Charlie Smith Dannelly

*Conferees for the
House of Representatives*

S/ W. C. Owens, Jr., Chair
S/ Bill Culpepper
S/ Julia Howard
S/ David R. Lewis
S/ William L. Wainwright

The Conference Report, which changes the title, is adopted, by electronic vote (80-25), and the Senate is so notified by Special Message.

Representative Gorman requests and is granted permission to be recorded as voting "aye". Representative Creech requests and is granted permission to be recorded as voting "no". The adjusted vote total is (81-26).

The Senate having previously adopted the Conference Report, Speaker Black orders the bill enrolled and presented to the Governor by Special Message.

CONFERENCE REPORT

Representative C. Wilson moves the adoption of the following Conference Report.

July 17, 2004T

Senate Committee Substitute for H.B. 1463

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 1463, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION, Senate Commerce Committee Substitute Adopted 6/23/04 Fourth Edition Engrossed 6/28/04, submit the following report:

The House and Senate agree to the following amendments to the Senate Commerce Committee Substitute Adopted 6/23/04 Fourth Edition Engrossed 6/28/04, and the House concurs in the Senate Commerce Committee Substitute as amended:

On page 1, line 25 through page 2, line 14, by rewriting those lines to read:

- "(1) Fourteen members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives. Of these appointments:
- a. Two shall be physicians licensed to practice in this State.
 - b. One shall represent health insurers.
 - c. Two shall represent hospitals located in this State.
 - d. One shall represent businesses with fewer than 50 employees and one shall represent businesses with 50 or more employees.
 - e. One shall be a person without health insurance or an advocate for uninsured persons.
 - f. One shall represent insurance brokers or agents.
 - g. One shall be a member of the Health and Wellness Trust Fund Commission, as established in G.S. 147-86.32. The Speaker shall designate a co-chair.
- (2) Fourteen members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate. Of these appointments:
- a. One shall represent physicians licensed to practice in this State.
 - b. Two shall represent health insurers.
 - c. One shall represent hospitals located in this State.

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- d. One shall represent businesses with fewer than 50 employees and one shall represent businesses with 50 or more employees.
- e. One shall be a person without health insurance or an advocate of uninsured persons.
- f. One shall represent health researchers and policy experts.
- g. One shall represent nurses.
- h. One shall be a member of the Health and Wellness Trust Fund Commission, as established in G.S. 147-86.32. The President Pro Tempore shall appoint a co-chair.

The appointing authorities shall ensure that appointments reflect representation among the regions of the State."

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

Date conferees approved report: July 16, 2004.

*Conferees for the
Senate*

S/ David W. Hoyle, Chair
S/ Scott Thomas
S/ A. B. Swindell, IV
S/ John Garwood

*Conferees for the
House of Representatives*

S/ Earl Jones, Co-Chair
S/ Constance K. Wilson, Co-Chair
S/ Walter Church
S/ William G. Daughtridge, Jr.
S/ Bill Owens

The Conference Report is adopted, by electronic vote (109-1), and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

Senate Committee Substitute No. 2 for **H.B. 1213** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS.

Pursuant to Rule 24.1A(c), the request that Representative Munford be excused from voting on April 30, 2003, is continued.

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Pursuant to Rule 24.1A(d), Representative Munford requests that his excuse from voting be withdrawn and this request is granted.

Speaker Morgan requests that he be excused from voting on this bill under Rule 24.1A and this request is granted.

On motion of Representative Culpepper, the House concurs in Senate Committee Substitute Bill No. 2, which changes the title, by electronic vote (102-7), and the bill is ordered enrolled and presented to the Governor by Special Message.

H.B. 1636 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR DISPENSING AND PROCESSING RENEWABLE FUELS.

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 by Special Message.

S.B. 1128 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE AND TO MAKE A TECHNICAL CORRECTION, passes its third reading, by the following vote, and is ordered enrolled and presented to the Governor by Special Message.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Baker, Barbee, Barnhart, Bell, Blackwood, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Eddins, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sexton, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wood, Wright, and Yongue - 104.

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Voting in the negative: Representatives Allred, Blust, Setzer, and Starnes - 4.

Excused absences: Representatives Alexander, Earle, Hill, LaRoque, McHenry, and McMahan - 6.

S.B. 577 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS ACTIONS TO FIVE THOUSAND DOLLARS, TO CLARIFY JURISDICTION FOR REVOCATION OF PROBATION WHEN PLEAS WERE ENTERED IN DISTRICT COURT, TO DEFINE DRUG TREATMENT COURT AS AN INTERMEDIATE PUNISHMENT, TO REQUIRE THE COURT TO GIVE NOTICE OF RIGHTS TO CONTEST MECHANICS' LIEN STORAGE CHARGES OF VEHICLES SEIZED UNDER THE DWI FORFEITURE LAWS, TO PERMIT CLERKS OF COURT TO GRANT DIVORCES IN UNCONTESTED ABSOLUTE DIVORCE ACTIONS, TO TERMINATE AS A MATTER OF LAW CERTAIN PARENTAL RIGHTS OF A PERSON CONVICTED OF CERTAIN CRIMES THAT RESULT IN THE VICTIM BECOMING PREGNANT, AND TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO CHANGE THE TERM OF OFFICE OF MAGISTRATES FOR AN INITIAL TERM OF TWO YEARS AND SUBSEQUENT TERMS OF FOUR YEARS, passes its second reading by the following vote:

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridg, Daughtry, Decker, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Womble, Wright, and Yongue - 109.

Voting in the negative: Representative Wood.

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Excused absences: Representatives Alexander, Earle, Hill, LaRoque, McHenry, and McMahan - 6.

Without objection, the bill passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in the House committee substitute bill by Special Message.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Decker, Dickson, Dockham, Eddins, Ellis, England, Farmer-Butterfield, Fisher, Fox, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, Michaux, Miller, Mitchell, Moore, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, G. Wilson, Wood, Wright, and Yongue - 108.

Voting in the negative: None.

Excused absences: Representatives Alexander, Earle, Hill, LaRoque, McHenry, and McMahan - 6.

Senate Committee Substitute for **H.B. 1547** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION.

On motion of Representative Insko, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (101-6), and the bill is ordered enrolled.

Representative Ellis requests and is granted permission to be recorded as voting "aye". Representative Stiller requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (103-5).

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SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 17, 2004

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, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS**, 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

POINT OF PERSONAL PRIVILEGE

On motion of Speaker Black and without objection, the following remarks of Representative Hackney and Representative Kiser are spread upon the Journal.

REMARKS BY REPRESENTATIVE HACKNEY

"Mr. Speaker and Members:

"Over here on this side we have five retiring Members and I would certainly be remiss if I didn't say something about the important service that each of them has rendered to this State and this General Assembly and this House of Representatives. We had a little event for these five people on our side of the aisle and many people had nice things to say about them, but I am going to say some of that on the House floor because it's entirely appropriate that we do so.

"Just starting at the front of the room, there's Representative Gordon Allen up there who has been an important fixture in the politics of this General Assembly for many, many years. He was, as many of you know,

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the President Pro Tem in the Senate at one time. He retired to become a lobbyist for a while. Then he agreed to come back to serve in the House. He has been an important part of the formation of the banking laws of this State. The open space law that we passed just a few minutes ago as a part of the bond package, he worked on a lot this session and it probably would not have happened without his leadership. There are just many, many things - Community Colleges, industrial recruitments - many, many things over the years that he has contributed to this State.

"And one thing that you can say about all five of these people, and this was referenced, is that we are losing five in Representatives Allen, and Fox (I'm going to come back to him in a minute) and Bonner, and Goodwin, and Johnson on this side. We are losing five of the nicest gentlemen in this House of Representatives. Just think about the civility that is being lost with these five.

Gordon Allen is a pleasure to deal with. When he kills your bill you thank him for it, he is so nice. And you may not even know he did it - I mean, he is a very smooth political operator - has been over the years. So, I think, that if we take anything from these five on just a procedural basis in the House, I hope we'll take the civility that they all bring to this House and the way they operate in the House.

"Representative Fox came to the House after a very distinguished business career and has served with distinction here for several terms. He has most recently been a fixture with the Appropriations for DHNR and that area of the law and Appropriations. And he has established a wonderful rapport with the Department and has looked after that Subcommittee along with his Co-Chairs in just a wonderful manner and established a standard which all Appropriations Chairs should try to emulate. Again a standard of civility, taking actions only after getting full information and just making good decisions based on good business sense. He has certainly brought that to every issue there.

"The other thing I'll say about him is that he has a strong independent streak. It is not unusual, and we need that around here, it is not unusual to look up and see him voting red on something that is important to him - that he feels is a matter of principle and that he is one of just a few votes up there.

"Representative Donald Bonner will be remembered for his educational expertise that he brought here to the General Assembly - again very gentlemanly in all his dealings here with others in the General Assembly. And he will be especially remembered, I think, for his attendance under

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very adverse health circumstances during the beginning of this Session. I don't know if y'all can remember opening day or not - can anybody remember that - but every person being here was real important. And Representative Bonner had some rather significant health problems and he made a supreme effort to be here for each of those votes during those days. He has been just a wonderful addition to the Democratic Caucus and to the House during his years here.

"My friend behind me here, Representative Goodwin, said his farewells yesterday. Of course, like Wayne, I grew up on a farm. I hear that Wayne grew up in adverse circumstances. Of course he didn't grow up in a log cabin with a dirt floor, but as soon as they were able to move to one they moved there. This is a season of humble beginnings if you have been listening to John Edwards, you know.

"Wayne has brought - he told you yesterday - he has brought a lot - he didn't tell you about his contributions, he told you about how much he enjoyed being here and all that. But I'll tell you about some of his contributions. He has had a significant contribution to the highway safety laws of this State, to the safety for workers this Session. Of course, he's running for Commissioner of Labor and may or may not, depending on the voters, be around here next year asking us for money and things like that. He has been a good committee chair.

"I don't know anybody who works any harder than Wayne. I think to succeed in politics you have to work really, really hard and he does. He has been a wonderful friend to me here sitting behind me and, if Melanie ends up sitting there in that seat, she will be a wonderful addition here as well.

"Representative Charles Johnson is new to us this year, but he has been a great addition to this House as well. He comes to us with a strong education background with a great deal of knowledge in that area which he has imparted to us, usually quietly and informally, but occasionally speaking forcefully here on the floor. He is running for a seat in that place across the golden pond as they say around here. But, he has been a joy to work with as a freshman here and will make great contributions across the way, I'm sure.

"So I wanted to close this by remarking again on the graciousness and the civility and the wonderful contributions that this group of legislators has made to this and previous General Assemblies.

"Thank you."

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REMARKS BY REPRESENTATIVE KISER

"Members of the House:

"We are losing three Members over on our side. I don't know, oh there she is, that's typical of Connie, she's always working. I'm getting ready to talk about you, Representative Wilson.

"Representative Wilson came down here some years ago as a Senator. But she learned where the power was and she came over to the House. And if you can find a more energetic person here on the floor and doing her work - I don't believe you can find one. Now, we are certainly going to miss her, but I've got a feeling that she will still be up here. Just because she's not a member I don't believe she'll quit. I believe she'll be here working and she's passed some significant legislation while she's been here.

"The next Member that we are going to lose is Billy Creech, Representative Billy Creech. Now, Billy and I sat close together last year and along with a few other Members we fought all these special license tags. I finally gave up because I realized we weren't going to win and he's absolutely right in his crusade because it's really tough on law enforcement to identify these license plates. Now, you take Billy, he is running for Congress and we wish him all the good things that might happen to him. If he makes it, we'll all go up there and watch him being inaugurated.

"Now, we've got another Member who hasn't been here but one term and he's an energetic fellow. Is Patrick [McHenry] here today? Patrick is running for Congress too. And we wish him all the luck. I want to tell you that I've watched Patrick. He doesn't live too far from me and I've watched him and he's probably one of the best grassroots workers that you've ever seen. He has so many young people out there working in his campaign that it looks like a hill of ants when they land in a place because they're just swarming all over the place. We wish him the very best also.

"And I want to tell you three Members that David Lewis has done a wonderful thing, I think. He has a plaque that he's got for all three of you retiring Members. And I congratulate David for doing that, and I want to tell you all three that we are going to miss you. And we wish you the best of luck.

"Thank you."

On motion of Representative Culpepper, the House recesses at 2:14 p.m., subject to the receipt of Messages from the Senate, the receipt of Committee

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Reports, the receipt of Conference Reports, and the appointment of Conferees.

CONFEREES APPOINTED

Speaker Black appoints the following additional conferees on Senate Committee Substitute No. 2 for **H.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING

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WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW: Representatives B. Allen, Decker, Hunter, Jeffus, Justus, and McComas.

The Senate is so notified by Special Message.

RECESS

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

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Speaker Black and without objection, **S.B. 1414**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN CERTAIN MEDICAL BOARD FEES, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

RE-REFERRAL

On motion of Speaker Black and without objection, **S.B. 1058** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE AND TO AUTHORIZE IN-STATE TUITION FOR NONRESIDENT MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND TO CLARIFY LAWS PROHIBITING DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE NORTH CAROLINA NATIONAL GUARD, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules, Calendar, and Operations of the House.

ENROLLED BILLS

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

S.B. 74, AN ACT CONCERNING WINERY PERMITS.

S.B. 1128, AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A

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LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE AND TO MAKE A TECHNICAL CORRECTION.

H.B. 1213, AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS.

H.B. 1636, AN ACT TO PROVIDE TAX CREDITS FOR DISPENSING AND PROCESSING RENEWABLE FUELS.

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

H.B. 1547, AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION.

CHAPTERED BILLS

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

S.B. 1060, AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (S.L. 2004-105)

S.B. 1181, AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX. (S.L. 2004-106)

S.B. 1343, AN ACT TO ANNEX TO THE CITY OF WHITEVILLE THE EXISTING DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF US HIGHWAYS 74/76 AND 701 AROUND THE OVERPASS AREA TO HELP ACCOMMODATE THE MAINTENANCE REQUIREMENTS OF THE INTERCHANGE LIGHTING PROJECT. (S.L. 2004-107)

H.B. 1422, AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH

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SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.
(S.L. 2004-108)

On motion of Representative Culpepper, the House recesses at 4:21 p.m., subject to the receipt of Messages from the Senate, the receipt of Conference Reports, and the receipt of Committee Reports.

**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. 657 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE RESTRICTIONS ON THE USE AND OPERATION OF TANNING FACILITIES AND EQUIPMENT, INCLUDING NOT ALLOWING PERSONS THIRTEEN YEARS AND YOUNGER TO USE TANNING EQUIPMENT WITHOUT A WRITTEN PRESCRIPTION FROM THE PERSON'S MEDICAL PHYSICIAN SPECIFYING THE NATURE OF THE MEDICAL CONDITION REQUIRING THE TREATMENT, THE NUMBER OF VISITS, AND THE TIME OF EXPOSURE FOR EACH VISIT, 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. 805, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS WITHIN STATE GOVERNMENT, AS RECOMMENDED BY THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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.

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CONFERENCE REPORT

Representative Crawford sends forth the Conference Report for Senate Committee Substitute for **H.B. 1414** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE. Without objection, the Conference Report is placed on today's Calendar.

RECESS

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

CONFERENCE REPORT

Representative Culpepper moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 281

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 281, 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, TO AUTHORIZE FINANCING OF A NEW CLINICAL CANCER CENTER, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, Senate Judiciary I Committee Substitute Adopted 7/15/03, Sixth Edition Engrossed 7/18/03, submit the following report:

The House and Senate agree to the following amendment to the Senate Judiciary I Committee Substitute Adopted 7/15/03, Sixth Edition Engrossed 7/18/03, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Judiciary I Committee Substitute Adopted 7/15/03, Sixth Edition Engrossed 7/18/03 and substitute the attached Proposed Conference Committee Substitute H281-PCCS30581-RH-3.

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

Date conferees approved report: July 16, 2004.

*Conferees for the
Senate*

S/ Daniel G. Clodfelter, Chair
S/ Tony Rand, Chair

*Conferees for the
House of Representatives*

S/ Bill Culpepper, Chair
S/ Harold J. Brubaker
S/ James W. Crawford, Jr.
S/ Wilma M. Sherrill
S/ William L. Wainwright
S/ Julia Howard
S/ Daniel F. McComas
S/ Thomas E. Wright

The Conference Report, which changes the title, is adopted, by electronic vote (86-21), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Representative G. Wilson requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (85-22).

SPEAKER MORGAN PRESIDING.

CONFERENCE REPORT

Representative Culpepper moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 142

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 142, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE-HALF PERCENT SALES AND USE TAX, A PRIVILEGE TAX ON PROVIDERS OF TRANSIENT ACCOMMODATIONS, AN ADDITIONAL ONE PERCENT PREPARED FOOD AND BEVERAGES TAX, AND A ROOM TAX, THE PROCEEDS OF ALL OF WHICH SHALL BE USED

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FOR BEACH NOURISHMENT, Senate Finance Committee Substitute Adopted 7/7/04 Third Edition Engrossed 7/9/04, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 7/7/04, Third Edition Engrossed 7/9/04, 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 H142-PCCS30585-LYx-5

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

Date conferees approved report: July 16, 2004.

*Conferees for the
Senate*

S/ David W. Hoyle, Chair
S/ R. C. Soles, Jr.
S/ Charlie Smith Dannelly

*Conferees for the
House of Representatives*

S/ Bill Culpepper, Chair
S/ W. C. Owens, Jr.
S/ Arthur Williams
S/ Jean R. Preston
S/ John I. Sauls
S/ Bonner L. Stiller
S/ Julia Howard
S/ Daniel F. McComas
S/ Paul Luebke
S/ William L. Wainwright

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, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Carney, Church, Crawford, Culpepper, Cunningham, Daughtridge, Dockham, Ellis, Farmer-Butterfield, Fisher, Fox, Gibson, Glazier, Goforth, Gulley, Hackney, Haire, Hall, Harrell, Holliman, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lucas, Luebke, McGee, McLawhorn, Michaux, Miller, Munford, Nye, Owens, Parmon, Pate, Preston, Rapp, Rayfield, Ross, Sauls, Sexton, Stam, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Warren, Weiss, A. Williams, G. Wilson, Womble, Wright, and Yongue - 75.

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Voting in the negative: Representatives Allred, Baker, Capps, Decker, Eddins, Frye, Gillespie, Lewis, Mitchell, Rhodes, Setzer, Starnes, Walker, and Wood - 14.

Excused absences: Representatives Alexander, Daughtry, Earle, Goodwin, Grady, Hill, LaRoque, McMahan, and Sherrill - 9.

Representatives L. Allen, Fisher, Goforth, and Harrell request and are granted permission to change their votes from "aye" to "no". The adjusted vote total is (71-18).

CALENDAR (continued)

S.B. 823 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) ABOLISH OBSOLETE AND INACTIVE COUNCILS; (4) EXTEND BY ONE YEAR THE TIME FOR THE DEVELOPMENT OF PERMANENT RULES RELATED TO WATER CONSERVATION PURSUANT TO SECTION 3 OF S.L. 2002-167; (5) PROVIDE FOR STAGGERED TERMS FOR THE MEMBERS OF THE AGRICULTURAL FINANCE AUTHORITY, TO MAKE APPOINTMENTS TO THE AUTHORITY, AND SPECIFY THE MAXIMUM NUMBER OF SUCCESSIVE TERMS THAT MEMBERS OF THE AUTHORITY MAY SERVE; AND (6) PROHIBIT THE SALE OR DISPENSING OF RAW MILK, AND TO PROVIDE FOR FILLING VACANCIES IN LEGISLATIVE APPOINTMENTS IN CERTAIN CIRCUMSTANCES.

SPEAKER BLACK PRESIDING.

The bill passes its second reading, by electronic vote (99-3), and there being no objection is read a third time.

Speaker Morgan votes "aye". Representative Allred requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (99-4).

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.

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CONFERENCE REPORT

Representative Sherrill moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1414

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 1414, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, Senate Appropriations/Base Budget Committee Substitute Adopted 6/22/04, Sixth Edition Engrossed 6/24/04, submit the following report:

The House and Senate agree to the following amendment to the Senate Appropriations/Base Budget Committee Substitute Adopted 6/22/04, Sixth Edition Engrossed 6/24/04, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Appropriations/Base Budget Committee Substitute Adopted 6/22/04, Sixth Edition Engrossed 6/24/04 and substitute the attached Proposed Conference Committee Substitute H1414-PCCS30589-LR2.

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

Date conferees approved report: July 17, 2004.

*Conferees for the
Senate*

S/ Linda Garrou, Chair
S/ Kay R. Hagan, Chair
S/ Walter H. Dalton, Chair
S/ Charles W. Albertson
S/ Daniel G. Clodfelter
S/ Charlie Smith Dannelly
S/ Katie G. Dorsett
S/ Fletcher L. Hartsell, Jr.

*Conferees for the
House of Representatives*

S/ Rex L. Baker, Chair
S/ Debbie A. Clary, Chair
S/ James W. Crawford, Jr., Chair
S/ W. Robert Grady, Chair
S/ W. C. Owens, Jr., Chair
S/ Wilma M. Sherrill, Chair
S/ Thomas E. Wright, Chair
S/ Martha B. Alexander

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S/ David W. Hoyle
S/ Clark Jenkins
S/ John H. Kerr, III
S/ Jeanne H. Lucas
S/ William R. Purcell
S/ Tony Rand
S/ Eric Miller Reeves
S/ A. B. Swindell
S/ Scott Thomas
S/ David F. Weinstein

S/ Gordon P. Allen
S/ Jeffrey L. Barnhart
S/ Harold J. Brubaker
S/ Nelson Cole
S/ Bill Culpepper
S/ W. Pete Cunningham
S/ William G. Daughtridge, Jr.
S/ Jean Farmer-Butterfield
S/ Stanley H. Fox
S/ Mitch Gillespie
S/ Michael A. Gorman
S/ Joe Hackney
S/ R. Philip Haire
S/ Julia C. Howard
S/ Howard J. Hunter, Jr.
S/ Verla Insko
S/ Maggie Jeffus
S/ Linda P. Johnson
S/ Carolyn H. Justice
S/ Carolyn Justus
S/ Joe L. Kiser
S/ Paul Luebke
S/ Daniel F. McComas
S/ William C. McGee
S/ Marian N. McLawhorn
S/ Edd Nye
S/ Earline W. Parmon
S/ John I. Sauls
S/ Bonner L. Stiller
S/ Joe P. Tolson
S/ William L. Wainwright
S/ Jennifer Weiss
S/ Roger West
S/ Keith P. Williams
S/ Douglas Y. Yongue

On motion of Speaker Black, the House recesses at 7:05 p.m.

RECESS

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

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The Conference Report on Senate Committee Substitute for **H.B. 1414** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, is before the Body.

The Conference Report is adopted, by electronic vote (90-17), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in Session Laws, Chapter 2004-124.)

Representative Rhodes requests and is granted permission to be recorded as voting "no". Representative Miner requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (91-18).

CALENDAR (continued)

Senate Committee Substitute for **H.B. 831** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE.

On motion of Representative Gibson, 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 by Special Message.

Those voting in the affirmative are: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Barbee, Bell, Blust, Bonner, Bordsen, Bowie, Brubaker, Carney, Creech, Culp, Culpepper, Cunningham, Daughtridge, Dickson, Ellis, England, Farmer-Butterfield, Fisher, Fox, Gibson, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Hall, Harrell, Insko, Jeffus, C. Johnson, Jones, Justice, Lewis, Lucas, Luebke, McComas, McGee, McLawhorn, Michaux, Miller, Miner, Munford, Nye, Parmon, Rapp, Ross, Sauls, Setzer, Sherrill, Stam, Stiller, Sutton, Tolson, Wainwright, Warner, Warren, Weiss, C. Wilson, and Yongue - 66.

Voting in the negative: Representatives Allred, Baker, Blackwood, Capps, Church, Coates, Decker, Dockham, Eddins, Frye, Gillespie, Gorman, Grady, Hilton, Holliman, Howard, L. Johnson, Kiser, McHenry, Mitchell, Owens, Pate, Preston, Rayfield, Rhodes, Sexton, Starnes, Walend, West, A. Williams, K. Williams, Womble, and Wright - 33.

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Excused absences: Representatives Alexander, Daughtry, Earle, Hill, LaRoque, McMahan, Ray, Walker, G. Wilson, and Wood - 10.

Representative Moore requests and is granted permission to be recorded as voting "no". The adjusted vote total is (66-34).

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. 1058 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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.

BILLS PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and the following bills are placed on today's Calendar.

S.B. 805 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL.

S.B. 657 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OPERATORS OF TANNING EQUIPMENT SHALL PROVIDE WARNING STATEMENTS TO CONSUMERS REGARDING THE HAZARDS OF EXPOSURE TO ULTRAVIOLET RADIATION AND SHALL OBTAIN A CONSUMER'S ACKNOWLEDGMENT OF THE WARNING BEFORE THE CONSUMER'S INITIAL USE; TO PROVIDE THAT OPERATORS SHALL NOT ALLOW A PERSON 13 YEARS AND YOUNGER TO USE TANNING EQUIPMENT WITHOUT A WRITTEN PRESCRIPTION; TO PROHIBIT OPERATORS AND OWNERS FROM CLAIMING THAT USING TANNING EQUIPMENT

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IS SAFE; TO PERMIT THE RADIATION PROTECTION COMMISSION TO ADOPT RULES IMPLEMENTING THIS ACT THAT SHALL BE ENFORCED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO DEFINE THE TERMS "CONSUMER", "TANNING FACILITY", AND "TANNING EQUIPMENT"; AND TO MAKE THIS ACT EFFECTIVE OCTOBER 1, 2004.

CALENDAR (continued)

S.B. 657 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OPERATORS OF TANNING EQUIPMENT SHALL PROVIDE WARNING STATEMENTS TO CONSUMERS REGARDING THE HAZARDS OF EXPOSURE TO ULTRAVIOLET RADIATION AND SHALL OBTAIN A CONSUMER'S ACKNOWLEDGMENT OF THE WARNING BEFORE THE CONSUMER'S INITIAL USE; TO PROVIDE THAT OPERATORS SHALL NOT ALLOW A PERSON 13 YEARS AND YOUNGER TO USE TANNING EQUIPMENT WITHOUT A WRITTEN PRESCRIPTION; TO PROHIBIT OPERATORS AND OWNERS FROM CLAIMING THAT USING TANNING EQUIPMENT IS SAFE; TO PERMIT THE RADIATION PROTECTION COMMISSION TO ADOPT RULES IMPLEMENTING THIS ACT THAT SHALL BE ENFORCED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO DEFINE THE TERMS "CONSUMER", "TANNING FACILITY", AND "TANNING EQUIPMENT"; AND TO MAKE THIS ACT EFFECTIVE OCTOBER 1, 2004, passes its second reading, by electronic vote (87-11), and there being no objection is read a third time.

Representative Wood requests and is granted permission to be recorded as voting "no". The adjusted vote total is (87-12).

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.

S.B. 805 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL, passes its second reading, by electronic vote (98-4), and there being no objection is read a third time.

Representative Moore requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (97-5).

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

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SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 17, 2004

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 **HLB. 1264** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND HIGHER EDUCATION NEEDS AND FOR JUVENILE DETENTION; (2) TO REQUIRE THE TOBACCO TRUST FUND AND THE HEALTH AND WELLNESS TRUST FUND TO PROVIDE THE DEBT SERVICE FOR THIS INDEBTEDNESS; (3) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; (4) TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; (5) TO MAKE CLARIFYING CHANGES; (6) TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE; (7) TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONDUCT A STUDY OF UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS; AND (8) TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING.

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

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Speaker Black orders the bill enrolled and presented to the Governor by Special Message.

CONFERENCE REPORT

Representative Culpepper moves the adoption of the following Conference Report.

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 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS, Second Edition Engrossed 6/16/03, submit the following report:

The House recedes from amendments number 1, 2, 3, and 4.

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

Date conferees approved report: July 16, 2004.

*Conferees for the
Senate*

S/ Daniel G. Clodfelter, Chair
S/ Tony Rand

*Conferees for the
House of Representatives*

S/ Bill Culpepper
S/ Harold J. Brubaker
S/ James W. Crawford, Jr.
S/ Wilma M. Sherrill
S/ William L. Wainwright
S/ Julia Howard
S/ Daniel F. McComas
S/ Thomas E. Wright

The Conference Report is adopted, by electronic vote (91-11), and the Senate is so notified by Special Message.

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Representatives Baker, Justice, and Rayfield request and are granted permission to be recorded as voting "aye". Representatives Gillespie, Moore, and Ray request and are granted permission to change their votes from "aye" to "no". The adjusted vote total is (91-14).

On motion of Speaker Black, the House recesses subject to the receipt of Messages from the Senate, the receipt of Conference Reports, and the receipt of Committee Reports.

RECESS

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

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

Senate Committee Substitute for **H.B. 208** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROMPT PAY LAW TO CLARIFY THAT A "CLAIMANT" UNDER THE LAW INCLUDES AN "INSURED", THAT REFERENCES TO THIRTY DAYS ARE TO THIRTY "CALENDAR" DAYS, THAT AN INSURER MUST PROVIDE NOTICE OF A PROBLEM WITH A CLAIM WITHIN FIFTEEN DAYS OF RECEIPT OF THE CLAIM, AND THAT THE NINETY-DAY DEADLINE FOR RESPONDING TO ADDITIONAL INFORMATION REQUESTS FROM AN INSURER ONLY APPLIES TO CLAIMS NOT ALREADY DENIED; TO REQUIRE, UNDER THE PROMPT PAY LAWS, A STATUS REPORT WHEN CLAIMS ARE NOT PAID OR DENIED WITHIN SIXTY DAYS EVEN WHEN THE INSURER IS AWAITING INFORMATION REQUESTED FROM THE CLAIMANT; TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; AND TO AMEND UTILIZATION REVIEW LAWS TO CLARIFY THAT A SECOND-LEVEL GRIEVANCE REVIEW PANEL CAN CONSIST OF ONE OR MORE PERSONS, is returned for concurrence in the 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. 64 (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

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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.

WITHDRAWAL OF BILL FROM COMMITTEE

On motion of Speaker Black and without objection, **S.B. 277** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT ENTITY FOR A PUBLIC OR PRIVATE UNIVERSITY OR COMMUNITY COLLEGE LOCATED IN NORTH CAROLINA, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar pursuant to Rule 36(b).

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 1058** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE AND TO AUTHORIZE IN-STATE TUITION FOR NONRESIDENT MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND TO CLARIFY LAWS PROHIBITING DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE NORTH CAROLINA NATIONAL GUARD, is placed on today's Calendar for immediate consideration.

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

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 277** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT ENTITY FOR A PUBLIC OR PRIVATE UNIVERSITY OR COMMUNITY COLLEGE LOCATED IN NORTH CAROLINA, is placed on today's Calendar for immediate consideration.

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

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SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 17, 2004

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. 1414** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.

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

Speaker Black orders the bill enrolled and presented to the Governor by Special Message.

CALENDAR (continued)

S.B. 1058 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE AND TO AUTHORIZE IN-STATE TUITION FOR NONRESIDENT MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND TO CLARIFY LAWS PROHIBITING DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE NORTH CAROLINA NATIONAL GUARD, passes its second reading, by electronic vote (89-6), and there being no objection is read a third time.

Representatives Gulley, Munford, Sauls, and Weiss request and are granted permission to change their votes from "no" to "aye". Representatives B. Allen,

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Allred, Brubaker, Daughtridge, and Justice request and are granted permission to be recorded as voting "aye". The adjusted vote total is (98-2).

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

Representative Culpepper moves, seconded by Representative Miller, that the House adjourn, subject to the ratification of bills, the receipt of Conference Reports, the appointment of Conferees, the receipt of Committee Reports, and the receipt of Messages from the Senate, to reconvene July 18 at 12:30 a.m.

The motion carries.

ENROLLED BILLS

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

S.B. 577, AN ACT TO RAISE THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS ACTIONS TO FIVE THOUSAND DOLLARS, TO CLARIFY JURISDICTION FOR REVOCATION OF PROBATION WHEN PLEAS WERE ENTERED IN DISTRICT COURT, TO DEFINE DRUG TREATMENT COURT AS AN INTERMEDIATE PUNISHMENT, TO REQUIRE THE COURT TO GIVE NOTICE OF RIGHTS TO CONTEST MECHANICS' LIEN STORAGE CHARGES OF VEHICLES SEIZED UNDER THE DWI FORFEITURE LAWS, TO PERMIT CLERKS OF COURT TO GRANT DIVORCES IN UNCONTESTED ABSOLUTE DIVORCE ACTIONS, TO TERMINATE AS A MATTER OF LAW CERTAIN PARENTAL RIGHTS OF A PERSON CONVICTED OF CERTAIN CRIMES THAT RESULT IN THE VICTIM BECOMING PREGNANT, AND TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO CHANGE THE TERM OF OFFICE OF MAGISTRATES FOR AN INITIAL TERM OF TWO YEARS AND SUBSEQUENT TERMS OF FOUR YEARS.

S.B. 823, AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) ABOLISH OBSOLETE AND INACTIVE COUNCILS; (4) EXTEND BY ONE YEAR THE TIME FOR THE DEVELOPMENT OF PERMANENT RULES RELATED TO WATER CONSERVATION PURSUANT TO SECTION 3 OF S.L. 2002-167; (5) PROVIDE FOR STAGGERED TERMS FOR THE MEMBERS OF

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THE AGRICULTURAL FINANCE AUTHORITY, TO MAKE APPOINTMENTS TO THE AUTHORITY, AND SPECIFY THE MAXIMUM NUMBER OF SUCCESSIVE TERMS THAT MEMBERS OF THE AUTHORITY MAY SERVE; AND (6) PROHIBIT THE SALE OR DISPENSING OF RAW MILK, AND TO PROVIDE FOR FILLING VACANCIES IN LEGISLATIVE APPOINTMENTS IN CERTAIN CIRCUMSTANCES.

S.B. 1118, AN ACT TO INCREASE THE FEE FOR THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE.

H.B. 831, AN ACT TO ESTABLISH THE NORTH CAROLINA SALTWATER FISHING FUND AND LICENSE AND TO PROVIDE THAT VACANCIES MAY BE FILLED IN CERTAIN OFFICES DURING A HOLDOVER PERIOD.

H.B. 1264, AN ACT (1) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND HIGHER EDUCATION NEEDS AND FOR JUVENILE DETENTION; (2) TO REQUIRE THE TOBACCO TRUST FUND AND THE HEALTH AND WELLNESS TRUST FUND TO PROVIDE THE DEBT SERVICE FOR THIS INDEBTEDNESS; (3) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; (4) TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; (5) TO MAKE CLARIFYING CHANGES; (6) TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE; (7) TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONDUCT A STUDY OF UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS; AND (8) TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING.

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H.B. 1414, AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.

H.B. 1463, AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

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

H.B. 1348, AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

H.B. 1671, AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY.

The House stands adjourned.

ONE HUNDRED FORTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Sunday, July 18, 2004

The House meets at 12:30 a.m. pursuant to adjournment and is called to order by Speaker Morgan.

The following remarks and prayer are offered by the Reverend Jim Harry, House Chaplain:

"Speaker Morgan...Speaker Black, Madame Principal Clerk, Members of the House:

"I have served as Chaplain of the House for close to seven years. Over this time I have observed much and heard much and learned much. Throughout this period, I have spent a great deal of time in prayer and contemplative thought seeking the wisdom and discernment to write, and then on your behalf, to search for the correct words or the right thought needed to offer prayer for that particular day. And in so doing, I have tried to offer solemnity along with a touch of levity from time to time to the beginning of our days together.

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"This is an appointment I have never taken lightly nor for granted. To bring God's people into conversation with the Almighty is not an easy task in and of itself, yet alone to take lightly. Thus, I have always tried to maintain a degree of reverence and integrity with each new prayer.

"I wish to thank Speaker Black and Speaker Morgan for providing me with yet another opportunity to serve as your Chaplain. I give God thanks for the life of the Reverend Jim Lambeth, my former colleague, who began this Session as the House Chaplain and for the gifts of his good work among you. I wish to thank the Principal Clerk and her gracious and delightful office for always getting me here on time and helping me in so many ways. And I would wish for you to take this moment and offer to both her and to her office your gratitude for the extraordinary and tireless efforts they put forth for this Body. Finally, I wish to thank those of you who invited me into your lives, some publicly others privately, to break bread and have good conversation, to ask me to pray for you and for your loved ones, or to discuss a personal situation you were facing. Thank you for letting me be your Chaplain.

"As I listened closely and admirably to the retiring gentlemen who spoke this afternoon, {And, I appreciate your sharing so openly} I heard from each of them a great measure of gratitude for this Body...not for leadership or whatever degree of success they may have achieved while they were here...but of the stuffing with which life is made: warm friendship, support in time of sickness and need, camaraderie, companionship, admiration and a magnanimous degree of deep and sincere appreciation. This is the fabric of life into which we all are woven and I join with my friends in offering my sincere appreciation to each of you. On behalf and in honor of those eight persons named earlier today who will be concluding their service here as Members of the North Carolina House of Representatives, I offer this prayer.

"Gracious and Merciful God:

"You are the Alpha and Omega, the beginning and the end. At the end, and even at the earliest of each new day...You alone are still God. We thank You Lord for the steadfast faithfulness You have shown to us and for Your perseverance with us along this journey.

"As our work here draws to a close and brings with it the end of another biennial Legislative Session, we recognize this Body's contribution to our State and its new place in our State's distinctive history. We are

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once-again reminded of the long line of leaders and people whom we have followed in the House of Representatives and the uniqueness that this particular Body is soon to add to the annals of our State's history.

"O God, we gather on this new day, well before sunlight, to say thank You for giving each one of us the opportunity and the privilege to represent Your people. People You have graciously allowed us to call 'our people back home'. An honor and sacred duty has been bestowed upon each one here; and in our early morning prayer we humbly beseech Thee, please allow our better efforts to outweigh our poorer ones. And, we beg of Thee Most Merciful God, to forgive us our trespasses even as we stand ready to forgive those who have trespassed against us.

"And so we come to the end of a journey...we were sent and we came. We were sworn in. We debated. And, we voted. We let the democratic process work itself out in the ways our founding fathers had hoped it would do...we laughed. We cried. We broke bread together...and, together, we have served. As we prepare to finish the business that remains, we also prepare to depart from this place...some to return here and others to find new and different places to serve...Lord God, thank You for the wonderful gifts of hope and health; of friends and family...and for the precious gifts of life and of liberty.

"May the Lord bless you and keep you
May the Lord make his face to shine upon you
And be gracious unto you.
May the Lord lift up his countenance upon you...
And, grant you his peace. Amen."

Speaker Morgan 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 17 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Alexander, Daughtry, Earle, Ellis, Gibson, Grady, Hill, LaRoque, McMahan, Wainwright, Walker, and G. Wilson for today. Representatives Allred, Bordsen, Dockham, Haire, and Luebke are excused for a portion of the session.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

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

S.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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. 3 for **H.B. 737**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM BOARD OF EDUCATION, 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.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 18, 2004

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. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL

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TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, 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

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SPECIAL MESSAGE FROM THE SENATE**2003 GENERAL ASSEMBLY
SECOND SESSION 2004**

Senate Chamber
July 18, 2004

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. 142**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET 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 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

CONFERENCE REPORT

Representative C. Wilson sends forth the Conference Report on Senate Committee Substitute No. 2 for **H.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER

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WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW. Without objection, the Conference Report is placed on today's Calendar.

Representative Weiss inquires of the Chair if the bill can be placed on today's Calendar, pursuant to Rule 44(d). Speaker Morgan rules that it was done "without objection".

CONFERENCE REPORT

The material Conference Report for Senate Committee Substitute for **H.B. 142**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET 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, 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: Speaker Black, Speaker Morgan; Representatives Adams, B. Allen, G. Allen, L. Allen, Barbee, Bell,

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Blackwood, Blust, Bordsen, Bowie, Carney, Church, Culpepper, Cunningham, Daughtride, Dockham, Farmer-Butterfield, Fox, Glazier, Goforth, Goodwin, Hackney, Haire, Hall, Harrell, Howard, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, Miller, Miner, Nye, Owens, Parmon, Pate, Preston, Rayfield, Ross, Sauls, Sexton, Stam, Steen, Stiller, Sutton, Tolson, Warner, Warren, Weiss, A. Williams, C. Wilson, Womble, Wright, and Yongue - 66.

Voting in the negative: Representatives Allred, Baker, Culp, Eddins, England, Frye, Gillespie, Gullely, Hilton, Lewis, McHenry, Mitchell, Moore, Rapp, Rhodes, Setzer, Starnes, Walend, West, and Wood - 20.

Excused absences: Representatives Alexander, Daughtry, Earle, Ellis, Gibson, Grady, Hill, LaRoque, McMahan, Wainwright, Walker, and G. Wilson - 12.

The Senate having previously adopted the Conference Report, Speaker Morgan orders the bill enrolled.

CALENDAR

Action is taken on the following:

S.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT ENTITY FOR A PUBLIC OR PRIVATE UNIVERSITY OR COMMUNITY COLLEGE LOCATED IN NORTH CAROLINA.

Representative Stam offers Amendment No. 1 which is adopted by electronic vote (98-1).

The bill, as amended, passes its second reading, by electronic vote (88-10), 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 the House amendment by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 3** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR THE NC MOTORSPORTS TESTING AND RESEARCH COMPLEX AND TO ADJUST THE US 17 INTRASTATE

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SYSTEM PROJECT, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (85-13), 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 the House committee substitute bill 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:

S.B. 1008 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REESTABLISH AND EXTEND THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION, DIRECT THE COMMISSION TO STUDY ESTABLISHMENT OF AN INTERSTATE HIGH-SPEED RAIL COMPACT, AND AUTHORIZE THE COMMISSION TO HOLD REGULARLY SCHEDULED MEETINGS IN BOTH NORTH CAROLINA AND VIRGINIA, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill.

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

The bill passes its second reading, by electronic vote (99-0), 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 the House committee substitute bill by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and Senate Committee Substitute No. 3 for **H.B. 737**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM

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BOARD OF EDUCATION, is placed on today's Calendar for immediate consideration.

Speaker Morgan stops debate and attends to the following business.

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. 1225 (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, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the 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.

CALENDAR (continued)

Senate Committee Substitute No. 3 for **H.B. 737**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM BOARD OF EDUCATION.

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

Representative Stam requests that he be excused from voting on this bill, because he is counsel of record for a party in litigation by statutes directly related to this bill, under Rule 24.1A and this request is granted. Representative Hall requests that he be excused from voting on this bill, because he owns a radio station, under Rule 24.1A and this request is granted.

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The House concurs in Senate Committee Substitute Bill No. 3, which changes the title, by electronic vote (82-14), and the bill is ordered enrolled and presented to the Governor by Special Message.

CONFERENCE REPORT

Representative C. Wilson moves the adoption of the following Conference Report.

Senate Committee Substitute No. 2 for H.B. 1464

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 1464, A BILL TO BE ENTITLED AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS, OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKEUP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT

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NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, Senate Education/Higher Education Committee Substitute #2 Adopted 7/16/04, submit the following report:

Delete the entire Senate Committee Substitute #2 and substitute the attached proposed Conference Committee Substitute H1464-PCCS60538-RH-4.

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

Date conferees approved report: July 17, 2004.

*Conferees for the
Senate*

S/ Scott Thomas, Chair
S/ Tom Apodaca
S/ Daniel G. Clodfelter
S/ Charlie Smith Dannelly
S/ Eric M. Reeves
S/ A. B. Swindell

*Conferees for the
House of Representatives*

S/ Constance K. Wilson, Chair
S/ Bill Culpepper, Chair
S/ Stephen W. Wood
S/ Mark K. Hilton
S/ W. Robert Grady
S/ Earline W. Parmon
S/ Bonner L. Stiller
S/ Keith P. Williams
S/ Carolyn Justice
S/ Linda P. Johnson
S/ Maggie Jeffus
S/ Carolyn Justus
S/ Daniel F. McComas

Representative Culpepper calls the previous question on the motion and the call is sustained by electronic vote (63-32).

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The Conference Report, which changes the title, is adopted, by electronic vote (59-37), 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, Speaker Morgan 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. 1225** (House 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, AS APPROVED BY THE HOUSE RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (81-11), and there being no objection is read a third time.

Representative Nye requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (82-11).

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

On motion of Speaker Morgan, the House recesses at 3:10 a.m., subject to the receipt of Committee Reports.

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. 1152 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, with a favorable report as to the House committee substitute bill, unfavorable as to the Senate committee substitute bill.

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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.

RECESS

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

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 1152** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, is placed on today's Calendar for immediate consideration.

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (89-0).

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 the House committee substitute bill by Special Message.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 17, 2004

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. 281** (Conference 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.

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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

Speaker Morgan orders the bill 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:

S.B. 64 (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 the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill.

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

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (91-0).

The bill, as amended, passes its second reading, by electronic vote (85-6), 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 the House committee substitute bill by Special Message.

WITHDRAWAL OF BILL FROM COMMITTEE

On motion of Speaker Morgan, Senate Committee Substitute for **H.B. 208** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND

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THE PROMPT PAY LAW TO CLARIFY THAT A "CLAIMANT" UNDER THE LAW INCLUDES AN "INSURED", THAT REFERENCES TO THIRTY DAYS ARE TO THIRTY "CALENDAR" DAYS, THAT AN INSURER MUST PROVIDE NOTICE OF A PROBLEM WITH A CLAIM WITHIN FIFTEEN DAYS OF RECEIPT OF THE CLAIM, AND THAT THE NINETY-DAY DEADLINE FOR RESPONDING TO ADDITIONAL INFORMATION REQUESTS FROM AN INSURER ONLY APPLIES TO CLAIMS NOT ALREADY DENIED; TO REQUIRE, UNDER THE PROMPT PAY LAWS, A STATUS REPORT WHEN CLAIMS ARE NOT PAID OR DENIED WITHIN SIXTY DAYS EVEN WHEN THE INSURER IS AWAITING INFORMATION REQUESTED FROM THE CLAIMANT; TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; AND TO AMEND UTILIZATION REVIEW LAWS TO CLARIFY THAT A SECOND-LEVEL GRIEVANCE REVIEW PANEL CAN CONSIST OF ONE OR MORE PERSONS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar for immediate consideration.

On motion of Representative Culpepper, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (64-5), and the bill is ordered enrolled and presented to the Governor by Special Message.

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 18, 2004

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. 1152** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, and requests conferees. The President *Pro Tempore* appoints:

Senator Rand, Chair

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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

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

S.J.R. 1445 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on the Calendar.

CONFEREES APPOINTED

Speaker Morgan appoints the following conferee on **S.B. 1152** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES: Representative Culpepper.

The Senate is so notified by Special Message.

CALENDAR (continued)

S.J.R. 1445 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY, passes its second reading, by electronic vote (68-1), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

CONFERENCE REPORT

Representative Culpepper sends forth the Conference Report on **S.B. 1152** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES. Without objection, the Conference Report is placed on the Calendar for immediate consideration.

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Representative Culpepper moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1152

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 1152, A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, House Committee Substitute Favorable 7/18/04, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 7/18/04, as amended by House Amendment #1, with the following additional amendments:

on page 1, line 2 by rewriting that line to read:
"AN ACT CONCERNING STUDIES AND OTHER PURPOSES."; and

on page 54, line 5 by inserting the following new section to read:

"**SECTION 53.2.** If House Bill 1414, 2003 Regular Session, becomes law, then Section 31.18A.(g) of that act reads as rewritten:

'SECTION 31.18A.(g) Notwithstanding any other provision of law, effective July 1, 2004, each local school administrative unit or charter school participating in the Teachers' and State Employees' Retirement System shall pay to the Teachers' and State Employees' Retirement System a Reemployed Teacher Contribution Rate of eleven and seventy hundredths percent (11.70%) as a percentage of covered salaries that the retired teachers, who are exempt from the earnings cap, are being paid. Each local school administrative unit or charter school shall report monthly to the Retirement Systems Division on payments made pursuant to this subsection.

Notwithstanding any other provision of law, effective July 1, 2004, any portion of the payment made by a local school administrative unit to a reemployed teacher who is exempt from the earnings cap, consisting of salary plus the Reemployed Teacher Contribution rate, that exceeds the State-supported salary level for that position shall be paid from local funds.' "

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

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Date conferees approved report: July 18, 2004.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ Tony Rand, Chair

S/ Bill Culpepper, Chair

The Conference Report, which changes the title, is adopted, by electronic vote (67-2), and the Senate is so notified by Special Message.

BILL RECALLED FROM ENROLLING

On motion of Representative Culpepper, **H.B. 208**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ORGANIZATIONAL SESSION OF THE GENERAL ASSEMBLY ON THE SECOND MONDAY IN JANUARY AND FOR ADJOURNMENT UNTIL THE THIRD MONDAY AFTER THE INITIAL CONVENING WHEN A HOUSE HAS COMPLETED ITS ORGANIZATIONAL TASKS, is recalled from Enrolling by electronic vote (61-7).

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 18, 2004

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. 1152** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, 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

MOTION RECONSIDERED

H.B. 208, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ORGANIZATIONAL SESSION OF THE GENERAL ASSEMBLY ON THE SECOND MONDAY IN JANUARY AND FOR ADJOURNMENT

July 18, 2004T

UNTIL THE THIRD MONDAY AFTER THE INITIAL CONVENING WHEN A HOUSE HAS COMPLETED ITS ORGANIZATIONAL TASKS, is before the Body.

Without objection, the vote by which the House concurred in the Senate committee substitute bill is reconsidered.

The bill is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

ENROLLED BILLS

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

S.B. 3, AN ACT TO PROVIDE FUNDING FOR THE NC MOTOR-SPORTS TESTING AND RESEARCH COMPLEX AND TO ADJUST THE US 17 INTRASTATE SYSTEM PROJECT.

S.B. 64, 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 MODIFY THE MEMBERS OF THE CENTENNIAL AUTHORITY.

S.B. 137, AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS.

S.B. 277, AN ACT TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT ENTITY FOR A PUBLIC OR PRIVATE UNIVERSITY OR COMMUNITY COLLEGE LOCATED IN NORTH CAROLINA.

S.B. 657, AN ACT TO PROVIDE THAT OPERATORS OF TANNING EQUIPMENT SHALL PROVIDE WARNING STATEMENTS TO CONSUMERS REGARDING THE HAZARDS OF EXPOSURE TO ULTRAVIOLET RADIATION AND SHALL OBTAIN A CONSUMER'S ACKNOWLEDGMENT OF THE WARNING BEFORE THE CONSUMER'S INITIAL USE; TO PROVIDE THAT OPERATORS SHALL NOT ALLOW A PERSON 13 YEARS AND YOUNGER TO USE TANNING EQUIPMENT WITHOUT A WRITTEN PRESCRIPTION; TO PROHIBIT OPERATORS AND OWNERS FROM CLAIMING THAT USING TANNING EQUIPMENT IS SAFE; TO PERMIT THE RADIATION PROTECTION COMMISSION

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TO ADOPT RULES IMPLEMENTING THIS ACT THAT SHALL BE ENFORCED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO DEFINE THE TERMS "CONSUMER", "TANNING FACILITY", AND "TANNING EQUIPMENT"; AND TO MAKE THIS ACT EFFECTIVE OCTOBER 1, 2004.

S.B. 805, AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL.

S.B. 1008, AN ACT TO CLARIFY AND STRENGTHEN THE REPORTING REQUIREMENTS OF NON-STATE ENTITIES RECEIVING STATE FUNDS.

S.B. 1058, AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE AND TO AUTHORIZE IN-STATE TUITION FOR NONRESIDENT MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND TO CLARIFY LAWS PROHIBITING DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE NORTH CAROLINA NATIONAL GUARD.

S.B. 1152, AN ACT CONCERNING STUDIES AND OTHER PURPOSES.

S.B. 1225, 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, AS APPROVED BY THE HOUSE RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE.

H.B. 281, 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. 737, AN ACT TO PROVIDE FOR CONSTITUTIONAL REQUIREMENTS FOR REPORTING AND REGULATION OF ELECTIONEERING COMMUNICATIONS, AS APPROVED BY THE UNITED STATES SUPREME COURT; TO ADOPT CONSTITUTIONAL

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LIMITS FOR CORPORATE EXPENDITURES ON MASS MAILINGS AND TELEPHONE BANKS; AND TO REPEAL A DUPLICATIVE REQUIREMENT FOR OUT-OF-STATE CONTRIBUTORS.

H.B. 1464, AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS, IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNIT IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS, OR IN CERTAIN SCHOOLS WITH MODIFIED CALENDARS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS AND SCHOOLS; TO CLARIFY THAT LOCAL BOARDS OF EDUCATION MAY OFFER SUPPLEMENTAL OR ADDITIONAL PROGRAMS OUTSIDE OF THE SCHOOL CALENDAR; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO REQUIRE THAT AT LEAST SEVEN NONINSTRUCTIONAL DAYS ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

July 18, 2004T

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

H.B. 142, AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT SALES AND USE TAX THE PROCEEDS OF WHICH SHALL BE USED FOR BEACH NOURISHMENT.

H.B. 1520, AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY.

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

S.J.R. 1445, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY. (RESOLUTION 2004-13)

SPECIAL MESSAGE FROM THE SENATE

2003 GENERAL ASSEMBLY SECOND SESSION 2004

Senate Chamber
July 18, 2004

Mr. Speaker:

Pursuant to **S.J.R. 1445 (Committee Substitute)**, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY, it is ordered that a message be sent to the House of Representatives respectfully advising that the Senate of the 2003 General Assembly has concluded its business and stands ready to open the doors of the Senate that the gavels may fall simultaneously and adjournment declared *sine die*.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

July 18, 2004T

Representative Culpepper moves, seconded by Representative McComas, that the House of Representatives of the 2003 General Assembly adjourn *sine die*. The motion carries.

Speaker Morgan orders a Special Message sent to the Senate informing that Honorable Body that the House has concluded its business and stands ready to adjourn the 2003 General Assembly *sine die*.

The hour having arrived for adjournment, as set by **S.J.R. 1445** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY, the House Sergeant-at-Arms is ordered to open the doors.

The doors of the Senate are opened and the President stands ready to let the gavel fall.

Speaker Morgan invites Speaker Black to join him at the dais. In unison, Speaker Morgan and Speaker Black sound the gavels and declare the House of Representatives of the 2003 Session of the General Assembly of North Carolina adjourned *sine die* at 6:15 a.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 signed by the Governor or where indicated became law without the approval of the Governor.

July 17, 2004

S.B. 1167, AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO PERMIT ELECTRONIC NOTICES OF OWNERS' ASSOCIATION MEETINGS, TO AMEND THE SECRET PEEPING STATUTE, AND TO MAKE CONFORMING CHANGES. (S.L. 2004-109)

H.B. 1430, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO SET THE PUBLIC UTILITY AND INSURANCE REGULATORY FEES, TO EXTEND THE SUNSET ON THE LOW-INCOME HOUSING TAX CREDIT, TO CLARIFY THE SALES TAX INCENTIVES FOR MAJOR PROJECTS, TO MAINTAIN THE CURRENT SALES TAX RATES ON ELECTRICITY USED BY MANUFACTURERS, AND TO ESTABLISH FAMILY COURT FEES. (S.L. 2004-110)

S.B. 486, AN ACT TO PROHIBIT INSURANCE COMPANIES FROM USING CUSTOMER INQUIRIES TO TERMINATE A POLICY, TO REFUSE TO ISSUE OR RENEW A POLICY, OR TO SUBJECT A POLICY TO CONSENT TO RATE. (S.L. 2004-111)

H.B. 1469, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INITIATE OR CONTINUE CERTAIN DISEASE MANAGEMENT ACTIVITIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE. (S.L. 2004-112)

H.B. 918, AN ACT TO INCREASE THE FEE FOR SERVICE OF PROCESS IN CIVIL CASES AND TO EARMARK THE INCREASE TO ENSURE TIMELY SERVICE OF PROCESS. (S.L. 2004-113)

S.B. 1092, AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT. (S.L. 2004-114)

H.B. 964, AN ACT TO AMEND THE LAW GOVERNING FURNITURE REQUIREMENT CONTRACTS FOR STATE AGENCIES. (S.L. 2004-115)

H.B. 1459, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHETHER TEACHER PREPARATION PROGRAMS SHOULD REQUIRE COURSES IN DIVERSITY TRAINING, ANGER MANAGEMENT, CONFLICT RESOLUTION, AND CLASSROOM MANAGEMENT. (S.L. 2004-116)

S.B. 732, AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO IMPLEMENT A PILOT PROGRAM UNDER WHICH A COUNTY MAY DESIGNATE AN AREA AS A NEW URBAN

WATERFRONT UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974. (S.L. 2004-117)

S.B. 444, AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING MENINGOCOCCAL MENINGITIS AND INFLUENZA AND THEIR VACCINES. (S.L. 2004-118)

H.B. 1547, AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION. (S.L. 2004-119)

H.B. 1348, AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (S.L. 2004-120)

H.B. 1671, AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY. (S.L. 2004-121)

July 18, 2004

H.B. 1520, AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY. (S.L. 2004-122)

H.B. 142, AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT SALES AND USE TAX THE PROCEEDS OF WHICH SHALL BE USED FOR BEACH NOURISHMENT. (S.L. 2004-123)

July 20, 2004

H.B. 1414, AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE. (S.L. 2004-124)

H.B. 737, AN ACT TO PROVIDE FOR CONSTITUTIONAL REQUIREMENTS FOR REPORTING AND REGULATION OF ELECTIONEERING

COMMUNICATIONS, AS APPROVED BY THE UNITED STATES SUPREME COURT; TO ADOPT CONSTITUTIONAL LIMITS FOR CORPORATE EXPENDITURES ON MASS MAILINGS AND TELEPHONE BANKS; AND TO REPEAL A DUPLICATIVE REQUIREMENT FOR OUT-OF-STATE CONTRIBUTORS. (S.L. 2004-125)

July 22, 2004

H.B. 1795, AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS. (S.L. 2004-126)

July 26, 2004

H.B. 1119, AN ACT TO MAKE CHANGES TO THE ELECTION LAWS. (S.L. 2004-127)

S.B. 577, AN ACT TO RAISE THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS ACTIONS TO FIVE THOUSAND DOLLARS, TO CLARIFY JURISDICTION FOR REVOCATION OF PROBATION WHEN PLEAS WERE ENTERED IN DISTRICT COURT, TO DEFINE DRUG TREATMENT COURT AS AN INTERMEDIATE PUNISHMENT, TO REQUIRE THE COURT TO GIVE NOTICE OF RIGHTS TO CONTEST MECHANICS' LIEN STORAGE CHARGES OF VEHICLES SEIZED UNDER THE DWI FORFEITURE LAWS, TO PERMIT CLERKS OF COURT TO GRANT DIVORCES IN UNCONTESTED ABSOLUTE DIVORCE ACTIONS, TO TERMINATE AS A MATTER OF LAW CERTAIN PARENTAL RIGHTS OF A PERSON CONVICTED OF CERTAIN CRIMES THAT RESULT IN THE VICTIM BECOMING PREGNANT, AND TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO CHANGE THE TERM OF OFFICE OF MAGISTRATES FOR AN INITIAL TERM OF TWO YEARS AND SUBSEQUENT TERMS OF FOUR YEARS. (S.L. 2004-128)

July 27, 2004

S.B. 991, AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY. (S.L. 2004-129)

July 29, 2004

S.B. 1058, AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE AND TO AUTHORIZE IN-STATE TUITION FOR NONRESIDENT MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND TO CLARIFY LAWS PROHIBITING DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE NORTH CAROLINA NATIONAL GUARD. (S.L. 2004-130)

S.B. 1144, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN "IN GOD WE TRUST" SPECIAL REGISTRATION PLATE WITH THE PROCEEDS GOING TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED NORTH CAROLINA NATIONAL GUARDSMEN. (S.L. 2004-131)

S.B. 1063, AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS. (S.L. 2004-132)

H.B. 1518, AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD. (S.L. 2004-133)

H.B. 1602, AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS. (S.L. 2004-134)

S.B. 74, AN ACT CONCERNING WINERY PERMITS. (S.L. 2004-135)

H.B. 1513, AN ACT TO INCREASE THE MAXIMUM DEATH BENEFIT PAYABLE FROM THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM. (S.L. 2004-136)

S.B. 1312, AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES. (S.L. 2004-137)

H.B. 1420, AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE AND CONCERNING THE GLOBAL TRANSPARK AUTHORITY. (S.L. 2004-138)

S.B. 470, AN ACT TO MODERNIZE THE LAW AFFECTING THE COMPENSATION OF TRUSTEES AND OTHER FIDUCIARIES. (S.L. 2004-139)

S.B. 1202, AN ACT TO SPECIFY THE MINIMUM HORIZONTAL SEPARATION DISTANCES BETWEEN A SUBSURFACE WASTE-WATER DISPOSAL SYSTEM TO BE LOCATED ON A LOT OR TRACT OF LAND PLATTED PRIOR TO 1 JULY 1977, THAT WILL BE OPERATED IN SAND OR LOAMY SAND SOILS, AND THAT MEETS CERTAIN OTHER REQUIREMENTS, AND ANY OTHER SUBSURFACE WASTEWATER DISPOSAL SYSTEM. (S.L. 2004-140)

S.B. 1078, AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW. (S.L. 2004-141)

H.B. 173, AN ACT REQUIRING THE CONTINUING EDUCATION OF PERSONS PRACTICING UNDER THE COSMETIC ART ACT AND CLARIFYING THE REMITTANCE OF CIVIL PENALTIES UNDER THE ACT. (S.L. 2004-142)

H.B. 1083, AN ACT TO PROMOTE WATER CONSERVATION IN MULTIFAMILY RESIDENTIAL PROPERTIES BY AMENDING VARIOUS STATE LAWS REGARDING THE USE OF SUBMETERS IN LIGHT OF CHANGES IN POLICY RELATED TO WATER TESTING REQUIREMENTS AND WATER CONSERVATION BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (S.L. 2004-143)

S.B. 1148, AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING. (S.L. 2004-144)

S.B. 1043, AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION. (S.L. 2004-145)

S.B. 1384, AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING. (S.L. 2004-146)

August 2, 2004

H.B. 1624, AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM. (S.L. 2004-147)

H.B. 1345, AN ACT TO AUTHORIZE STATE HIGHWAY PATROL MOTOR CARRIER ENFORCEMENT OFFICERS AND OFFICERS OF THE DIVISION OF MOTOR VEHICLES TO ENFORCE CERTAIN CRIMINAL LAWS, TO EXTEND THE TEMPORARY RULE-MAKING PERIOD FOR THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR ELECTRONIC BIDDING, AND TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. (S.L. 2004-148)

H.B. 669, AN ACT TO AMEND THE DEFINITION OF A "PRIMARY CARE HOSPITAL" TO REFLECT FEDERAL REQUIREMENTS, TO IMPROVE THE QUALITY OF PATIENT CARE, TO PROTECT PATIENT-PHYSICIAN RELATIONSHIPS AND TO LIMIT MEDICAL DIRECTORS LIABILITY. (S.L. 2004-149)

H.B. 1427, AN ACT TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH. (S.L. 2004-150)

S.B. 137, AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS. (S.L. 2004-151)

H.B. 1213, AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS

OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS. (S.L. 2004-152)

H.B. 1636, AN ACT TO PROVIDE TAX CREDITS FOR DISPENSING AND PROCESSING RENEWABLE FUELS. (S.L. 2004-153)

S.B. 52, AN ACT TO CLARIFY THAT PERSONNEL MEDIATIONS BY THE UNIVERSITY OF NORTH CAROLINA SYSTEM ARE NOT CONSIDERED "PRACTICE LAW"; THAT RECORDS CREATED AS PART OF THOSE PERSONNEL MEDIATIONS ARE NOT PUBLIC RECORDS; AND THAT PARTICIPANTS IN THOSE PERSONNEL MEDIATIONS ARE TREATED SIMILARLY TO PARTICIPANTS IN OTHER MEDIATIONS, TO PROVIDE FOR OPEN DISCOVERY IN ALL FELONY CASES, AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES. (S.L. 2004-154)

H.B. 1665, AN ACT TO REQUIRE THE DISPOSITIONAL HEARING OF A JUVENILE WHO IS IN RESIDENTIAL TREATMENT BE HELD IN THE COUNTY IN WHICH THE JUVENILE IS RECEIVING TREATMENT. (S.L. 2004-155)

H.B. 1449, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT. (S.L. 2004-156)

S.B. 657, AN ACT TO PROVIDE THAT OPERATORS OF TANNING EQUIPMENT SHALL PROVIDE WARNING STATEMENTS TO CONSUMERS REGARDING THE HAZARDS OF EXPOSURE TO ULTRAVIOLET RADIATION AND SHALL OBTAIN A CONSUMER'S ACKNOWLEDGMENT OF THE WARNING BEFORE THE CONSUMER'S INITIAL USE; TO PROVIDE THAT OPERATORS SHALL NOT ALLOW A PERSON 13 YEARS AND YOUNGER TO USE TANNING EQUIPMENT WITHOUT A WRITTEN PRESCRIPTION; TO PROHIBIT OPERATORS AND OWNERS FROM CLAIMING THAT USING TANNING EQUIPMENT IS SAFE; TO PERMIT THE RADIATION PROTECTION COMMISSION TO ADOPT RULES IMPLEMENTING THIS ACT THAT SHALL BE ENFORCED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO DEFINE THE TERMS "CONSUMER", "TANNING FACILITY", AND "TANNING EQUIPMENT"; AND TO MAKE THIS ACT EFFECTIVE OCTOBER 1, 2004. (S.L. 2004-157)

S.B. 64, 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 MODIFY THE MEMBERS OF THE CENTENNIAL AUTHORITY. (S.L. 2004-158)

H.B. 1519, AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS AND CIVIL JUDGMENTS ENTERED AGAINST THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME. (S.L. 2004-159)

H.B. 1429, AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING A FISHERY. (S.L. 2004-160)

S.B. 1152, AN ACT CONCERNING STUDIES AND OTHER PURPOSES. (S.L. 2004-161)

S.B. 20, AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS. (S.L. 2004-162)

S.B. 1210, AN ACT TO PROVIDE FOR THE TEMPORARY IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS BY PROVIDING: (1) THAT LOCAL GOVERNMENT APPLICATIONS FOR PHASE II STORMWATER PERMITS THAT WERE SUBMITTED IN ACCORDANCE WITH THE TEMPORARY STORMWATER RULE WILL BE DEEMED TIMELY RECEIVED; (2) STANDARDS FOR THE EVALUATION OF APPLICATIONS FOR PHASE II STORMWATER PERMITS; (3) AN EXEMPTION FROM PHASE II STORMWATER PERMIT REQUIREMENTS FOR CERTAIN SMALL MUNICIPALITIES; (4) THAT NEW DEVELOPMENT AND REDEVELOPMENT LOCATED IN A REGULATED COVERAGE AREA MUST COMPLY WITH THE STORMWATER MANAGEMENT RULE; (5) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION WILL ADMINISTER AND ENFORCE THE STORMWATER MANAGEMENT RULE IN A REGULATED COVERAGE AREA UNLESS A COUNTY VOLUNTARILY UNDERTAKES TO IMPLEMENT A LOCAL STORMWATER MANAGEMENT PROGRAM; (6) FOR THE COORDINATION OF PHASE II STORMWATER MANAGEMENT PROGRAMS AND

OTHER EXISTING STATE PROGRAMS THAT REGULATE STORMWATER IN ORDER TO AVOID CONFLICTING, DUPLICATIVE, OR INCONSISTENT STORMWATER MANAGEMENT REQUIREMENTS; (7) THAT A LOCAL GOVERNMENT MAY OPT TO BE COVERED UNDER A GENERAL STORMWATER PERMIT DEVELOPED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; (8) DEADLINES FOR WHEN THE ENVIRONMENTAL MANAGEMENT COMMISSION MUST MAKE CERTAIN PHASE II STORMWATER PERMITTING DECISIONS; (9) DESIGNATION AND PETITION PROCESSES BY WHICH ADDITIONAL LOCAL GOVERNMENTS AND OTHER ENTITIES MAY BE REQUIRED TO OBTAIN A PHASE II STORMWATER PERMIT; (10) FOR THE DEVELOPMENT OF A STORMWATER MODEL ORDINANCE AND STORMWATER DESIGN MANUAL; (11) FOR THE ROLES OF STATE AND LOCAL GOVERNMENTS IN REGULATING THE STORMWATER IMPACTS OF FEDERAL AND STATE PROJECTS; (12) DEFINITIONS OF TERMS TO BE USED IN THE IMPLEMENTATION OF THIS ACT; (13) THAT CERTAIN AGRICULTURE AND FORESTRY ACTIVITIES ARE EXEMPT FROM PHASE II STORMWATER PERMIT REQUIREMENTS; AND (14) HOW THE ACT SHALL BE CONSTRUED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (S.L. 2004-163)

H.B. 1723, AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN. (S.L. 2004-164)

S.B. 916, AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE. (S.L. 2004-165)

H.B. 1107, AN ACT TO CLARIFY THE CIVIL LIABILITY AND INCREASE THE CRIMINAL PENALTY FOR PERSONS WHO REPRESENT UNAUTHORIZED INSURERS AND TO PROVIDE THAT SUCH ACTIVITY IS GROUNDS FOR REVOCATION OF THE LICENSE OF THE INSURANCE AGENT OR BROKER; AND TO LIMIT DIRECT PROCUREMENT OF INSURANCE ONLY THROUGH ELIGIBLE SURPLUS LINES INSURERS. (S.L. 2004-166)

S.B. 1083, AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND

MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, AND TO EXEMPT HISTORIC VEHICLES FROM THE REQUIREMENT FOR A SAFETY INSPECTION. (S.L. 2004-167)

S.B. 1089, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS. (S.L. 2004-168)

S.B. 805, AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL. (S.L. 2004-169)

S.B. 1145, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY. (S.L. 2004-170)

S.B. 676, AN ACT TO AMEND CERTAIN BANKING LAWS OF NORTH CAROLINA AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEED FOR FURTHER AMENDMENTS TO THE STATE BANKING LAWS. (S.L. 2004-171)

H.B. 965, AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE SERIOUS BODILY INJURY WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES; TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY AT AN INTERSECTION WHERE TRAFFIC IS ALLOWED TO TURN RIGHT ON A RED LIGHT, TO INCREASE THE PENALTY FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN WHEN TURNING RIGHT AT A RED LIGHT; TO INCREASE THE DRIVERS LICENSE POINTS ASSESSED FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A BICYCLE, MOTOR SCOOTER, MOTORCYCLE, OR PEDESTRIAN; AND TO COLLECT DATA REGARDING PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT. (S.L. 2004-172)

S.B. 277, AN ACT TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT ENTITY FOR A PUBLIC OR PRIVATE UNIVERSITY OR COMMUNITY COLLEGE LOCATED IN NORTH CAROLINA. (S.L. 2004-173)

H.B. 356, AN ACT TO AMEND THE AUTHORITY OF THE NORTH CAROLINA STATE BAR CONCERNING PARALEGALS AND FEES RELATING TO CERTIFICATION AND TO EXTEND THE SUNSET OF THE INDUSTRIAL COMMISSION FEE EARMARKED FOR INFORMATION TECHNOLOGY. (S.L. 2004-174)

H.B. 1463, AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION. (S.L. 2004-175)

H.B. 1112, AN ACT TO IMPLEMENT REQUIREMENTS APPLICABLE TO NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND ANIMAL WASTE MANAGEMENT PLANS GOVERNING ANIMAL FEEDING OPERATIONS TO MAKE THE STATE PERMIT REQUIREMENTS CONSISTENT WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (S.L. 2004-176)

S.B. 1128, AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE AND TO MAKE A TECHNICAL CORRECTION. (S.L. 2004-177)

August 3, 2004

S.B. 1054, AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, TO IMPOSE AN ENHANCED SENTENCE FOR CONVICTION OF MANUFACTURE OF METHAMPHETAMINE IF THE OFFENSE RESULTS IN SERIOUS INJURY TO A LAW ENFORCEMENT OFFICER, PROBATION OR PAROLE OFFICER, EMS EMPLOYEE, OR FIREFIGHTER AND TO PROVIDE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY FOR

CERTAIN GOOD FAITH ACTIONS OF A PERSON PARTICIPATING
IN A METHAMPHETAMINE WATCH PROGRAM. (S.L. 2004-178)

August 5, 2004

H.B. 1264, AN ACT (1) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND HIGHER EDUCATION NEEDS AND FOR JUVENILE DETENTION; (2) TO REQUIRE THE TOBACCO TRUST FUND AND THE HEALTH AND WELLNESS TRUST FUND TO PROVIDE THE DEBT SERVICE FOR THIS INDEBTEDNESS; (3) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; (4) TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; (5) TO MAKE CLARIFYING CHANGES; (6) TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE; (7) TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONDUCT A STUDY OF UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS; AND (8) TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING. (S.L. 2004-179)

August 9, 2004

H.B. 1464, AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS, IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNIT IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS, OR IN CERTAIN SCHOOLS WITH MODIFIED CALENDARS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS AND SCHOOLS; TO CLARIFY THAT LOCAL BOARDS OF EDUCATION MAY OFFER SUPPLEMENTAL OR ADDITIONAL PROGRAMS OUTSIDE OF THE SCHOOL CALENDAR; TO ENSURE THAT TEACHERS ARE PAID IN

AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO REQUIRE THAT AT LEAST SEVEN NONINSTRUCTIONAL DAYS ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NON-CERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW. (S.L. 2004-180)

August 10, 2004

H.B. 1699, 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. 2004-181)

S.B. 464, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE. (S.L. 2004-182)

H.B. 817, AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN. (S.L. 2004-183)

August 11, 2004

S.B. 3, AN ACT TO PROVIDE FUNDING FOR THE NC MOTOR-SPORTS TESTING AND RESEARCH COMPLEX AND TO ADJUST THE US 17 INTRASTATE SYSTEM PROJECT. (S.L. 2004-184)

S.B. 754, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE STOCK CAR RACING THEME SPECIAL PLATES. (S.L. 2004-185)

August 12, 2004

H.B. 1354, AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE. (S.L. 2004-186)

August 17, 2004

H.B. 831, AN ACT TO ESTABLISH THE NORTH CAROLINA SALTWATER FISHING FUND AND LICENSE AND TO PROVIDE THAT VACANCIES MAY BE FILLED IN CERTAIN OFFICES DURING A HOLDOVER PERIOD. (S.L. 2004-187)

S.B. 933, AN ACT TO REQUIRE STATE AND LOCAL GOVERNMENT AGENCIES THAT ACQUIRE LAND FOR WETLANDS MITIGATION TO REIMBURSE THE COUNTY IN WHICH THE LAND IS LOCATED FOR ITS LOST TAXES DUE TO THE ACQUISITION. (S.L. 2004-188)

S.B. 852, AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND INITIATIVES THAT EDUCATE AND PROMOTE ORGAN AND TISSUE DONATION; AND TO INCREASE THE FEE FOR ISSUANCE, RENEWAL, AND DUPLICATION OF A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD AND PROVIDE THAT THE PROCEEDS OF THE INCREASE SHALL BE USED TO IMPLEMENT THIS ACT. (S.L. 2004-189)

S.B. 230, AN ACT TO REPEAL ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE RELATING TO BULK TRANSFERS AND TO ENACT CONFORMING AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES. (S.L. 2004-190)

S.B. 1218, AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE. (S.L. 2004-191)

H.B. 859, AN ACT TO CHANGE THE LAW CONCERNING THE ELECTION OF MEMBERS OF THE BOARD OF FUNERAL SERVICE AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD. (S.L. 2004-192)

H.B. 1046, AN ACT TO CREATE THE OFFENSE OF AGGRESSIVE DRIVING. (S.L. 2004-193)

H.B. 951, AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF INDIVIDUALS WHO ARE VICTIMS OF UNLAWFUL CONDUCT. (S.L. 2004-194)

S.B. 823, AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) ABOLISH OBSOLETE AND INACTIVE COUNCILS; (4) EXTEND BY ONE YEAR THE TIME FOR THE DEVELOPMENT OF PERMANENT RULES RELATED TO WATER CONSERVATION PURSUANT TO SECTION 3 OF S.L. 2002-167; (5) PROVIDE FOR STAGGERED TERMS FOR THE MEMBERS OF THE AGRICULTURAL FINANCE AUTHORITY, TO MAKE APPOINTMENTS TO THE AUTHORITY, AND SPECIFY THE MAXIMUM NUMBER OF SUCCESSIVE TERMS THAT MEMBERS OF THE AUTHORITY MAY SERVE; AND (6) PROHIBIT THE SALE OR DISPENSING OF RAW MILK, AND TO PROVIDE FOR FILLING VACANCIES IN LEGISLATIVE APPOINTMENTS IN CERTAIN CIRCUMSTANCES. (S.L. 2004-195)

S.B. 1008, AN ACT TO CLARIFY AND STRENGTHEN THE REPORTING REQUIREMENTS OF NON-STATE ENTITIES RECEIVING STATE FUNDS. (S.L. 2004-196)

H.B. 1356, AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE

ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES. (S.L. 2004-197)

H.B. 1453, AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE. (S.L. 2004-198)

S.B. 1225, 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, AS APPROVED BY THE HOUSE RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE. (S.L. 2004-199)

S.B. 1118, AN ACT TO INCREASE THE FEE FOR THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE. (S.L. 2004-200)

H.B. 1594, AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT. (S.L. 2004-201)

S.B. 1244, AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES, MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT, AND MODIFYING THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY. (S.L. 2004-202)

H.B. 281, 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. 2004-203)

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
SECOND SESSION 2004



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H.R. 1419, A HOUSE RESOLUTION HONORING L.T. "BECK" COX, THE FIRST PRESIDENT OF RANDOLPH TELEPHONE MEMBERSHIP CORPORATION, ON THE FIFTIETH ANNIVERSARY OF RANDOLPH TELEPHONE MEMBERSHIP CORPORATION.

Whereas, Randolph Telephone Membership Corporation was founded on May 13, 1954, by residents of rural areas of Randolph, Chatham, and Moore Counties; and

Whereas, L.T. "Beck" Cox was elected the first President of Randolph Telephone Membership Corporation; and

Whereas, Randolph Telephone Membership Corporation was organized as a member-owned cooperative to promote reliable local telecommunications service in rural areas of central North Carolina; and

Whereas, Randolph Telephone Membership Corporation began operations in 1957 with 97 telephones in Farmer, North Carolina, extending service the next year to High Falls and Bennett, and today has over 10,000 access lines in seven exchanges, encompassing a large geographical area in central North Carolina, including: Badin Lake, Bennett, Coleridge, Farmer, High Falls, Jackson Creek, and Pisgah; and

Whereas, since its formation, Randolph Telephone Membership Corporation has supported advanced telephone services in high-cost rural areas of central North Carolina that may otherwise have gone unserved; and

Whereas, Randolph Telephone Membership Corporation has been a leader in introducing broadband service to its membership, ensuring that there is no "digital divide" in the rural areas it serves; and

Whereas, Randolph Telephone Membership Corporation is an active participant in improving the lives of its members through economic development and educational initiatives in the seven counties where it provides services; and

Whereas, Randolph Telephone Membership Corporation plays an important role in providing the technology infrastructure to support economic development in rural central North Carolina; and

Whereas, Randolph Telephone Membership Corporation's directors, managers, and staff have consistently remained involved in local community affairs and charitable causes, improving the rural communities they serve; and

Whereas, it is only fitting that Randolph Telephone Membership Corporation be commended for its 50 years of continuous service to the rural communities of central North Carolina; Now, therefore,
Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the life and memory of L.T. "Beck" Cox and expresses appreciation for the contributions he made to Randolph Telephone Membership Corporation.

SECTION 2. The House of Representatives recognizes the historical accomplishments of Randolph Telephone Membership Corporation and congratulates the cooperative on 50 years of dedicated commitment to serve the telecommunications needs of the rural communities of central North Carolina, encouraging economic development, education, and worthwhile charitable causes. The House of Representatives further wishes to thank the directors, managers, and staff who have contributed to the growth and development of this distinguished telephone cooperative and extended the legacy of L.T. "Beck" Cox.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the President of Randolph Telephone Membership Corporation.

SECTION 4. This resolution is effective upon adoption.

H.R. 1683, A HOUSE RESOLUTION PAYING TRIBUTE TO THE VETERANS OF WORLD WAR II AND HONORING THE MEMORY OF THOSE WHO LOST THEIR LIVES IN SERVICE TO OUR COUNTRY.

Whereas, the National World War II Memorial will be formally dedicated on the National Mall in Washington, D.C., on May 29, 2004; and

Whereas, this memorial is the first national memorial to recognize the more than 16,000,000 Americans who served in the Army, Air Force, Navy, Marine Corps, Coast Guard, and Merchant Marine during World War II; and

Whereas, this memorial will also serve as a place to remember and honor the more than 400,000 American military service persons who died during World War II; and

Whereas, thousands of veterans and visitors are expected to attend the World War II Memorial dedication and other activities planned to pay tribute to those brave men and women often referred to as "The Greatest Generation"; and

Whereas, more than 395,900 North Carolinians served in the armed services during World War II; and

Whereas, the former and current members of the General Assembly who served in World War II are as follows:

Aldridge, Marvin Warren	House
Alexander, Hugh Quincy	House
Alford, Jr., Dallas Lloyd	Senate
Allen, Arch T.	House
Allen, John Franklin	Senate
Allsbrook, Julian Russell	Senate and House
Almond, Pearson Ellis	House

Andrews, Ike Franklin	Senate and House
Ansell, Norwood Maynard	House
Arledge, James Thurston	House
Askew, Allen Edgar	House
Badgley, Donald	House
Bahakel, Cy Nesbe	Senate
Bailey, Jr., Carl Leroy	House
Bailey, James H. Pou	Senate
Bailey, James Ruffin	Senate
Baldwin, Thomas Fleet	House
Ballenger, Thomas Cass	Senate and House
Banzet, Frank Broadhurst	Senate
Barbee, Allen Cromwell	House
Barbee, Sr., Bobby Harold	House
Barker, Christopher Sylvanus	House
Barker, Raymond C.	House
Barnhill, Howard Clinton	House
Barr, Basil Duke	House
Beall, Charles Millwee	House
Belk, Irwin	Senate and House
Bell, Clifton Linwood	House
Bell, Daniel Graham	House
Bell, Jesse Spencer	Senate
Bennett, Mark Wilson	House
Billings, Claude	House
Bingham, Donald William	Senate and House
Black, Bedford Worth	House
Blackburn, Charles Franklin	Senate
Blackmon, John Gerald	Senate
Blackwell Jr., Thomas Winfield	House
Blake, Colon Elwood	House
Blanchard, Williard Jackson	Senate
Bowen, Edward C.	House
Bowman, James C.	House
Bradley, William Pershing	House
Branch, Joseph	House
Braswell, Roland Clifton	House
Bridgers, Herbert Vinson	Senate
Brinkley, Harold Gwynn	House
Britt, David Maxwell	House
Britt, William Ross	House
Brown, John Walter	House
Brown, Jr. Frank H.	House

Brown, Wade E.	House
Buchanan, Marcellus	House
Bumgardner, Jr., David Webster	House
Bunn, Thomas Davis	House
Burden, Emmett Wynn	House
Burgwyn, Jr., William Hyslop	Senate
Burney, Jr., John Jay	Senate
Burrow, Samuel Jackson	House
Burrus, Archie	House
Bynum, Fredrick Williamson	House
Byrd, Joe Kincaid	Senate and House
Canipe, Albert Lee	Senate
Calder, Robert Edward	House
Carpenter, Robert C.	Senate
Carroll, Seay Alexander Wesley	Senate
Chambers, William Carter	House
Chapin, Howard Burdette	House
Chapman, Ray Etheridge	Senate
Childers, Jack Cely	Senate
Childers, Max Lamar	House
Church, John Trammel	Senate and House
Clark, Chatham Calhoun	Senate and House
Clark, David	Senate and House
Clark, Edward Breeden	Senate
Clark, Jr., George Thomas	House
Clark, Richard Schuyler	House
Clarke, James McClure	House
Clayton, Tom L.	Senate
Coates, Roy Columbus	House
Cocklereece, John A.	House
Codington, John Bonnell	Senate
Coggins, Jyles Jackson	Senate and House
Cole, James Monroe	House
Cook, Dennis Shelton	Senate
Cooke, Frank Patton	Senate
Cooper, William Vance	House
Copeland, James William	Senate
Courtney, Sr., Danny M.	House
Covington, Jr., John Walter	House
Cowen, Robert Henry	Senate
Creech, William Ayden	House
Crew, William Lunsford	Senate
Culp, Jr., Arlie Franklin	House

Culpepper, Jr., William Thomas	House
Dalrymple, Robert Watson	House
Daniels, Jr., Melvin Roy	Senate
Davis, James Taliver	House
Dearman, Claudius Hursell	Senate
DeBruhl, Claude	House
Delamar, Ned Everett	House
Dial, Adolph Lorenz	House
Dickson, Walter W.	House
Dill, Thomas Green	House
Dorsett, Charles Howard	Senate
Duncan, James Haralson	House
Eagles, Jr., Joseph Colin	Senate
Eagles, Larry P.	House
Edwards, Daniel Kramer	House
Edwards, Elton	Senate and House
Edwards, Herman Vance	House
Edwards, James Harrell	House
Edwards, Ralph Pearson	House
Edwards, Jr., Zeno Lester	House
Ellis, Albert Joseph	Senate
Ellis, Jr., Thomas William	House
Elmore, Bruce Alexander	House
Enloe, Jr., Jeff Hailen	House
Ervin, III, Samuel James	House
Erwin, Richard Cannon	House
Euliss, Jack Manning	House
Everett, Jr., James Alphonso	House
Everett, Richard Frank	House
Fearing, Jr., Malcolm Keith	House
Fenner, Julian Baker	House
Fisher, Henry Coleman	House
Folger, Jr., Fred	Senate
Fountain, Lawrence H.	Senate
Fowler, Jr., Joseph Ralph	House
Frink, Samuel Benjamin (Bunn)	Senate and House
Fussell, Aaron Eleazar	House
Futrell, Ashley Brown	Senate
Gaither, James Clyde	House
Gamble, Jr., John Reeves	House
Gardner, Jonas Melvin	House
Garland, James Boyce	House
Garrison, James Banks	Senate

Garriss, Garland Smith	Senate
Gash, Robert Taliafero	Senate
Gay, William Carrell	House
Gillespie, Melvin L.	House
Gilmore, Voit	Senate
Gist, Herman Colridge	House
Godwin, Philip Pittman	Senate and House
Goins, Cecil R.	Senate
Gold, Charles Fortune	Senate
Goldston, Jr., William David	Senate
Goodman, Jr., Arthur	House
Goodman, Spencer Brown	House
Grady, Richard Ralph	House
Graham, John Washington	House
Graves, Calvin	Senate
Gray, Gordon	Senate
Green, James Collins	Senate and House
Greenwood, Gordon Hicks	House
Griffin, Charles Franklin	Senate
Griffin, Edward Foster	Senate
Grimsley, William T.	House
Gudger, Jr., Vonno Lamar	Senate and House
Gurganus, Edgar Jarvis	Senate
Gwaltney, Maurice Luther	House
Hairston, Peter Wilson	House
Hall, Jr., Daniel Arnold C.	House
Hall, James Marshall	House
Hall, John Linwood	House
Hall, Roger Fisher	House
Halstead, William Ira	Senate
Hamilton, Sr., Luther	Senate and House
Hamlin, Edwin Jones	House
Hamrick, Claude Meredith	House
Hancock, III, Franklin Wills	Senate and House
Hancock, William Ira	House
Hardin, Charles W.	Senate
Hardison, Harold Woodrow	Senate and House
Hardy, Herbert Wallace	House
Harkins, Herschel Springfield	House
Harrill, William Davis	House
Harrington, Joseph Julian	Senate
Harris, III, Dela Fletcher	House
Harris, John Ollie	Senate

Harris, Shearon	House
Harris, Jr., William Clinton	House
Harris, Jr., William Shakespeare	House
Harrison, William Davis	House
Hatcher, Howell John	Senate and House
Hathaway, Jr., Clarence Percival	House
Hauser, Charlie Brady	House
Hayes, Jr., Madison James	House
Hege, Jr., Joe H.	House
Henderson, David H.	House
Henley, John Tannery	House and Senate
Hewlett, Jr. Addison	House
Hightower, Erwin Avery	Senate
Hill, Dewey Lewis	House
Hill, Jr., James Henry	House
Hill, Jr., Watts	House
Hines, Stedman Holt	House
Hobgood, Hamilton Harris	Senate
Holcombe, Harlon	House
Horton, Harry Perryman	Senate and House
Horton, Issac Joseph	House
Hostetler, Charles Anderson	House
Howard, Carl Wiley	House
Hoyle, James Womble	Senate
Hughes, James Frank	Senate and House
Hunt, Jr., Clifton Tredway	House
Hunt, John Jackson	House
Hunter, Thomas Bell	House
Huskins, J. Frank	House
Huskins, Joseph Patterson	House
Hutchins, Cyril Edley	House
Hyde, Herbert Lee	Senate and House
Isaacs, Mack Stewart	House
James, William Duer	Senate
Jernigan, Jr., Roberts Harrell	House
Johnson, Jr., Hugh Stewart	House
Johnson, James Marvin	Senate and House
Johnson, James V.	Senate
Johnson, Robert Lee	House
Jolly, Wilbur Morton	Senate
Joyner, Norman Hepler	Senate
Kemp, Clarence Edward	Senate and House
Kemp, Ramey Floyd	House

Kemp, William Powell	House
Kennedy, Jr., John Pressly	House
King, Jennings Graham	Senate and House
Kirby, James Russell	Senate
Lacey, Jr., Swan Burnett	House
Lackey, Pleas	Senate and House
Lacy, Philip Lewis	House
Lambert, Joel William	House
Larkins, Jr., John Davis	Senate
Lassiter, Jr., Robert	House
Lawing, William Craig	Senate and House
Leatherman, Clarence Edwin	House
Leatherwood, III, Robert	House
Ledbetter, Jesse Ingram	Senate
Lee, Hugh Alfred	House
Leonard, William	House
Lightner, Clarence E.	Senate
Ligon, Bradford Verdize	House
Lilley, Daniel Taylor	House
Lineberry, Sr., Albert S.	House
Little, Earl Fritz	House
Little, Hal W.	House
Little, James C.	House
Lloyd, Leonard Walter	House
Long, Richard Gwynn	Senate
Love, Claude L.	House
Love, Jack D.	House
MacLean, Hector	Senate
Malcolm Carlyle Paul	Senate
Marshall, Jr. William Flynt	House
Martin, Charles Brantley	House
Martin, Jr., Lester Poindexter L.	House
Mashburn, James T.	House
Mauney, Richard Pass	House
Maxwell, Charles K.	Senate
McAlister, Robert Lee	House
McClung, Ray S.	House
McCombs, Willard Eugene	House
McDaniel, C. Dempsey	House
McGeachy, Neill Hector	Senate
McGee, Edward Lewis	House
McGougan, Duncan F.	Senate
McKnight, James Earl	House

McLaughlin, John Robbins	Senate
McLawhorn, Charles L.	House
McLendon, Jr., Lennox Polk	Senate
McMichael, Jule	Senate
McMillan, Archibald A.	House
McMillan, Jr., Roscoe Drake	House
McRorie, Sr., Robert Grant	House
Medford, William	Senate
Mercer, Leo	House
Messer, Ernest Bryan	House
Mills, Fred Moore	Senate and House
Mills, George Henry	House
Mintz, Rudolph Ivey	Senate
Moody, Jack Arthur	House
Morgan, Robert Burren	Senate
Morgan, Robert Foster	Senate
Murphy, Ashley Monroe	House
Murrow, Calvin Coolidge	Senate
Newman, Marshall Thomas	House
O'Herron, Jr., Edward M.	House
O'Neal, Dick	House
Oldham, Warren Claude	House
Owens, Charles Donald	House
Owens, Jr., Hollis Monroe	House
Palmer, Joseph Hardy	Senate and House
Palmer, William Jackson	House
Parker, Howard Elliot	House
Parnell, David Russell	House
Parrott, Marion Arendell	House
Patterson, Jr., Frank Neville	Senate and House
Patton, Erwin William	House
Peel, Elbert Sidney	Senate and House
Penn, Frank Reid	Senate
Perkins, Samuel Richard	House
Phelps, John Mahlon	House
Pickard, Glenn Morris	House
Pittman, James Hicks	House
Poovey, Julius Reid	House
Pope, William Robert	House
Potts, Jack H.	House
Pou, Edwin S.	House
Powe, Edward Knox	House
Poyner, James M.	Senate

Pritchard, Warren H.	House
Propst, Clyde Luther	Senate and House
Quinn, Dwight Wilson	House
Ramsey, Liston Bryan	House
Rauch, Marshall Arthur	Senate
Rayfield, John M.	House
Reed, Jr., Norris Cummins	Senate
Rhodes, Frank Edwin	House
Richardson, James Franklin	House
Ridenour, III, John Lawson	House
Riggs, Zennie Lawrence	House
Roberson, Paul Dawson	House
Robert, C. Carpenter	Senate
Robinson, McDaniel "Dan"	Senate
Rodman, John Croom	Senate
Rose, Jr., Charles Grandison	House
Ross, Lemuel Hiram	Senate
Rountree, Herbert Horton	House
Royall, Kenneth Claiborne	Senate and House
Sanders, Richard Tatum	House
Sandlin, Hugh Cox	House
Sanford, Terry	Senate
Sapp, C. Odell	Senate
Sawyer, Thomas Benjamin	Senate and House
Scott, Leroy	House
Seay, Jr., Thomas Waller	Senate
Seymour, Woodrow Wilson	House
Shallington, Thomas William	House
Shaw, Robert G.	Senate
Shuford, Jr., Adrian Lafayette	Senate
Shuford, John Franklin	Senate
Simpkins, James Oscar	Senate
Simpson, Daniel Reid	House
Sims, Frank Knight	House
Sims, Jr., Robert Nirwana	Senate
Slagle, Jack	House
Smith, John McNeill	Senate and House
Smith, Paul Sanders	Senate
Smith, William Grey	Senate
Snepp, Frank W.	House
Snow, George Key	House
Snowden, Macon St. Clair	House
Speros, Gus	House

Spoon, LeRoy Page	House
Stamey, Melvin Lindsey	House
Staton, William Wayne	Senate and House
Stevens, Jr., William Edward	House
Stewart, Clarence Poe	House
Stikeleather, James Gudger	Senate and House
Stone, Jr., Clarence E.	House
Strayhorn, Ralph Nichols	House
Strong, Jr., Charles Walter	Senate
Suddarth, Jr., Thomas Henry	Senate
Swain, Robert Stringfield	Senate
Swann, William Fred	House
Swindell, Russell A.	House
Tart, Charles Graham	House
Taylor, Hoyt Patrick	Senate and House
Taylor, Roy Arthur	House
Taylor, William Woodruff	House
Thomas, Arthur Webster	House
Thomas, Joe Max	Senate
Thomason, Benjamin Walter	Senate and House
Thompson, Raymond M.	House
Thompson, Sr., Raymond M.	House
Totherow, Carl Daniel	Senate
Turner, Thomas	House
Valentine, Jr., Itimous Thaddeus	House
Vanderlinden, Jr., William Harrison	House
Vaughn, Earl W.	House
Walker, Hal Hammer	Senate
Walker, Russell Grady	Senate
Warren, Ed Nelson	House
Warren, Stewart Bethune	Senate
Watkins, William Thomas	House
Weatherly, John Hugh	House
Webster, Wesley Davis	Senate and House
West, Wayne Grade	House
White, Eugene Morrison	House
White, Jack Hutchins	Senate
White, Vernon Eno	Senate
Whitehurst, Samuel Latham	Senate and House
Whitley, Jr., Daniel P.	House
Whitley, Philip Ray	House
Wicker, June Shelton	House
Wiley, Edwin Gavin	House

Wilkie, Carroll Weldon	Senate
Williams, H. Smith	House
Williams, Lafayette	Senate
Williams, Staton Pender	Senate
Williamson, Edward Lorenza	House
Williamson, Odell	House
Wills, Marshall Theodore	House
Wilson, Edward Howell	House
Wilson, Henry Hall	House
Withrow, William Harrill	House
Wolfe, Thomas Redwine	Senate
Womble, William Brantley	House
Womble, William Fletcher	House
Wood, William Zeno	Senate and House
Woodson, Nelson	Senate
Wright, Jr., Homer E.	House
Yarborough, Edward Foster	House
Young, John Clingman	House
Yow, Cicero Preston	Senate
Zollicoffer, Jr., Algernon Augustus	House

Whereas, these brave members, as well as the other veterans of World War II, deserve to be commended for their dedication and service to our State and Nation; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives wishes to honor the memory of those who lost their lives during World War II.

SECTION 2. The House of Representatives wishes to express its appreciation to the veterans who served during World War II and to their families for the great sacrifices and incredible contributions they made in order that we may all live in a free nation.

SECTION 3. This resolution is effective upon adoption.

H.R. 1803, A HOUSE RESOLUTION HONORING THE MEMORY OF THE SERVICEMEN WHO LOST THEIR LIVES ON D-DAY AND EXPRESSING APPRECIATION TO NORTH CAROLINA'S D-DAY VETERANS ON THE 60TH ANNIVERSARY OF D-DAY.

Whereas, June 6, 2004, marks the 60th anniversary of D-Day, the first day the Allied Forces mostly composed of American, British, and Canadian troops stormed the beaches of Normandy, France during World War II; and

Whereas, this invasion, known as Operation Overlord, was the largest buildup and movement of servicemen in the history of warfare,

involving on the first day of the operation 5,000 naval vessels, more than 11,000 sorties, and 153,000 members of the Allied Forces; and

Whereas, D-Day was a significant turning point in World War II, leading to the eventual defeat and downfall of Hitler's army; and

Whereas, 6,500 American soldiers, sailors, and airmen lost their lives on D-Day, some of whom were from North Carolina; and

Whereas, the servicemen who participated in D-Day should be commended and recognized for their bravery and sacrifice while fighting for the freedom of others; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives wishes to honor the memory of the soldiers, sailors, and airmen from North Carolina who lost their lives on June 6, 1944, and expresses its appreciation to the veterans of D-Day who are residents of North Carolina.

SECTION 2. The House of Representatives encourages the people of this State to participate in all activities honoring the 60th anniversary of D-Day.

SECTION 3. This resolution is effective upon adoption.

**BOARDS AND COMMISSIONS
APPOINTMENTS
(January 1, 2004 - December 1, 2004)**

APPOINTED EXPIRES

**21st CENTURY REVENUE SYSTEM, LEGISLATIVE STUDY
COMMISSION ON**

Session Law 2004-161, Section 46.3(2)

Rep. Pryor A. Gibson, III, Co-Chair	9/17/2004	Convening of
Rep. William G. Daughtridge, Jr., Co-Chair	9/14/2004	2005 G.A. or
Rep. Joe Hackney	9/17/2004	Final Report
Rep. Joe L. Kiser	9/14/2004	
Rep. William C. McGee	9/14/2004	
Rep. William C. Owens, Jr.	9/17/2004	

**ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE,
JOINT LEGISLATIVE**

G.S. 120-70.100

Rep. Joe L. Kiser	10/4/2004	1/19/2005
(Filling unexpired term of Rep. Connie Wilson)		

ADVISORY BUDGET COMMISSION

G.S. 143-4(a)		
Rep. W. Pete Cunningham	10/19/2004	1/15/2005
Rep. Rick L. Eddins	9/2/2004	1/31/2005
Rep. W. Robert Grady	9/2/2004	1/31/2005
Rep. Maggie Jeffus	4/20/2004	1/15/2005
Rep. William C. Owens, Jr. (Reappointment)	4/20/2004	1/15/2005

AGING, GOVERNOR'S ADVISORY COUNCIL ON

G.S. 143B-181		
Ms. Kathy Lowe	9/2/2004	6/30/2008

AGING, NORTH CAROLINA STUDY COMMISSION ON

G.S. 120-182, 183		
Ms. Linda Howard (Public member position)	2/18/2004	1/15/2005
Ms. Florence Gray Soltys (Position of a planner for or provider of mental health or social services to older adults)	2/18/2004	1/15/2005

AGRICULTURAL FINANCE AUTHORITY, NORTH CAROLINA

G.S. 122D-4(b)(7),(8),(9)		
Mr. Ira Cline	8/23/2004	7/1/2006
Mr. Stan Crowe (Reappointment) (Public member position)	8/24/2004	7/1/2007
Mr. David Hall (Reappointment) (Public member position)	8/24/2004	7/1/2008

AQUACULTURE ADVISORY BOARD

G.S. 106-760		
Rep. Carolyn H. Justice	9/2/2004	

ARBORETUM BOARD OF DIRECTORS, NORTH CAROLINA

G.S. 116-243(3)		
Mrs. Kaye A. Myers (Public member position)	8/24/2004	6/30/2008

ART, BOARD OF TRUSTEES FOR THE NORTH CAROLINA MUSEUM OF

G.S. 140-5.13(b)(5)		
Mrs. Joyce Omer (Filling the unexpired term of Mr. Welborn Alexander)	6/10/2004	6/30/2005

**BIOTECHNOLOGY CENTER BOARD OF DIRECTORS,
NORTH CAROLINA**

By-laws

Hon. E. Norris Tolson (Animal agriculture representative)	4/22/2004	6/30/2005
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**BLIND, CONSUMER AND ADVOCACY ADVISORY
COMMITTEE FOR**

G.S. 143B-164(a)(2)

Rep. Verla C. Insko	11/4/2004	6/30/2005
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BUILDING COMMISSION, STATE

G.S. 143-135.25(c)(6)

Mr. C. Buren Williford (Licensed mechanical contractor position)	8/24/2004	6/30/2007
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BUSINESS AND EDUCATION TECHNOLOGY ALLIANCE

G.S. 115C-102.15(b)(11)

Mr. Rodney Shotwell	1/6/2004	7/1/2005
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**CANCER COORDINATION AND CONTROL
ADVISORY COMMITTEE**

G.S. 130A-33.50(b)

Rep. Verla C. Insko (Member of the House of Representatives position)	(Reappointment) 10/19/2004	6/30/2007
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**CAPITAL FACILITIES FINANCE AGENCY, NORTH CAROLINA
BOARD OF DIRECTORS**

G.S. 159D-38(a)

Mr. David Fountain	8/23/2004	7/31/2005
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CAPITAL PLANNING COMMISSION, NORTH CAROLINA

G.S. 143B-374(a)

Rep. Rick L. Eddins	9/2/2004	Legislative term expires
Rep. Richard T. Morgan	10/19/2004	1/15/2005
Rep. Deborah K. Ross	10/19/2004	1/15/2005
Rep. Jennifer Weiss (Reappointment)	10/19/2004	1/15/2005

CATAWBA/WATEREE RIVER BASIN ADVISORY COMMISSION

G.S. 77-113(a)(1)

Rep. Becky Carney	10/19/2004	Pleasure of Appointing Authority
Rep. Mitch Gillespie	9/2/2004	Pleasure of the Speaker

CENTENNIAL AUTHORITY

G.S. 160A-480.3

Mr. Don Beason	8/23/2004	6/30/2007
Mr. Ray Rouse, III (Reappointment) (Position recommended by the Board of Trustees of the constituent institution of the University of North Carolina whose main campus is located within the county)	8/24/2004	6/30/2005
Mr. Robert W. Seligson	8/23/2004	6/30/2008
Mr. O. Temple Sloan (Reappointment) (Public member position)	8/24/2004	6/30/2005
Mr. Michael Weeks (Public member position)	8/24/2004	6/30/2007

CERVICAL CANCER ELIMINATION TASK FORCE

Session Law 2003-176, Section 1.(b)

Rep. Martha B. Alexander (Representative from the North Carolina Legislative Women's Caucus)	10/19/2004	4/1/2008
Rep. Joanne W. Bowie	9/2/2004	4/1/2008
Rep. Thomas E. Wright (Member of the House of Representatives position)	10/19/2004	4/1/2008
Dr. Carolyn Ferree	9/2/2004	4/1/2008
Dr. Evan Myers (American College of Obstetrics and Gynecology)	10/19/2004	4/1/2008
Dr. Robert Simon (Member of the health insurance industry)	10/19/2004	4/1/2008

CHEROKEE EASTERN BAND, NORTH CAROLINA ADVISORY COUNCIL ON THE

G.S. 143B-411.1

Rep. R. Phillip Haire (Reappointment) (Member of the House of Representatives position)	10/19/2004	6/30/2006
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CHILD CARE COMMISSION

G.S. 143B-168.4(a)

Ms. Lynn Agee (Reappointment) (Parent position)	8/24/2004	6/30/2006
Ms. Lynn Marshbanks	8/23/2004	6/30/2006

CHILD FATALITY TASK FORCE, NORTH CAROLINA

G.S. 7B-1402(b)(24)

Rep. Lorene T. Coates (Reappointment) (Member of the House of Representatives position)	10/19/2004	1/31/2006
Rep. Carolyn K. Justus	9/2/2004	1/31/2006

CHILD FATALITY TASK FORCE-Contd.

Ms. Kelly Craddock (Public member position)	9/2/2004	1/31/2006
Ms. Marla Dorrel (League of Municipalities representative)	9/2/2004	1/31/2006
Sergeant John Guard (Representative from the North Carolina Domestic Violence Commission)	10/29/2004	1/31/2006
Ms. Jennifer Tolle Whiteside (Reappointment) (Representative from a private group that advocates for children)	10/19/2004	1/31/2006

**CHILDREN AND YOUTH, LEGISLATIVE STUDY
COMMISSION ON**

G.S. 120-217a(1)e,b,g; 218

Rep. Larry W. Womble, Co-Chair	1/7/2004	1/15/2005
Rep. Mary E. McAllister	1/7/2004	1/15/2005
Rep. Jennifer Weiss	1/7/2004	1/15/2005
Ms. Dorothy Cilenti (Health department director position)	1/7/2004	1/15/2005
Dr. Austin Connors (Covenant with North Carolina's children position)	1/7/2004	1/15/2005
Dr. Steven E. Wegner (Child health needs professional)	9/8/2004	1/15/2005

**CHILDREN, COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL**

G.S. 115C-121(b)

Rep. Edith D. Warren (Reappointment)	4/20/2004	6/30/2005
Ms. Deborah D. Privette (Reappointment) (Parent of a child with a disability position)	10/19/2004	6/30/2005

**CLEAN WATER MANAGEMENT TRUST FUND
BOARD OF DIRECTORS**

G.S. 113-145.5(b)

Mr. Kevin Markham (Filling unexpired term of John Maguire, III)	8/23/2004	6/30/2008
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**CODE OFFICIALS QUALIFICATION BOARD,
NORTH CAROLINA**

G.S. 143-151.9(a)(9)

Mr. Malcolm I. Heyworth (Licensed plumbing or heating contractor position) (Replaces the late Howard Danieley)	8/24/2004	6/30/2008
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CODE OFFICIALS QUALIFICATION BOARD-Contd.

Mr. Victor Nathan Shaw (Licensed Electrical Contractor position)	8/23/2004	6/30/2008
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COURTS COMMISSION, NORTH CAROLINA

G.S. 7A-506(d)		
Rep. Bonner L. Stiller	9/2/2004	6/30/2007
Rep William T. Culpepper, III (Reappointment)	9/15/2004	6/30/2007
Rep. Henry M. Michaux, Jr. (Reappointment)	9/15/2004	6/30/2007

CRIME COMMISSION, GOVERNOR'S

G.S. 143B-478(a)(1)d		
Rep. Rick L. Eddins	9/8/2004	2/28/2005
Rep. R. Phillip Haire (Reappointment)	10/29/2004	2/28/2005

CRIMINAL JUSTICE INFORMATION NETWORK GOVERNING BOARD

G.S. 143-661 (b)(2)(b)		
Mr. James E. Godfrey	8/23/2004	6/30/2007
Hon. Jane P. Gray (Public member position)	8/24/2004	6/30/2007
Ms. Leslie C. Stanfield (County official position)	8/24/2004	6/30/2005

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD, STATE

G.S. 143B-273.6(a)		
Rep. R. Phillip Haire (Member of the House of Representatives position)	(Reappointment) 10/19/2004	6/30/2006
Hon. Amy Stevens (County commissioner from a predominantly rural county)	9/2/2004	6/30/2007

DEBT AFFORDABILITY ADVISORY COMMITTEE

G.S. 142-101(a)(7)		
Mr. Christopher L. Henson	9/24/2004	Pleasure of Appointing Officer

DISABILITIES, GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH

G.S. 143B-403.2(a)(3)		
Mr. Carl Dobson (Filling unexpired term of Janet Sellers)	8/23/2004	6/30/2005

DOMESTIC VIOLENCE COMMISSION

143B-394.15(c)(3)

Rep. Marian N. McLawhorn (Member of the House of Representatives position)	8/24/2004	8/31/2006
Mr. Aaron Alton Cox (Reappointment) (Magistrate position)	9/1/2004	8/31/2006
Ms. Julia Freeman (Reappointment) (Magistrate position)	9/1/2004	8/31/2006
Mr. David Mark Hullender	8/23/2004	8/31/2006
Ms. Mary Jo Morris	8/23/2004	8/31/2006
Sheriff Phillip Redmond	8/23/2004	8/31/2006
Mr. Michael Turner (Reappointment) (Abuser treatment provider position)	9/1/2004	8/31/2006

E-NC AUTHORITY

G.S. 143B-437.46(b)(3)

Mr. Herbert Crenshaw (Public member position)	1/1/2005	12/31/2005
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ECONOMIC DEVELOPMENT BOARD

G.S. 143B-434(b)

Rep. William G. Daughtridge, Jr.	9/8/2004	6/30/2007
Rep. William C. Owens, Jr. (Reappointment)	10/19/2004	6/30/2007
Rep. Wilma M. Sherrill (Reappointment)	9/8/2004	6/30/2007

ECONOMIC DEVELOPMENT COMMISSION, NORTHEASTERN NORTH CAROLINA REGIONAL

G.S. 158-8.2(b)(3)

Mr. Zeno L. Edwards, Jr. (Reappointment) (Public member position)	8/24/2004	6/30/2006
Mr. Gene Minton (Public member position)	8/24/2004	6/30/2006
Hon. Fred Yates (Reappointment) (Public member position)	8/24/2004	6/30/2006

ECONOMIC DEVELOPMENT INFRASTRUCTURE, STUDY COMMISSION ON

Session Law 2004-161, Section 49.2

Rep. William G. Daughtridge, Jr., Co-Chair	9/14/2004	Convening of 2005 G.A.
Rep. James A. Harrell, III, Co-Chair	9/17/2004	
Rep. Carolyn H. Justice	9/14/2004	
Rep. Stephen A. LaRoque	9/14/2004	

ECONOMIC DEVELOPMENT INFRASTRUCTURE-Contd.

Rep. Roger West	9/14/2004	
Mr. Antonio J. Almeida	9/17/2004	
Mr. Michael A. Almond	9/17/2004	
Hon. Paul Bessent	9/14/2004	
(Public member actively engaged in economic development)		
Mr. Anthony M. Copeland	9/17/2004	
Mr. Charles Hayes	9/17/2004	
Ms. Betty Huskins	9/14/2004	
(Public member actively engaged in economic development)		
Mr. Sanford R. Jordan, Jr.	9/17/2004	
Mr. Chris May	9/14/2004	
(Public member actively engaged in economic development)		
Mr. John McConnell	9/17/2004	
Mr. Smedes York	9/17/2004	
Mr. Lee Youngblood	9/14/2004	
(Public member actively engaged in economic development)		

ECONOMIC GROWTH AND DEVELOPMENT, JOINT SELECT COMMITTEE ON

G.S. 120-19.6 and Rule 26(a) of the Rules of the House of Representatives of the 2003 General Assembly

Rep. R. Tracy Walker	10/5/2004	1/19/2005
(Filling unexpired term of Rep. Connie Wilson)		

ECONOMIC INVESTMENT COMMITTEE

G.S. 143B-437.54(a)(4)

Mr. Gene Miller, Jr.	(Reappointment)	12/1/2004	11/30/2006
(Public member position)			

ELECTROLYSIS EXAMINERS, NORTH CAROLINA BOARD OF

G.S. 88A-5(a)(1)

Ms. Gertrude Brown	(Reappointment)	8/24/2004	8/31/2007
(Electrologist position)			

ELECTRONIC VOTING SYSTEMS, JOINT SELECT COMMITTEE ON

G.S. 120-19.6, Rule 31 of the Rules of the Senate of the 2003 General Assembly, and Rule 26(a) of the Rules of the House of Representatives of the 2003 General Assembly.

Rep. Verla C. Insko, Co-Chair	11/22/2004	Convening of 2006 G.A.
Ms. Susan T. Adams, Co-Chair	11/19/2004	
Rep. Jean R. Preston	11/19/2004	
Mr. Robert B. Cordle	11/22/2004	

ELECTRONIC VOTING SYSTEMS-Contd.

Mr. John Esparza	11/22/2004	
Mr. Roger W. Knight	11/19/2004	

**EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL,
NORTH CAROLINA**

G.S. 143-507(b)(2)

Mr. Tracy L. Lawry	(Reappointment)	1/1/2005	12/31/2007
(Credentialed and practicing EMS personnel position)			

**EMERGENCY PREPAREDNESS AND STATEWIDE
COMMUNICATIONS, JOINT SELECT COMMITTEE ON**

G.S. 120-19.6, Rule 31 of the Rules of the Senate of the 2003 General Assembly, and Rule 26(a) of the Rules of the House of Representatives of the 2003 General Assembly.

Rep. Michael A. Gorman, Co-Chair	2/17/2004	Pleasure of Appointing Authority
Rep. Paul Miller, Co-Chair	2/17/2004	
Rep. G. Wayne Goodwin	2/17/2004	
Rep. Stephen A. LaRoque	2/17/2004	
Rep. William C. Owens, Jr.	2/17/2004	
Rep. Louis M. Pate, Jr.	2/17/2004	
Rep. Edgar V. Starnes	2/17/2004	
Rep. Edith D. Warren	2/17/2004	
Rep. Arthur J. Williams	2/17/2004	
Rep. Roger West	2/17/2004	

**EMPLOYEE HOSPITAL AND MEDICAL BENEFITS,
COMMITTEE ON**

G.S. 135-38 (a)(2a)

Rep. Mitchell S. Setzer, Co-Chair	4/15/2004	1/15/2005
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ENVIRONMENTAL MANAGEMENT COMMISSION

G.S. 143B-283(d)

Mr. Donnie Brewer	(Reappointment)	8/24/2004	6/30/2006
(Public member position)			

FORESTRY ADVISORY COUNCIL

G.S. 143B-309(a)(3)

Ms. Michelle Cook	9/8/2004	6/30/2007
(Logging industry representative)		

GENERAL STATUTES COMMISSION

G.S. 164-14(a)(6)

Rep. William T. Culpepper, III	10/27/2004	5/31/2005
(Reappointment)		

**GEOGRAPHIC INFORMATION COORDINATING COUNCIL,
NORTH CAROLINA**

G.S. 143-726(c)

Mr. Terry Ellis	(Reappointment)	10/19/2004	12/31/2005
Mr. Kevin P. Higgins	(Reappointment)	10/19/2004	12/31/2005
Ms. Anne W. Payne		9/8/2004	12/31/2005

**GOLDEN L.E.A.F. (Long-Term Economic Advancement Foundation)
INC., BOARD OF DIRECTORS**

Session Law 1999-2, Section 2(c)

Mr. William D. Johnson	(Reappointment)	12/1/2004	11/30/2008
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**GROWTH STRATEGIES OVERSIGHT COMMITTEE, JOINT
LEGISLATIVE**

G.S. 120-70.120(2) (Session Law 2001-491; Section 3.1)

Rep. Joe Hackney, Co-Chair		2/4/2004	1/16/2005
	(Reappointment)		
Rep. Earl Jones		2/4/2004	1/16/2005
Rep. Marian N. McLawhorn	(Reappointment)	2/4/2004	1/16/2005

HEALTH CARE WORKFORCE STUDY COMMISSION

Session Law 2004-161, Section 34.1(2)(a)(3)

Rep. Debbie A. Clary, Co-Chair		9/14/2004	Convening of 2005 G.A.
Rep. Bobby F. England, Co-Chair		9/17/2004	
Rep. Jeffrey L. Barnhart		9/14/2004	
Rep. Joe P. Tolson		9/17/2004	
Mr. Glenn Potter		9/17/2004	
	(Designated nursing home administrator)		
Ms. Nena Reeves		9/14/2004	
	(Home administrator recommended by the Association of Home and Hospice Care of NC)		
Dr. Steve Scott		9/14/2004	
	(Community College president member)		
Dr. Frank C. Smeeks, III		9/17/2004	
	(Designated physician serving on the commission)		

HEALTH AND WELLNESS TRUST FUND COMMISSION

G.S. 147-86.32(b)(3)(a)

Ms. Beverly Hardee		9/8/2004	6/30/2008
	(Public member)		
Dr. Jugta Kahai		9/8/2004	6/30/2008
	(Child health care appointee)		

HEALTH AND WELLNESS TRUST FUND COMMISSION-Contd.

Dr. Rebecca H. Wartman (Reappointment) 10/19/2004 6/30/2008
 (Underserved population representative position)

HIGHER EDUCATION BOND OVERSIGHT COMMITTEE

G.S. 116D-5(a)(1)

Hon. Kitty Barnes	9/8/2004	1/14/2007
Lt. Gen. William Thurman	9/8/2004	1/14/2007

HIGHWAY TRUST FUND, STUDY COMMITTEE

Session Law 2003-284, Section 29.12(b)(2)

Rep. Lorene T. Coates	1/15/2004	11/1/2004
Rep. E. Nelson Cole	1/29/2004	11/1/2004
(Public member position)		
Rep. James W. Crawford, Jr.	1/15/2004	11/1/2004
Rep. Drew P. Saunders	1/15/2004	11/1/2004
Mr. Allen Tate	1/15/2004	11/1/2004
(Public member position)		

HOLOCAUST, NORTH CAROLINA COUNCIL ON THE

G.S. 143A-48.1(b)

Rep. Jennifer Weiss (Reappointment)	10/19/2004	6/30/2005
(Public member position)		
Ms. Frances L. Ramsey	10/19/2004	6/30/2005
(Public member position)		
Ms. Susan Goldhaber	3/2/2004	6/30/2005
Mr. Thomas Schick	10/19/2004	6/30/2005
(Public member position)		
Mr. Lowell Simon	3/2/2004	6/30/2005
Mr. Jacob Nathan Steinberg	3/2/2004	6/30/2005

HORACE WILLIAMS AIRPORT, JOINT SELECT COMMITTEE ON

Pursuant to G.S. 120-19.6, Rule 26(a) of the Rules of the House of Representatives of the 2003 General Assembly

Rep. Verla C. Insko, Co-Chair	2/12/2004	Convening of 2005 G. A.
Rep. Joe L. Kiser, Co-Chair	1/26/2004	
Rep. Joe Hackney	2/12/2004	
Rep. Stephen W. Wood	1/26/2004	

**HURRICANE EVACUATION STANDARDS
STUDY COMMISSION**

Session Law 2004-161, Section 32.1

Rep. Daniel F. McComas, Co-Chair	9/14/2004	Convening of 2005 G.A.
Rep. Arthur J. Williams, Co-Chair	9/3/2004	
Rep. Jean R. Preston	9/14/2004	

INAUGURAL CEREMONIES, COMMITTEE ON

G.S. 143-533

Rep. Carolyn H. Justice	11/1/2004	Inaugural Period
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INDIAN EDUCATION, STATE ADVISORY COUNCIL ON

G.S. 115C-210.1(1)

Rep. Ronnie N. Sutton (Reappointment) (Member of the House of Representatives position)	10/19/2004	1/15/2005
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INDIGENT DEFENSE SERVICES, COMMISSION ON

G.S. 7A-498.4(b)(4)

Mr. Adam Stein (Reappointment) (Licensed attorney position)	9/1/2004	8/31/2008
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**INFORMATION TECHNOLOGY, JOINT LEGISLATIVE
OVERSIGHT COMMITTEE ON**

G.S. 120-232(a)(2),(4)

Mr. Charles S. Parrott	9/8/2004	1/26/2005
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INFORMATION TECHNOLOGY ADVISORY BOARD

G.S. 147.33.72G(a)

Mr. Jim Anderson	9/8/2004	Pleasure of the Speaker
Dr. John McCann	9/8/2004	

INTERNSHIP COUNCIL, NORTH CAROLINA

G.S. 143B-418

Rep. Paul Luebke (Reappointment) (Public member position)	10/19/2004	6/30/2005
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**INTERSTATE ADULT OFFENDER SUPERVISION, STATE
COUNCIL FOR**

G.S. 148-65.6

Rep. Joe L. Kiser	3/8/2004	6/30/2006
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JUDICIAL COUNCIL, STATE

G.S. 7A-409(a)(12)

Mr. Dumont Clarke	1/1/2005	12/31/2009
(Attorney position)		
Mr. John E. Olsen	8/23/2004	12/31/2007

**LEGISLATIVE LOBBYING POLICY AND REGULATION,
SECRETARY OF STATE'S ADVISORY COUNCIL ON**

Article 9A of Chapter 120 of the North Carolina General Statutes

Rep. Pryor A. Gibson, III 2/4/2004

LICENSE TO GIVE TRUST FUND COMMISSION

G.S. 20-7.5(a)(2)

Ms. Judith Brunger	(Reappointment)	8/25/2004	12/31/2006
(Public member position)			
Ms. Jeannette K. Poole	(Reappointment)	8/24/2004	12/31/2006
(Public member position)			
Mr. K. Dean Shatley		8/24/2004	12/31/2006
(Public member position)			
Mr. Addison Neal Smith		8/24/2004	12/31/2006
(Public member position)			

LICENSING BOARDS, LEGISLATIVE COMMITTEE ON NEW

G.S. 120-149.6(b)

Rep. Rick Eddins	4/27/2004	1/15/2005
(Filling unexpired term of the late Rep. McCombs)		

LIFE SCIENCES REVENUE BOND AUTHORITY

G.S. 159D-68(a)(3)

Ms. Sabra Faires	8/23/2004	6/30/2005
Ms. Carolyn L. Smith	8/24/2004	6/30/2005
(Public member position)		

**LOCAL SCHOOL CONSTRUCTION FINANCING
STUDY COMMISSION**

Session Law 2004-161, Section 11.2(3)

Rep. Marvin W. Lucas, Co-Chair	9/17/2004	Final Report
Rep. John I. Sauls, Co-Chair	9/14/2004	
Rep. Larry M. Bell	9/17/2004	
Rep. Don Munford	9/14/2004	
Rep. Douglas Y. Yongue	9/17/2004	
Mr. Daron G. Buckwell, Jr.	9/14/2004	
(Educator position)		

LOCAL SCHOOL CONSTRUCTION FINANCING-Contd.

Mr. Michael Philbeck 9/14/2004
 (Member knowledgeable about municipal and school finance)
 Hon. Joe White 9/17/2004
 (School board representative)

LOCKSMITH LICENSING BOARD, NORTH CAROLINA

G.S. 74F-5(a)(2)
 Mr. Thomas F. Campion (Reappointment) 1/1/2005 12/31/2007
 (Locksmith position)
 Mr. Ralph Fuller (Reappointment) 8/23/2004 12/31/2006

**MARTIN LUTHER KING, JR. COMMISSION,
NORTH CAROLINA**

G.S. 143B-426.34B(a)
 Dr. Arthur Ross, III 9/8/2004 6/30/2007
 Hon. Melvin "Skip" Alston (Reappointment) 10/19/2004 6/30/2007

**MASSAGE AND BODYWORK THERAPY,
NORTH CAROLINA BOARD OF**

G.S. 90-625(a)(1)
 Ms. Daisy C. Millett (Reappointment) 8/24/2004 6/30/2006
 (Licensed massage therapist position)

MEDICAID REFORM, BLUE RIBBON COMMISSION ON

Session Law 2003-284, Section 6.14A(b)(1)
 Rep. Jeffrey L. Barnhart (Advisory Member) 4/5/2004 Final Report
 (Member effective 9/8/2004)
 Rep. Bobby F. England (Advisory Member) 3/25/2004 Final Report
 (Member effective 9/15/2004)
 Dr. David R. Anderson 2/18/2004 2/1/2005

**MILITARY AFFAIRS, NORTH CAROLINA
ADVISORY COMMISSION**

G.S. 127C-2(b)(1)
 Mr. Edward T. Elam 9/8/2004 12/31/2005
 Mr. Theodore Shebs 9/8/2004 12/31/2005

MINORITY HEALTH ADVISORY COUNCIL

G.S. 130A-33.44(a)(2)
 Rep. Beverly M. Earle (Reappointment) 10/19/2004 6/30/2006
 (Representative of human services agencies and organizations)

MINORITY HEALTH ADVISORY COUNCIL-Contd.

Rep. Julia C. Howard	9/8/2004	6/30/2006
Rep. Thomas E. Wright (Reappointment) (Member of the House of Representatives position)	10/19/2004	6/30/2006

NATURAL HERITAGE TRUST FUND BOARD OF TRUSTEES

G.S. 113-77.8(a)		
Mr. Thomas Reese (Reappointment)	8/23/2004	12/31/2010

NATUROPATHIC LICENSING, JOINT SELECT STUDY COMMITTEE ON

G.S. 120-19.6, Rule 31 of the Rules of the Senate of the 2003 General Assembly, and Rule 26(a) of the Rules of the House of Representatives of the 2003 General Assembly

Rep. Dewey L. Hill, Co-Chair	9/28/2004	Convening of
Rep. Louis M. Pate, Jr., Co-Chair	9/28/2004	2005 G.A. or
Rep. Lucy T. Allen	9/28/2004	Final Report
Rep. Cary D. Allred	9/28/2004	
Rep. Earl Jones	9/28/2004	
Rep. Carolyn K. Justus	9/28/2004	
Rep. Paul Luebke	9/28/2004	
Rep. Wilma M. Sherrill	9/28/2004	

NURSING BOARD OF DIRECTORS, NORTH CAROLINA CENTER FOR

G.S. 90-171.71(a)(2)		
Ms. Martha Ann Harrell	1/1/2005	12/31/2007
Ms. Jane Miles (Registered nurse position)	8/25/2004	6/30/2006

PARKS AND RECREATION AUTHORITY, NORTH CAROLINA

G.S. 143B-313.2(a)(7)		
Ms. Lydia Boesch	8/23/2004	6/30/2007
Dr. Kenneth L. Sadler (Reappointment) (Public member position)	8/24/2004	6/30/2007

PHASE II SETTLEMENT FUNDS BOARD OF DIRECTORS, CERTIFICATION ENTITY FOR THE

G.S. 143-300.30		
Rep. Harold J. Brubaker	1/1/2005	Pleasure of Appointing Officer

**PHYSICAL FITNESS AND HEALTH, GOVERNOR'S
COUNCIL ON**

G.S. 130A-33.41

Rep. Larry M. Bell (Reappointment) 10/19/2004 6/30/2005
(Member of the House of Representatives position)

PORTS AUTHORITY, NORTH CAROLINA STATE

G.S. 143B-452

Mr. Jeff Etheridge 8/23/2004 6/30/2006

PRIVATE PROTECTIVE SERVICES BOARD

G.S. 74C-4(b)

Mr. John D. Greco (Reappointment) 8/24/2004 6/30/2006
(Licensed public member position)

**PROFESSIONAL TEACHING STANDARDS COMMISSION,
NORTH CAROLINA**

G.S. 115C-295.1(c)(3)

Ms. Joan Celestino (Reappointment) 10/19/2004 8/31/2006
(Middle school teacher position)

Mr. Brian Freeman 10/19/2004 8/31/2006
(At-large member position)

Ms. Sarah Holden 9/10/2004 8/31/2006
(Elementary school teacher appointee)

Ms. Ruth Wormald 9/10/2004 8/31/2006
(High School teacher appointee)

PROGRESS BOARD, NORTH CAROLINA

G.S. 143B-372.1(b)(3)

Rep. J. Curtis Blackwood 9/10/2004 6/30/2008

Rep. Alice L. Bordsen 10/19/2004 6/30/2008
(Member of the House of Representatives position)

PUBLIC HEALTH STUDY COMMISSION

G.S. 120-197

Rep. Joanne W. Bowie 9/10/2004 6/30/2006
(Member of the House of Representatives position)

Rep. Verla C. Insko 10/19/2004 6/30/2006
(Standing Health Committee Chair, Member of
the House of Representatives position)

Rep. Carolyn K. Justus 9/10/2004 6/30/2006
(Standing Health Committee Chair, Member of
the House of Representatives position)

PUBLIC HEALTH STUDY COMMISSION-Contd.

Rep. Edd Nye (Member of the House of Representatives position)	(Reappointment) 10/19/2004	6/30/2006
Rep. Thomas E. Wright (Member of the House of Representatives position)	(Reappointment) 10/19/2004	6/30/2006
Dr. Ed Baker (North Carolina health care provider)	9/10/2004	6/30/2006
Dr. Evelyn Schmidt (North Carolina health care provider)	9/10/2004	6/30/2006

REAL PROPERTY MANAGEMENT ADVISORY COUNCIL

Session Law 2003-284, Section 6.8(d)

Mr. Don Abernethy (Member knowledgeable in the field of finance)	6/21/2004	6/30/2005
Mr. Paul Jaber (Member knowledgeable in the field of investment properties)	6/21/2004	6/30/2005
Mr. James R. Thomas (Member knowledgeable in the field of Real Estate Appraisal)	5/3/2004	6/30/2005

RESIDENTIAL AND URBAN DEVELOPMENT ENCROACHMENT ON MILITARY BASES AND TRAINING AREAS STUDY COMMISSION ON

Session Law 2004-161, Section 4.1(5)

Rep. Rick Glazier, Co-Chair	9/17/2004	Convening of 2005 G.A. or Final Report
Rep. W. Robert Grady, Co-Chair	9/14/2004	
Rep. William L. Wainwright	9/17/2004	
Mr. Martin Aragona (Elected Municipal officer)	9/14/2004	
Hon. Atlas Price, Jr. (County Commissioner position)	9/14/2004	
Hon. Leon Staton (County Commissioner position)	9/17/2004	

ROANOKE ISLAND COMMISSION

G.S. 143B-131.6(a)(3)

Mr. Joseph M. Bryan (Public member position)	(Reappointment) 8/24/2004	6/30/2006
Mr. Saint Claire Basnight (Public member position)	(Reappointment) 8/25/2004	6/30/2006
Mr. William P. Massey (Public member position)	(Reappointment) 8/24/2004	6/30/2006

**ROANOKE RIVER BASIN ADVISORY COMMITTEE,
NORTH CAROLINA**

G.S. 77-103(b)(1); G.S. 77-104

Rep. Rex L. Baker	2/19/2004	12/31/2004
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RULES REVIEW COMMISSION

G.S. 143B-30.1(a)

Mr. Graham Bell	(Reappointment)	8/24/2004	6/30/2006
(Public member position)			

Mr. Lee Settle		8/23/2004	6/30/2006
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SALTWATER FISHING FUND BOARD OF TRUSTEES

G.S. 113-175.2(b)(5)

Mr. John Reid Rea		10/28/2004	6/30/2009
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Mr. Damon M. Tatem, Jr.		10/28/2004	6/30/2008
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SCHOOL TECHNOLOGY, COMMISSION ON

G.S. 115C-102.5(b)(7)

Rep. Mark K. Hilton, Co-Chair		9/10/2004	6/30/2005
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Rep. Joe P. Tolson, Co-Chair		10/19/2004	6/30/2005
(Reappointment)			

Mr. Frank Daniels, III		9/10/2004	6/30/2005
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Ms. Marsha Jones		10/19/2004	6/30/2005
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(Public member position)

Ms. Emily Kent		9/10/2004	6/30/2005
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**SCIENCE AND MATHEMATICS, BOARD OF TRUSTEES OF
THE NORTH CAROLINA SCHOOL OF**

G.S. 116-233 (a)(6)

Mr. Spencer Thompson		8/24/2004	6/30/2007
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(Public member position)

**SEAFOOD AND AQUACULTURE, JOINT LEGISLATIVE
COMMISSION ON**

G.S. 120-70.61

Rep. Bonner L. Stiller, Co-Chair		9/10/2004	Pleasure of Appointing Officer
(Reappointment)			

Rep. Carolyn H. Justice		9/10/2004	
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**SENTENCING AND POLICY ADVISORY COMMISSION,
NORTH CAROLINA**

G.S. 164-37(12)

Rep. R. Phillip Haire	(Reappointment)	5/4/2004	6/30/2005
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SENTENCING AND POLICY ADVISORY COMMISSION-Contd.

Rep. Carolyn K. Justus	9/10/2004	6/30/2005
Mr. H. Morris McKnight (Reappointment)	4/27/2004	6/30/2005

**SMALL BUSINESS ECONOMIC DEVELOPMENT,
JOINT SELECT COMMITTEE ON**

G.S. 120-19.6, Rule 31 of the Rules of the Senate of the 2003 General Assembly, and Rule 26(a) of the Rules of the House of Representatives of the 2003 General Assembly

Rep. R. Tracy Walker (Filling unexpired term of Rep. C. Wilson)	10/4/2004	Convening of 2005 G.A. or Final Report
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SMART START FUNDING STUDY COMMISSION

Session Law 2004-161, Section 35.2(2),(8),(10),(12),(13)

Rep. Howard J. Hunter, Jr., Co-Chair	9/17/2004	Convening of
Rep. Carolyn H. Justice, Co-Chair	9/14/2004	2005 G.A. or
Rep. Susan C. Fisher	9/17/2004	Final Report
Rep. Jean R. Preston	9/14/2004	
Mr. John Wasson (Department of Social Services County Director member)	9/14/2004	
Mr. Thomas McSwain (Local Partnership for Children board member)	9/14/2004	
Mr. Robert Shinn (North Carolina Partnership for Children board member)	9/17/2004	
Mr. Ashley O. Thrift (Business Representative)	9/17/2004	
Hon. Beth B. Ward (County Commissioner representative)	9/17/2004	

SOIL SCIENTISTS NORTH CAROLINA BOARD FOR LICENSING

G.S. 89F-4(a)(4)

Mr. John B. Allison (Licensed soil scientist position)	8/24/2004	6/30/2007
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SOUTHERN STATES ENERGY BOARD

G.S. 104D-1

Rep. Joe Hackney (Reappointment)	10/19/2004	Pleasure of Appointing Officer
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**STATE BOARDS, COMMISSIONS, AND COUNCILS, STUDY
COMMISSION ON**

Session Law 2004-161, Section 50.1, (2)

Rep. Mitch Gillespie, Co-Chair	9/14/2004	Convening of 2005 G.A. or Final Report
Rep. William C. Owens, Co-Chair	9/17/2004	
Rep. William T. Culpepper, III	9/17/2004	
Rep. W. Pete Cunningham	9/17/2004	
Rep. Pryor A. Gibson, III	9/17/2004	
Rep. W. Robert Grady	9/14/2004	
Rep. L. Hugh Holliman	9/14/2004	
Rep. Julia C. Howard	9/14/2004	
Rep. Verla C. Insko	9/17/2004	
Rep. Mary E. McAllister	9/17/2004	
Rep. Daniel F. McComas	9/14/2004	
Rep. Wilma M. Sherrill	9/14/2004	
Rep. Tracy Walker	9/14/2004	
Rep. W. Eugene Wilson	9/14/2004	

**STATE DISABILITY INCOME PLAN, THE STATE DEATH
BENEFIT PLAN, AND THE SEPARATE INSURANCE BENEFITS
PLAN FOR LAW ENFORCEMENT OFFICERS, STUDY
COMMISSION ON THE**

Session Law 2003-284, Section 30.20(b)(2)

Ms. Natalie Beason (Appointee familiar with State or school employee's workers' compensation issues)	9/10/2004	1/1/2005
Ms. Lou Kost (Member familiar with State employee disability issues position)	10/19/2004	1/31/2005
Ms. JoAnn Williford	11/23/2004	12/31/2004

STATE FIRE AND RESCUE COMMISSION

G.S. 58-78-1(a)(3)

Mr. Marvin O. Wilson, Jr. (Reappointment) (Public member position)	8/24/2004	9/30/2007
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**STATE GUARDIANSHIP LAWS, LEGISLATIVE STUDY
COMMISSION ON**

Session Law 2004-161, Section 45.2(1),(6),(8),(10)

Rep. Jennifer Weiss, Co-Chair	9/17/2004	Convening of 2005 G.A. or Final Report
Rep. Tim Moore, Co-Chair	9/14/2004	
Rep. Edd Nye	9/17/2004	
Rep. Louis M. Pate, Jr.	9/14/2004	
Dr. Art Constantini (County program director for mental health, developmental disabilities and substance abuse services)	9/14/2004	

STATE GUARDIANSHIP LAWS-Contd.

Hon. June Ray (Clerk of Superior Court Representative)	9/17/2004	
Ms. Sally Smith (Experienced guardianship attorney)	9/14/2004	

STATE LIBRARY COMMISSION

G.S. 143B-91(a)		
Mrs. Elizabeth Nell Hall (Reappointment)	10/19/2004	6/30/2007

STATE PERSONNEL COMMISSION

G.S. 126-2(b)(1)		
Mr. James T. Bryan (Licensed attorney position)	8/25/2004	6/30/2010

**STATE PERSONNEL STATUTES, LEGISLATIVE STUDY
COMMISSION ON**

Session Law 2004-161, Section 5.1		
Rep. Maggie Jeffus, Co-Chair	9/17/2004	Final Report
Rep. William C. McGee, Co-Chair	9/14/2004	
Rep. Cary D. Allred	9/14/2004	
Rep. Walter G. Church, Sr.	9/17/2004	
Rep. Pryor A. Gibson, III	9/17/2004	
Rep. Joe L. Kiser	9/14/2004	
Rep. Louis M. Pate, Jr.	9/14/2004	
Rep. Deborah K. Ross	9/17/2004	
Rep. Drew P. Saunders	9/17/2004	
Rep. R. Tracy Walker	9/14/2004	
Mr. Ronnie Condrey (Position identified for a public member)	9/17/2004	

**STATE PROPERTY/SALE OF STATE PROPERTY,
COMMISSION ON**

G.S. 143-735		
Mr. Patrick H. Bell, Co-Chair	9/22/2004	8/14/2006
Mr. James H. Pou Bailey, Jr.	9/22/2004	8/14/2005
Mr. Tony H. Jarrett	9/22/2004	8/14/2005
Mr. E. Ossie Smith	9/22/2004	8/14/2006

SUBSTANCE ABUSE ADVISORY COUNCIL

G.S. 143B-270(b)		
Mr. Thomas L. Covington (Recovering community member position)	10/19/2004	9/30/2008
Mrs. Arlene Pulley Morris (Reappointment)	10/19/2004	9/30/2008

SUBSTANCE ABUSE ADVISORY COUNCIL-Contd.

Mr. Louis J. Murray 10/1/2004 9/30/2008
 (Substance abuse professional appointee)

**TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE
 MAJOR MEDICAL PLAN, BOARD OF TRUSTEES OF THE
 G.S. 135-39(c)**

Mr. William W. Hill, Jr. (Reappointment) 8/24/2004 6/30/2006
 (Public member position)
 Ms. Linda Rouse Sutton (Reappointment) 8/23/2004 6/30/2006

TEACHING FELLOWS COMMISSION, NORTH CAROLINA

G.S. 115C-363.23
 Mr. Vernon Thompson 8/23/2004 6/30/2008

**THERAPEUTIC RECREATION CERTIFICATION, NORTH
 CAROLINA STATE BOARD**

G.S. 90C-5(b)(3)
 Sheriff Earl Butler 8/24/2004 6/30/2007
 (Public member position)

TOBACCO TRUST FUND COMMISSION

G.S. 143-717(b)(3) a, b, c, d, e, f
 Mr. Stokes C. Austin 9/10/2004 6/30/2007
 (Burley tobacco farmer)
 Ms. Lois Britt (Reappointment) 8/16/2004 6/30/2008
 (Flue-cured allotment holder who is not also a flue-cured tobacco
 farmer position)
 Mr. Lyle Ray King (Reappointment) 8/16/2004 6/30/2008
 (At-large position)

**TRAUMATIC BRAIN INJURY ADVISORY COUNCIL
 NORTH CAROLINA**

G.S. 143B-216.66(a)(2)a, b, c
 Ms. Debbie Leonhardt 4/20/2004 9/30/2007

TRAVEL AND TOURISM BOARD OF NORTH CAROLINA

G.S. 143B-434.1(c)(15)
 Rep. John I. Sauls 1/1/2005 12/31/2007
 Rep. Thomas E. Wright (Reappointment) 1/1/2005 12/31/2006
 (Member of the House of Representatives position)
 Mr. Mohammad Jenatian (Reappointment) 1/1/2005 12/31/2007
 (Public member position)
 Mr. Ian Sauer 1/1/2005 12/31/2007
 (Member interested in matters relating to travel and tourism)

TURNPIKE AUTHORITY NORTH CAROLINA

G.S. 136-89.182(c)

Mr. Allan Dameron	(Reappointment)	1/15/2005	1/14/2009
(Public member position)			

UNC BOARD OF GOVERNORS STUDY COMMISSION

Session Law 2004-161, Section 22.1

Rep. Harold J. Brubaker, Co-Chair		9/14/2004	Convening of
Rep. Joe Hackney, Co-Chair		9/17/2004	2005 G.A. or
Rep. Bernard Allen		9/17/2004	Final Report
Rep. Wilma M. Sherrill		9/14/2004	
Rep. Douglas Y. Yongue		9/17/2004	

UTILITY REVIEW COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.2

Rep. Drew P. Saunders, Co-Chair		4/28/2004	1/19/2005
Rep. Thomas E. Wright		4/28/2004	1/19/2005

VOCATIONAL REHABILITATION ADVISORY COUNCIL

G.S. 143-548(a)(2)

Ms. Cathy Hansen		9/12/2004	6/30/2007
(Disability advocacy groups representative)			
Ms. Janet Schanzenbach	(Reappointment)	10/19/2004	6/30/2007
(Disability advocacy groups representative)			

WELL CONTRACTORS CERTIFICATION COMMISSION

G.S. 143B-301.12(a)(1),(2),(5)

Mr. David Hutson	(Reappointment)	8/23/2004	6/30/2007
Mr. Raymond W. Magette, Jr.		11/22/2004	6/30/2007

WORKER RETRAINING, STUDY COMMISSION ON

Session Law 2004-161, Section 51.1(2); 51.2

Rep. Karen B. Ray, Co-Chair		9/14/2004	Convening of 2005 G.A.
Rep. Edith D. Warren, Co-Chair		9/17/2004	
Rep. Lorene T. Coates		9/18/2004	
Rep. E. Nelson Cole		9/17/2004	
Rep. Margaret H. Dickson		9/17/2004	
Rep. Linda P. Johnson		9/14/2004	
Rep. Mitchell S. Setzer		9/14/2004	
Rep. Fred F. Steen, II		9/14/2004	
Ms. Joan Carter		9/14/2004	
(Person actively engaged in worker retraining or welfare reform)			

WORKER RETRAINING-Contd.

Mr. Mark B. Clasby	10/13/2004	
(Administrator who is actively engaged in worker retraining or welfare reform)		
Mr. David L. Clegg	9/17/2004	
(State government administrator who is actively engaged in worker retraining or welfare reform)		
Mr. Charles Davis	10/13/2004	
(Citizen actively engaged in worker retraining or welfare reform)		
Mr. Scott Gantt	9/14/2004	
(Person actively engaged in worker retraining or welfare reform)		
Ms. Lynn Lail	9/14/2004	
(Person actively engaged in worker retraining or welfare reform)		
Mr. C. H. "Rusty" Stephens	9/17/2004	
(Community college administrator who is actively engaged in worker retraining or welfare reform)		

WORKFORCE NEEDS, JOINT SELECT COMMITTEE ON

G. S. 120-19.6, and Rule 26(a) of the Rules of the House of Representatives of the 2003 General Assembly

Rep. Alma S. Adams, Co-Chair	1/20/2004	Convening of 2005 G.A. or Final Report
Rep. David R. Lewis, Co-Chair (Fill the unexpired term of Rep. Connie Wilson)	9/28/2004	
Rep. Constance K. Wilson, Co-Chair (Resigned effective 10/15/2004)	1/26/2004	
Rep. Jeffrey L. Barnhart	1/26/2004	
Rep. Jean Farmer-Butterfield	2/12/2004	
Rep. Stanley H. Fox	2/12/2004	
Rep. Pryor A. Gibson, III	2/12/2004	
Rep. Linda P. Johnson	1/26/2004	
Rep. Mary E. McAllister	2/12/2004	
Rep. Tim Moore	1/26/2004	
Rep. John M. Rayfield	1/26/2004	

YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION

G.S. 77-113(b)(1)

Rep. Fred F. Steen, II	9/2/2004	Pleasure of Speaker
Rep. Pryor A. Gibson, III	10/19/2004	Pleasure of Appointing Authority

NORTH CAROLINA HOUSE OF REPRESENTATIVES**OFFICES OF THE SPEAKERS****TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA
HOUSE OF REPRESENTATIVES****HOUSE INTERIM COMMITTEE ON EXPANDING
RAIL SERVICE**

Section 1. The **House Interim Committee on Expanding Rail Service** is established by the Speakers, effective October 8, 2004, as an interim committee of the House pursuant to G.S. 120-19.6(a1).

Section 2. The Committee consists of 14 members. The individuals listed below are appointed as members of the Committee. Members serve at the pleasure of the Speakers of the House of Representatives.

Rep. Louis M. Pate, Co-Chair
Rep. Ray Rapp, Co-Chair
Rep. Cary Allred
Rep. Margaret Dickson
Rep. Beverly Earle
Rep. Rick Eddins
Rep. Mitchell Gillespie
Rep. Bruce Goforth
Rep. Mark Hilton
Rep. Deborah Ross
Rep. Fred Steen
Rep. Bonner Stiller
Rep. Ronnie Sutton
Rep. Thomas Wright

Section 3. The Committee shall study the following:

- (1) The cost and benefits of expanding and upgrading rail freight service in the State, including the effect the expanded service would have on economic development.
- (2) The feasibility, cost, and benefits of establishing commuter rail service in the State to transport workers to cities from outlying areas, including the effect the commuter service

would have on increasing the economic opportunities of those who live in the outlying areas.

- (3) The cost and benefits of expanding passenger rail service to the western and eastern areas of the State, including the effect the expanded service would have on tourism.
- (4) Ways to preserve unused or abandoned rail corridors for future rail needs.

Section 4. The Committee may meet during the interim period between regular sessions upon the call of its cochairs.

Section 5. The Committee shall report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before the convening of the 2005 General Assembly by filing a copy of the report with the Speakers' offices and the Legislative Library. The Committee terminates upon the convening of the 2005 General Assembly, or upon the filing of its final report, whichever occurs first.

Section 6. The Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

Section 7. Members of the Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate.

Section 8. The expenses of the Committee are considered expenses incurred for the operation of the House of Representatives and shall be paid pursuant to G.S. 120-35 from funds available to the House for its operations. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the Speakers of the House of Representatives.

Effective this 8th day of October, 2004.

James B. Black
Speaker

Richard T. Morgan
Speaker

NORTH CAROLINA HOUSE OF REPRESENTATIVES**OFFICES OF THE SPEAKERS****TO THE HONORABLE MEMBERS OF THE
NORTH CAROLINA HOUSE OF REPRESENTATIVES****HOUSE SELECT COMMITTEE ON PREVENTING UNJUST
PROFITEERING FROM CRIME**

WHEREAS, a significant amount of restitution remains unclaimed and unpaid due to a variety of reasons that include the defendant's inability to pay, the clerk of court's inability to locate victims, victims' inability to identify and locate assets of a defendant, and the difficulty victims face in navigating the legal system to enforce restitution orders; and

WHEREAS, the prior House Select Study Committee on Preventing Unjust Profiteering from Crime began to review the methods by which crime victims are compensated for injuries sustained as the result of the crimes committed against them and determined that further review is needed;

NOW, THEREFORE:

Section 1. The **House Select Committee on Restitution** is established by the Speakers, effective September 14, 2004, as a select committee of the House pursuant to G.S. 120-19.6(a) and Rule 26(a) of the Rules of the House of Representatives of the 2003 General Assembly.

Section 2. The Select Committee consists of 10 members. The individuals listed below are appointed as members of the Select Committee. Members serve at the pleasure of the Speakers of the House of Representatives.

Rep. Rick Eddins, Co-Chair
Rep. Hugh Holliman, Co-Chair
Rep. Bernard Allen
Rep. Beverly Earle
Rep. Mitch Gillespie
Rep. James Harrell
Rep. Carolyn Justus
Rep. Louis Pate
Rep. Arthur Williams
Rep. Keith Williams

Section 3. The Select Committee shall study the processes for the collection and payment of restitution in this State, and shall determine the methods for reducing the number of restitution payments that go unclaimed. The Select Committee shall incorporate the work to be conducted under Section 26.1 of Senate Bill 1152, S.L. 04-161, into its study and produce one report that contains the recommendations of the Committee, the Administrative Office of the Courts, and the Department of Correction on this subject.

Section 4. The Select Committee may meet during the interim period between regular sessions upon the call of its cochairs.

Section 5. The Select Committee shall report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before the convening of the of the 2005 General Assembly by filing a copy of the report with the Speakers' offices and the Legislative Library. The Committee terminates upon the convening of the 2005 General Assembly, or upon the filing of its final report, whichever occurs first.

Section 6. The Select Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

Section 7. Members of the Select Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

Section 8. The expenses of the Select Committee are considered expenses incurred for the operation of the House of Representatives and shall be paid pursuant to G.S. 120-35 from funds available to the House for its operations. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the Speakers of the House of Representatives.

Effective this 14th day of September, 2004.

James B. Black
Speaker

Richard T. Morgan
Speaker

**CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL 142**

H142-PCCS30585-LYx-5, AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT SALES AND USE TAX THE PROCEEDS OF WHICH SHALL BE USED FOR BEACH NOURISHMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Subchapter VIII of Chapter 105 of the General Statutes is amended by adding a new Article to read:

"Article 45.

"Local Government Sales and Use Tax for Beach Nourishment.

"§ 105-525. Short title.

This Article is the Local Government Sales and Use Tax for Beach Nourishment Act.

"§ 105-526. Limitations.

This Article applies only to counties that levy the first one-cent (1¢) sales and use tax under Article 39 of this Chapter or under Chapter 1096 of the 1967 Session Laws, the first one-half cent (1/2¢) local sales and use tax under Article 40 of this Chapter, the second one-half cent (1/2¢) local sales and use tax under Article 42 of this Chapter, and the third one-half cent (1/2¢) local sales and use tax under Article 44 of this Chapter.

"§ 105-527. Definitions.

The following definitions apply in this Article:

- (1) 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.

- d. The costs of associated nonhardening activities such as the planting of vegetation, the building of dunes, and the placement of sand fences.

(2) Net proceeds. - Defined in G.S. 105-472.

"§ 105-528. Levy.

The board of commissioners of a county may, by resolution, levy one percent (1%) local sales and use taxes in addition to any other State and local sales and use taxes levied pursuant to law. Before adopting a resolution under this section, the board of commissioners must give at least 10 days' public notice of its intent to adopt the resolution and must hold a public hearing on the issue of adopting the resolution.

"§ 105-529. Administration of taxes.

Except as provided in this Article, the adoption, levy, collection, administration, and repeal of these additional taxes must be in accordance with Article 39 of this Chapter. A tax levied under this Article does not apply to the sales price of food that is exempt from tax pursuant to G.S. 105-164.13B.

"§ 105-530. Expiration.

A tax levied under this Article expires eight years after the effective date of its levy. A county's authorization to levy a tax under this Article expires eight years after the effective date of the first tax a county levies under this Article, even if the tax has not remained in effect for the entire eight-year period. The expiration of a tax pursuant to this Article does not affect the rights or liabilities of a county, a taxpayer, or another person arising under the expired tax; 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 its expiration.

If the Secretary receives a valid request for a refund of a tax levied under this Article after the tax has expired and the net proceeds have been distributed, the Secretary shall draw the refund from the taxing county's share of the net proceeds of the tax it levies under Article 39 of this Chapter or under Chapter 1096 of the 1967 Session Laws, as applicable.

"§ 105-531. Distribution and use of taxes.

(a) Distribution. - The Secretary shall, on a monthly basis, distribute to each taxing county for which the Secretary collects the tax the net proceeds of the tax collected in that county under this Article. If the Secretary collects local sales or use taxes in a month and the taxes cannot be identified as being attributable to a particular taxing county, the Secretary shall allocate the taxes among the taxing counties in proportion to the amount of taxes collected in each county under this Article during that month and shall include them in the monthly distribution. Amounts collected by electronic funds transfer payments are included in the

distribution for the month in which the return that applies to the payment is received.

(b) Use. - A county may use the net proceeds of a tax levied under this Article only for beach nourishment."

SECTION 2. A tax levied under Article 45 of Chapter 105 of the General Statutes, as enacted by this part, does not apply to construction materials purchased to fulfill a lump-sum or unit-price contract entered into or awarded before the effective date of the levy or entered into or awarded pursuant to a bid made before the effective date of the levy when the construction materials would otherwise be subject to the tax levied under Article 45 of Chapter 105 of the General Statutes.

SECTION 3. Section 2 of Chapter 449 of the 1985 Session Laws, as amended by Chapter 177 of the 1991 Session Laws, S.L. 2001-347, and S.L. 2001-439, 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. The term has the same meaning as the term "prepared food" in G.S. 105-164.3.
- (3) Beach nourishment. The term has the same meaning as in G.S. 105-527.~~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;~~
 - e. ~~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 4. This act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL 281**

H281-PCCS30581-RH-3, 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.

The General Assembly of North Carolina enacts:

**PART I. TECHNICAL CORRECTIONS RECOMMENDED BY THE
GENERAL STATUTES COMMISSION**

SECTION 1. G.S. 14-402(c)(3) reads as rewritten:

"(c) The following definitions apply in this section:

...

- (3) Crossbow. - A mechanical device consisting of, but not limited to, strings, cables, and prods transversely mounted on either a shoulder or hand-held stock. This ~~device~~ device is mechanically held at full or partial draw and released by a trigger or similar mechanism ~~which~~ that is incorporated into a stock or handle. When operated, the crossbow discharges a projectile known as a bolt.

...."

SECTION 2. G.S. 20-7(b1) reads as rewritten:

"(b1) Application. - To obtain ~~a~~ an identification card, learners permit, or drivers license from the Division, a person shall complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, ~~and~~ and, except for an identification card, demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. At least one of the forms of identification shall indicate the applicant's residence address. The Division may copy the identification presented or hold it for a brief period of time to verify its authenticity. To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required.

The application form shall request all of the following information, and it shall contain the disclosures concerning the request for an applicant's social security number required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93 579:

- (1) The applicant's full name.
- (2) The applicant's mailing address and residence address.

- (3) A physical description of the applicant, including the applicant's sex, height, eye color, and hair color.
- (4) The applicant's date of birth.
- (5) The applicant's valid social security number.
- (6) The applicant's signature.

If an applicant does not have a valid social security number and is ineligible to obtain one, the applicant shall swear to or affirm that fact under penalty of perjury. In such case, the applicant may provide a valid Individual Taxpayer Identification Number issued by the Internal Revenue Service to that person.

The Division shall not issue an identification card, learners permit, or drivers license to an applicant who fails to provide either the applicant's valid social security number or the applicant's valid Individual Taxpayer Identification Number."

SECTION 3. G.S. 49-13.1 is repealed.

SECTION 4. G.S. 55B-2(6), as amended by Section 3 of S.L. 2003-117, reads as rewritten:

- "(6) The term "professional service" means any type of personal or professional service of the public which requires as a condition precedent to the rendering of such service the obtaining of a license from a licensing board as herein defined, and pursuant to the following provisions of the General Statutes: Chapter 83A, "Architects"; Chapter 84, "Attorneys-at-Law"; Chapter 93, "Public Accountants"; and the following Articles in Chapter 90: Article 1, "Practice of Medicine," Article 2, "Dentistry," Article 6, "Optometry," Article 7, "Osteopathy," Article 8, "Chiropractic," Article 9A, "Nursing Practice Act," with regard to registered nurses, Article 11, "Veterinarians," Article 12A, "Podiatrists," Article 18A, "Practicing Psychologists," Article 18C, "Marriage and Family Therapy Licensure," Article 18D, "Occupational Therapy," and Article 24, "Licensed Professional Counselors"; Chapter 89C, "Engineering and Land Surveying"; Chapter 89A, "Landscape Architects"; Chapter 90B, "Social Worker Certification and Licensure Act" with regard to ~~Certified~~ Licensed Clinical Social Workers as defined by G.S. 90B-3; Chapter 89E, "Geologists"; Chapter 89B, "Foresters"; and Chapter 89F, "North Carolina Soil Scientist Licensing Act."

SECTION 5.(a) G.S. 58-36-10(3) reads as rewritten:

"§ 58-36-10. Method of rate making; factors considered.

The following standards shall apply to the making and use of rates:

...

- (3) In the case of property insurance rates under this Article, consideration may be given to the experience of property insurance business during the most recent five-year period for which that experience is available. In the case of property insurance rates under this Article, consideration shall be given to the insurance public protection classifications of fire districts established by the Commissioner. The Commissioner shall establish and modify from time to time insurance public protection districts for all rural areas of the State and for cities with populations of 100,000 or fewer, according to the most recent annual population estimates certified by the State ~~Planning-Budget~~ Officer. In establishing and modifying these districts, the Commissioner shall use standards at least equivalent to those used by the Insurance Services Office, Inc., or any successor organization. The standards developed by the Commissioner are subject to Article 2A of Chapter 150B of the General Statutes. The insurance public protection classifications established by the Commissioner issued pursuant to the provisions of this Article shall be subject to appeal as provided in G.S. 58-2-75, et seq. The exceptions stated in G.S. 58-2-75(a) do not apply.

...."

SECTION 5.(b) G.S. 58-40-25(4) reads as rewritten:

"§ 58-40-25. Rating methods.

In determining whether rates comply with the standards under G.S. 58-40-20, the following criteria shall be applied:

...

- (4) In the case of property insurance rates under this Article, consideration shall be given to the insurance public protection classifications of fire districts established by the Commissioner. The Commissioner shall establish and modify from time to time insurance public protection districts for all rural areas of the State and for cities with populations of 100,000 or fewer, according to the most recent annual population estimates certified by the State ~~Planning~~ Budget Officer. In establishing and modifying these districts, the Commissioner shall use standards at least equivalent to those used by the Insurance Services Office, Inc., or any successor organization. The standards developed by the Commissioner are subject to Article 2A of Chapter 150B of the General Statutes. The insurance public protection

classifications established by the Commissioner issued pursuant to the provisions of this Article shall be subject to appeal as provided in G.S. 58-2-75, et seq. The exceptions stated in G.S. 58-2-75(a) do not apply."

SECTION 5.(c) G.S. 58-87-1(b) reads as rewritten:

"(b) A fire department is eligible for a grant under this section if it meets all of the following conditions:

- (1) It serves a response area of 6,000 or less in population.
- (2) It consists entirely of volunteer members, with the exception that the unit may have paid members to fill the equivalent of three full-time paid positions.
- (3) It has been certified by the Department of Insurance.

In making the population determination under subdivision (1) of this subsection, the Department shall use the most recent annual population estimates certified by the State ~~Planning-Budget~~ Officer."

SECTION 5.(d) G.S. 105-113.82(e) reads as rewritten:

"(e) Population Estimates. - To determine the population of a city or county for purposes of the distribution required by this section, the Secretary shall use the most recent annual estimate of population certified by the State ~~Planning-Budget~~ Officer."

SECTION 5.(e) G.S. 105-129.3(b1) reads as rewritten:

"(b1) Data. - In measuring rates of unemployment and per capita income, the Secretary shall use the latest available data published by a State or federal agency generally recognized as having expertise concerning the data. In measuring population and population growth, the Secretary shall use the most recent estimates of population certified by the State ~~Planning-Budget~~ Officer."

SECTION 5.(f) G.S. 105-129.3A(a) reads as rewritten:

"(a) Development Zone Defined. - A development zone is an area comprised of one or more contiguous census tracts, census block groups, or both in the most recent federal decennial census that meets all of the following conditions:

- (1) Every census tract and census block group in the zone is located in whole or in part within the primary corporate limits of a city with a population of more than 5,000 according to the most recent annual population estimates certified by the State ~~Planning-Budget~~ Officer.
- (2) It has a population of 1,000 or more according to the most recent annual population estimates certified by the State ~~Planning-Budget~~ Officer.
- (3) More than twenty percent (20%) of its population is below the poverty level according to the most recent federal decennial census.

- (4) Every census tract and census block group in the zone meets at least one of the following conditions:
- a. More than ten percent (10%) of its population is below the poverty level according to the most recent federal decennial census.
 - b. It is immediately adjacent to another census tract or census block group that is in the same zone and has more than twenty percent (20%) of its population below the poverty level according to the most recent federal decennial census.
- (5) None of the census tracts or census block groups in the zone is located in another development zone designated by the Secretary of Commerce."

SECTION 5.(g) G.S. 105-164.44F(b) reads as rewritten:

"(b) Share of Cities Incorporated on or After January 1, 2001. - The share of a city incorporated on or after January 1, 2001, is its per capita share of the amount to be distributed to all cities incorporated on or after this date. This amount is the proportion of the total to be distributed under this section that is the same as the proportion of the population of cities incorporated on or after January 1, 2001, compared to the population of all cities. In making the distribution under this subsection, the Secretary must use the most recent annual population estimates certified to the Secretary by the State ~~Planning~~ Budget Officer."

SECTION 5.(h) G.S. 105-187.19(b) reads as rewritten:

"(b) Each quarter, the Secretary shall credit five percent (5%) of the net tax proceeds to the Solid Waste Management Trust Fund and shall credit twenty-seven percent (27%) of the net tax proceeds to the Scrap Tire Disposal Account. The Secretary shall distribute the remaining sixty-eight percent (68%) of the net tax proceeds among the counties on a per capita basis according to the most recent annual population estimates certified to the Secretary by the State ~~Planning~~ Budget Officer."

SECTION 5.(i) G.S. 105-187.24 reads as rewritten:

"§ 105-187.24. Use of tax proceeds.

The Secretary shall distribute the taxes collected under this Article, less the Department of Revenue's allowance for administrative expenses, in accordance with this section. The Secretary may retain the Department's cost of collection, not to exceed two hundred twenty-five thousand dollars (\$225,000) a year, as reimbursement to the Department.

Each quarter, the Secretary shall credit eight percent (8%) of the net tax proceeds to the Solid Waste Management Trust Fund and shall credit twenty percent (20%) of the net tax proceeds to the White Goods Management Account. The Secretary shall distribute the remaining seventy-

two percent (72%) of the net tax proceeds among the counties on a per capita basis according to the most recent annual population estimates certified to the Secretary by the State ~~Planning-Budget~~ Officer. The Department shall not distribute the tax proceeds to a county when notified not to do so by the Department of Environment and Natural Resources under G.S. 130A-309.87. If a county is not entitled to a distribution, the proceeds allocated for that county will be credited to the White Goods Management Account.

A county may use funds distributed to it under this section only as provided in G.S. 130A-309.82. A county that receives funds under this section and that has an interlocal agreement with another unit of local government under which the other unit provides for the disposal of solid waste for the county must transfer the amount received under this section to that other unit. A unit to which funds are transferred is subject to the same restrictions on use of the funds as the county."

SECTION 5.(j) Effective July 1, 2003, G.S. 105-472(b) reads as rewritten:

"(b) **Distribution Between Counties and Cities.** - The Secretary shall divide the amount allocated to each taxing county among the county and its municipalities in accordance with the method determined by the county. The board of county commissioners shall, by resolution, choose one of the following methods of distribution:

- (1) **Per Capita Method.** - The net proceeds of the tax collected in a taxing county shall be distributed to that county and to the municipalities in the county on a per capita basis according to the total population of the taxing county, plus the total population of the municipalities in the county. In the case of a municipality located in more than one county, only that part of its population living in the taxing county is considered its "total population". In order to make the distribution, the Secretary shall determine a per capita figure by dividing the amount allocated to each taxing county by the total population of that county plus the total population of all municipalities in the county. The Secretary shall then multiply this per capita figure by the population of the taxing county and by the population of each municipality in the county; each respective product shall be the amount to be distributed to the county and to each municipality in the county. To determine the population of each county and each municipality, the Secretary shall use the most recent annual estimate of population certified by the State ~~Planning-Budget~~ Officer.

- (2) Ad Valorem Method. - The net proceeds of the tax collected in a taxing county shall be distributed to that county and the municipalities in the county in proportion to the total amount of ad valorem taxes levied by each on property having a tax situs in the taxing county during the fiscal year next preceding the distribution. For purposes of this section, the amount of the ad valorem taxes levied by a county or municipality includes ad valorem taxes levied by the county or municipality in behalf of a taxing district and collected by the county or municipality. In addition, the amount of taxes levied by a county includes ad valorem taxes levied by a merged school administrative unit described in G.S. 115C-513 in the part of the unit located in the county. In computing the amount of tax proceeds to be distributed to each county and municipality, the amount of any ad valorem taxes levied but not substantially collected shall be ignored. Each county and municipality receiving a distribution of the proceeds of the tax levied under this Article shall in turn immediately share the proceeds with each district in behalf of which the county or municipality levied ad valorem taxes in the proportion that the district levy bears to the total levy of the county or municipality. Any county or municipality that fails to provide the Department of Revenue with information concerning ad valorem taxes levied by it adequate to permit a timely determination of its appropriate share of tax proceeds collected under this Article may be excluded by the Secretary from each monthly distribution with respect to which the information was not provided in a timely manner, and those tax proceeds shall then be distributed only to the remaining counties or municipalities, as appropriate. For the purpose of computing the distribution of the tax under this subsection to any county and the municipalities located in the county for any month with respect to which the property valuation of a public service company is the subject of an appeal and the Department of Revenue is restrained by law from certifying the valuation to the county and the municipalities in the county, the Department shall use the last property valuation of the public service company that has been certified.

The board of county commissioners in each taxing county shall, by resolution adopted during the month of April of each year, determine which of the two foregoing methods of distribution shall be in effect in the county during the next succeeding fiscal year. In order for the resolution to be

effective, a certified copy of it must be delivered to the Secretary in Raleigh within 15 calendar days after its adoption. If the board fails to adopt a resolution choosing a method of distribution not then in effect in the county, or if a certified copy of the resolution is not timely delivered to the Secretary, the method of distribution then in effect in the county shall continue in effect for the following fiscal year. The method of distribution in effect on the first of July of each fiscal year shall apply to every distribution made during that fiscal year."

SECTION 5.(k) G.S. 136-202(c) reads as rewritten:

"(c) The Department, the metropolitan planning organizations, and the Department of Environment and Natural Resources shall jointly evaluate and adjust the regions defined in each regional travel demand model at least once every five years and no later than October 1 of the year following each decennial federal census. The evaluation and adjustment shall be based on decennial census data and the most recent populations estimates certified by the State ~~Planning-Budget~~ Officer. The adjustment of these boundaries shall reflect current and projected patterns of population, employment, travel, congestion, commuting, and public transportation use and the effects of these patterns on air quality."

SECTION 5.(l) G.S. 143-215.107A(d) reads as rewritten:

"(d) Additional Counties. - The Commission may require that motor vehicle emissions inspections be performed in counties in addition to those set out in subsection (c) of this section. In determining whether to require that motor vehicle emissions inspections be performed in a county, the Commission may consider the population of, and distribution of population in, the county; the projected change in population of, and distribution of population in, the county; the number of vehicles registered in the county; the projected change in the number of vehicles registered in the county; vehicle miles traveled in the county; the projected change in vehicle miles traveled in the county; current and projected commuting patterns in the county; and the current and projected impact of these factors on attainment of air quality standards in the county and in areas outside the county. The Commission may not require that motor vehicle emissions inspections be performed in any county with a population of less than 40,000 based on the most recent population estimates prepared by the State ~~Planning-Budget~~ Officer. The Commission may not require that motor vehicle emissions inspections be performed in any county in which the number of vehicle miles traveled per day is less than 900,000, based on the most recent estimates prepared by the Department of Transportation. In order to disapprove a rule that requires that motor vehicle emissions inspections be performed in one or more additional counties, a bill introduced pursuant to G.S. 150B-21.3(b) must amend subsection (c) of this section to add one or more other counties in which the total population

and vehicle miles traveled per day equal or exceed the total population and vehicle miles traveled in the county or counties listed in the rule that the bill would disapprove."

SECTION 5.(m) G.S. 160A-536(c) reads as rewritten:

"(c) Urban Area Revitalization Defined. - As used in this section, the term "urban area revitalization projects" includes the provision within an urban area of any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section. As used in this section, the term "urban area" means an area that (i) is located within a city whose population exceeds 150,000 according to the most recent annual population statistics certified by the State ~~Planning~~Budget Officer and (ii) meets one or more of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities."

SECTION 5.(n) G.S. 162A-6(a)(14d) reads as rewritten:

"(a) Each authority created hereunder shall be deemed to be a public instrumentality exercising public and essential governmental functions to provide for the public health and welfare, and each authority is authorized and empowered:

...

- (14d) To require the owners of developed property on which there are situated one or more residential dwelling units or commercial establishments located within the jurisdiction of the authority and within a reasonable distance of any waterline or sewer collection line owned, leased as lessee, or operated by the authority to connect the property with the waterline, sewer connection line, or both and fix charges for the connections. The power granted by this subdivision may be exercised by an authority only to the extent that

the service, whether water, sewer, or a combination thereof, to be provided by the authority is not then being provided to the improved property by any other political subdivision or by a public utility regulated by the North Carolina Utilities Commission pursuant to Chapter 62 of the General Statutes. In the case of improved property that would qualify for the issuance of a building permit for the construction of one or more residential dwelling units or commercial establishments and where the authority has installed water or sewer lines or a combination thereof directly available to the property, the authority may require payment of a periodic availability charge, not to exceed the minimum periodic service charge for properties that are connected. This subdivision applies only to a water and sewer authority whose membership includes part or all of a county that has a population of at least 40,000 according to the most recent annual population estimates certified by the State ~~Planning~~ Budget Officer.

...."

SECTION 6. G.S. 78A-17 reads as rewritten:

"§ 78A-17. Exempt transactions.

Except as otherwise provided in this Chapter, the following transactions are exempted from G.S. 78A-24 and G.S. 78A-49(d):

- (1) Any isolated nonissuer transaction, whether effected through a dealer or ~~not~~ not.
- (2) Any nonissuer distribution other than by a controlling person of an outstanding security if
 - a. A recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within 18 months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or
 - b. A registered dealer files with the Administrator such information relating to the issuer as the Administrator may by rule or order require, or
 - c. The security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the ~~security~~ security.

- (3) Any nonissuer transaction effected by or through a registered dealer pursuant to an unsolicited order or offer to buy; but the Administrator may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the dealer for a specified ~~period;~~period.
- (4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among ~~underwriters;~~underwriters.
- (5) Any transaction in a bond or other evidence of indebtedness secured by a lien or security interest in real or personal property, or by an agreement for the sale of real estate or chattels, if the entire security interest or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a ~~unit;~~unit.
- (6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or ~~conservator;~~conservator.
- (7) Any transaction executed by a person holding a bona fide security interest without any purpose of evading this ~~Chapter;~~Chapter.
- (8) Any offer or sale to an entity which has a net worth in excess of one million dollars (\$1,000,000) as determined by generally accepted accounting principles, bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a dealer, whether the purchaser is acting for itself or in some fiduciary ~~capacity;~~capacity.
- (9) Any transaction pursuant to an offer directed by the offeror to not more than 25 persons, other than those persons designated in subdivision (8), in this State during any period of 12 consecutive months, whether or not the offeror or any of the offerees is then present in this State, if the seller reasonably believes that all the buyers in this State are purchasing for investment. The Administrator may by rule or order withdraw, amend, or further condition this exemption for any security or security transaction. There is established a fee of one hundred fifty dollars (\$150.00) to recover costs for any filing required.
- (10) Any offer or sale of a preorganizational certificate or subscription if: (i) no commission or other remuneration is paid or given directly or indirectly for soliciting any

- prospective subscriber; (ii) no public advertising or solicitation is used in connection with the offer or sale; (iii) the number of subscribers does not exceed 10 and the number of offerees does not exceed 25; and (iv) no payment is made by any subscriber.
- (11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, non-transferable warrants, or transferable warrants exercisable within not more than 90 days of their issuance, if (i) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this State, or (ii) the issuer first files a notice specifying the terms of the offer and the Administrator does not by order disallow the exemption within the next 10 full business ~~days;~~days.
- (12) Any offer (but not a sale) of a security for which registration statements have been filed under both this Chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either ~~act;~~act.
- (13) Any offer or sale by a domestic entity of its own securities if (i) the entity was organized for the purpose of promoting community, agricultural or industrial development of the area in which the principal office is located, (ii) the offer or sale has been approved by resolution of the county commissioners of the county in which its principal office is located, and, if located in a municipality or within two miles of the boundaries thereof, by resolution of the governing body of such municipality, (iii) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer in this State, and (iv) the ~~corporation-entity~~ entity is both organized and operated principally to promote some community, industrial, or agricultural development that confers a public benefit rather than organized and operated principally to generate a pecuniary ~~profit;~~profit.
- (14) Any offer, sale or issuance of securities pursuant to an employees' stock or equity purchase, option, savings, pension, profit-sharing, or other similar benefit plan that is exempt under the provisions of ~~G.S. 78A-16(11);~~G.S. 78A-16(11).

...."

SECTION 7. G.S. 90-210.69(c) reads as rewritten:

"(c) In accordance with the provisions of Chapter 150B of the General Statutes, if the Board finds that a licensee, an applicant for a license or an

applicant for license renewal is guilty of one or more of the following, the Board may refuse to issue or renew a license or may suspend or revoke a license or place the holder thereof on probation upon conditions set by the Board, with revocation upon failure to comply with the conditions:

- (1) Offering to engage or engaging in activities for which a license is required under this Article but without having obtained such a license.
- (2) Aiding or abetting an unlicensed person, firm, partnership, association, corporation or other entity to offer to engage or engage in such activities.
- (3) A crime involving fraud or moral turpitude by conviction thereof.
- (4) Fraud or misrepresentation in obtaining or receiving a license or in preneed funeral planning.
- (5) False or misleading advertising.
- (6) Violating or cooperating with others to violate any provision of this Article, the rules and regulations of the Board, ~~adopted~~ or the standards set forth in Funeral Industry Practices, 16 C.F.R. 453 (1984), as amended from time to time.

In any case in which the Board is authorized to take any of the actions permitted under this subsection, the Board may instead accept an offer in compromise of the charges whereby the accused shall pay to the Board a penalty of not more than five thousand dollars (\$5,000). In any case in which the Board is entitled to place a licensee on a term of probation, the Board may also impose a penalty of not more than five thousand dollars (\$5,000) in conjunction with such probation."

SECTION 8. G.S. 96-4(t)(2) reads as rewritten:

"(t) Confidentiality of Records, Reports, and Information Obtained from Claimants, Employers, and Units of Government.

...

- (2) Job Service Information. - (i) Except as hereinafter otherwise provided it is unlawful for any person to disclose any information obtained by the North Carolina State Employment Service Division from workers, employers, applicants, or other persons or groups of persons in the course of administering the State Public Employment Service Program. Provided, however, that if all interested parties waive in writing the right to hold such information confidential, the information may be disclosed and used but only for those purposes that the parties and the Commission have agreed upon in writing. (ii) The Employment Service Division shall make public, through the newspapers and any other suitable media, information as to job openings and available applicants for the

purpose of supplying the demand for workers and employment. (iii) The Labor Market Information Division shall collect, collate, and publish statistical and other information relating to the work under the Commission's jurisdiction; investigate economic developments, and the extent and causes of unemployment and its remedies with the view of preparing for the information of the General Assembly such facts as in the Commission's opinion may make further legislation desirable. (iv) Except as provided by Commission regulation, any information published pursuant to this ~~subsection (H) subdivision~~ shall not be published in any manner revealing the identity of the applicant or the employing unit.

...."

SECTION 9. G.S. 110-136.13(a) reads as rewritten:

"(a) For purposes of this section, G.S. 110-136.11, 110-136.12, and ~~110-14, 110-136.14,~~ the term "employer" means employer as is defined at 29 U.S.C. § 203(d) in the Fair Labor Standards Act."

SECTION 10. G.S. 143-129.8(b) reads as rewritten:

"(b) Contracts for information technology may be entered into under a request for proposals procedure that satisfies the following minimum requirements:

- (1) Notice of the request for proposals shall be given in accordance with ~~G.S. 143-129(a)~~ G.S. 143-129(b).
- (2) Contracts shall be awarded to the person or entity that submits the best overall proposal as determined by the awarding authority. Factors to be considered in awarding contracts shall be identified in the request for proposals."

SECTION 11. G.S. 147-69 reads as rewritten:

"§ 147-69. **Deposits of State funds in banks and savings and loan associations regulated.**

Banks and savings and loan associations having State deposits shall furnish to the Auditor of the State, upon ~~his~~ the Auditor's request, a statement of the moneys which have been received and paid by them on account of the treasury. The Treasurer shall keep in ~~his~~ the Treasurer's office a full account of all moneys deposited in and drawn from all banks and savings and loan associations in which ~~he~~ the Treasurer may deposit or cause to be deposited any of the public funds, and ~~such~~ these accounts shall be open to the inspection of the Auditor. The Treasurer shall sign all checks, and no depository bank or savings and loan association shall be authorized to pay checks not bearing ~~his~~ the Treasurer's official signature. The Treasurer is authorized to use a facsimile signature machine or device in affixing ~~his~~ the Treasurer's signature to warrants, checks or any other instrument ~~he~~ the

Treasurer is required by law to sign. The Commissioner of ~~Banks and Banks~~, the bank examiners, and ~~the Commissioner of Banks and~~ the savings and loan examiners, when so required by the State Treasurer, shall keep the State Treasurer fully informed at all times as to the condition of all ~~such~~ these depository banks and savings and loan associations, so as to fully protect the State from loss. The State Treasurer shall, before making deposits in any bank or savings and loan association, require ample security from the bank or savings and loan association for ~~such deposit~~ these deposits."

SECTION 12.(a) G.S. 163-278.39B is recodified as G.S. 163-278.38Z under Part 1A of Article 22A of Chapter 163 of the General Statutes, so that the recodified section appears as the first section in Part 1A.

SECTION 12.(b) G.S. 163-278.6 reads as rewritten:

"§ 163-278.6. Definitions.

When used in this Article:

...

- (2) The term "broadcasting station" means any commercial radio or television station or community antenna radio or television station. Special definitions of 'radio' and 'television' that apply only in Part 1A of this Article are set forth in G.S. 163-278.38Z.

...

- (4) The term "candidate" means any individual who, with respect to a public office listed in G.S. 163-278.6(18), has filed a notice of candidacy or a petition requesting to be a candidate, or has been certified as a nominee of a political party for a vacancy, has otherwise qualified as a candidate in a manner authorized by law, or has received funds or made payments or has given the consent for anyone else to receive funds or transfer anything of value for the purpose of exploring or bringing about that individual's nomination or election to office. Transferring anything of value includes incurring an obligation to transfer anything of value. Status as a candidate for the purpose of this Article continues if the individual is receiving contributions to repay loans or cover a deficit or is making expenditures to satisfy obligations from an election already held. Special definitions of 'candidate' and 'candidate campaign committee' that apply only in Part 1A of this Article are set forth in G.S. 163-278.38Z.

- (5) The term "communications media" or "media" means broadcasting stations, carrier current stations, newspapers,

magazines, periodicals, outdoor advertising facilities, billboards, newspaper inserts, and any person or individual whose business is polling public opinion, analyzing or predicting voter behavior or voter preferences. Special definitions of 'print media,' 'radio,' and 'television' that apply only in Part 1A of this Article are set forth in G.S. 163-278.38Z.

...

- (14) The term "political committee" means a combination of two or more individuals, such as any person, committee, association, organization, or other entity that makes, or accepts anything of value to make, contributions or expenditures and has one or more of the following characteristics:
- a. Is controlled by a candidate;
 - b. Is a political party or executive committee of a political party or is controlled by a political party or executive committee of a political party;
 - c. Is created by a corporation, business entity, insurance company, labor union, or professional association pursuant to G.S. 163-278.19(b); or
 - d. Has as a major purpose to support or oppose the nomination or election of one or more clearly identified candidates.

Supporting or opposing the election of clearly identified candidates includes supporting or opposing the candidates of a clearly identified political party.

An entity is rebuttably presumed to have as a major purpose to support or oppose the nomination or election of one or more clearly identified candidates if it contributes or expends or both contributes and expends during an election cycle more than three thousand dollars (\$3,000). The presumption may be rebutted by showing that the contributions and expenditures giving rise to the presumption were not a major part of activities of the organization during the election cycle. Contributions to referendum committees and expenditures to support or oppose ballot issues shall not be facts considered to give rise to the presumption or otherwise be used in determining whether an entity is a political committee.

If the entity qualifies as a "political committee" under sub-subdivision a., b., c., or d. of this subdivision, it continues to be a political committee if it receives contributions or

makes expenditures or maintains assets or liabilities. A political committee ceases to exist when it winds up its operations, disposes of its assets, and files its final report.

Special definitions of 'political action committee' and 'candidate campaign committee' that apply only in Part 1A of this Article are set forth in G.S. 163-278.38Z.

- (15) The term "political party" means any political party organized or operating in this State, whether or not that party is recognized under the provisions of G.S. 163-96. A special definition of 'political party organization' that applies only in Part 1A of this Article is set forth in G.S. 163-278.38Z.

...."

SECTION 13.(a) Section 1 of S.L. 2001-37 is repealed.

SECTION 13.(b) S.L. 2001-37 is amended by adding a new section to read:

"**SECTION 1.1.** G.S. 160A-58.1(b)(5) does not apply to the Cities of Marion, Oxford, and Rockingham and the Towns of Calabash, Catawba, Dallas, Godwin, Louisburg, Mocksville, Pembroke, Rutherfordton, and Waynesville."

SECTION 13.(c) G.S. 160A-58.1(b)(5), as amended by S.L. 2004-57 and S.L. 2004-99, reads as rewritten:

- "(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Claremont, Concord, Conover, Gastonia, Hickory, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Angier, Bladenboro, Calabash, Catawba, Creswell, Dallas, Fuquay-Varina, Garner, Godwin, Holly Ridge, Holly Springs, Kenly, Knightdale, Leland, Louisburg, Maiden, Mayodan, Midland, Mocksville, Morrisville, Pembroke, Pine Level, Ranlo, Rolesville, Rutherfordton, Swansboro, Troy, Wallace, Warsaw, Waynesville, Wendell, and Zebulon."

SECTION 13.(d) G.S. 160A-58.1(b1) is repealed.

PART II. OTHER CHANGES

SECTION 14. G.S. 1-44.2(b) reads as rewritten:

"(b) ~~Persons claiming ownership contrary to the presumption established in this section shall have a period of one year from the date of enactment of this statute or the abandonment of such easement, whichever later occurs, in~~

~~which to bring any action to establish their ownership.~~ The presumption established by this section is rebuttable by showing that a party has good and valid title to the land."

SECTION 15.(a) G.S. 1-47(1) reads as rewritten:

"§ 1-47. Ten years.

Within ten years an action -

- (1) Upon a judgment or decree of any court of the United States, or of any state or territory thereof, from the date of its ~~rendition.~~ entry. No such action may be brought more than once, or have the effect to continue the lien of the original judgment.

...."

SECTION 15.(b) G.S. 1-52(8) reads as rewritten:

"§ 1-52. Three years.

Within three years an action -

...

- (8) For fees due to a clerk, sheriff or other officer, by the judgment of a court; within three years from the ~~rendition~~ entry of the judgment, or the issuing of the last execution thereon.

...."

SECTION 16. G.S. 7A-16 reads as rewritten:

"§ 7A-16. Creation and organization.

The Court of Appeals is created effective January 1, 1967. It shall consist initially of six judges, elected by the qualified voters of the State for terms of eight years. The Chief Justice of the Supreme Court shall designate one of the judges as Chief Judge, to serve in such capacity at the pleasure of the Chief Justice. Before entering upon the duties of his office, a judge of the Court of Appeals shall take the oath of office prescribed for a judge of the General Court of Justice.

The Governor on or after July 1, 1967, shall make temporary appointments to the six initial judgeships. The appointees shall serve until January 1, 1969. Their successors shall be elected at the general election for members of the General Assembly in November, 1968, and shall take office on January 1, 1969, to serve for the remainder of the unexpired term which began on January 1, 1967.

Upon the appointment of at least five judges, and the designation of a Chief Judge, the court is authorized to convene, organize, and promulgate, subject to the approval of the Supreme Court, such supplementary rules as it deems necessary and appropriate for the discharge of the judicial business lawfully assigned to it.

Effective January 1, 1969, the number of judges is increased to nine, and the Governor, on or after March 1, 1969, shall make temporary appointments to the additional judgeships thus created. The appointees shall serve until January 1, 1971. Their successors shall be elected at the general election for members of the General Assembly in November, 1970, and shall take office on January 1, 1971, to serve for the remainder of the unexpired term which began on January 1, 1969.

Effective January 1, 1977, the number of judges is increased to 12; and the Governor, on or after July 1, 1977, shall make temporary appointments to the additional judgeships thus created. The appointees shall serve until January 1, 1979. Their successors shall be elected at the general election for members of the General Assembly in November, 1978, and shall take office on January 1, 1979, to serve the remainder of the unexpired term which began on January 1, 1977.

On or after December 15, 2000, the Governor shall appoint three additional judges to increase the number of judges to 15. ~~Each judgeship shall not become effective until the temporary appointment is made, and each appointee shall serve from the date of qualification until January 1, 2005. Those judges' successors shall be elected in the 2004 general election and shall take office on January 1, 2005, to serve terms expiring December 31, 2012.~~

The Court of Appeals shall sit in panels of three judges each. The Chief Judge insofar as practicable shall assign the members to panels in such fashion that each member sits a substantially equal number of times with each other member. He shall preside over the panel of which he is a member, and shall designate the presiding judge of the other panel or panels.

Three judges shall constitute a quorum for the transaction of the business of the court, except as may be provided in ~~§ 7A-32~~G.S. 7A-32.

In the event the Chief Judge is unable, on account of absence or temporary incapacity, to perform the duties placed upon him as Chief Judge, the Chief Justice shall appoint an acting Chief Judge from the other judges of the Court, to temporarily discharge the duties of Chief Judge."

SECTION 17. G.S. 7B-808(b) reads as rewritten:

"(b) The director of the department of social services shall prepare the predisposition report for the court containing the results of any mental health evaluation ~~of a juvenile~~ under G.S. 7B-503, a placement plan, and a treatment plan the director deems appropriate to meet the juvenile's needs."

SECTION 18. The catch line of G.S. 8-53.5 reads as rewritten:

"§ 8-53.5. **Communications between licensed marital and family therapist and client(s).**"

SECTION 19.(a) G.S. 14-202.4 reads as rewritten:

"§ 14-202.4. **Taking indecent liberties with a student.**

(a) If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel and is at least four years older than the victim, takes indecent liberties with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school but before the victim ceases to be a student, the defendant is guilty of a Class I felony, unless the conduct is covered under some other provision of law providing for greater punishment. ~~The term "same school" means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers.~~ A person is not guilty of taking indecent liberties with a student if the person is lawfully married to the student.

(b) If a defendant, who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and who is less than four years older than the victim, takes indecent liberties with a student as provided in subsection (a) of this section, the defendant is guilty of a Class A1 misdemeanor.

(c) Consent is not a defense to a charge under this section.

(d) For purposes of this section, the following definitions apply:

(1) "Indecent liberties" means:

- a. Willfully taking or attempting to take any immoral, improper, or indecent liberties with a student for the purpose of arousing or gratifying sexual desire; or
- b. Willfully committing or attempting to commit any lewd or lascivious act upon or with the body or any part or member of the body of a student.

For purposes of this section, the term indecent liberties does not include vaginal intercourse or a sexual act as defined by G.S. 14-27.1.

(1a) "Same school" means a school at which (i) the student is enrolled or is present for a school-sponsored or school-related activity and (ii) the school personnel is employed, volunteers, or is present for a school-sponsored or school-related activity.

(2) "School" means any public school, charter school, or non-public school under Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes.

(3) "School personnel" means any person included in the definition contained in G.S. 115C-332(a)(2), and any person who volunteers at a school or a school-sponsored activity.

(3a) "School safety officer" means any other person who is regularly present in a school for the purpose of promoting

and maintaining safe and orderly schools and includes a school resource officer.

- (4) "Student" means a person enrolled in kindergarten, or in grade one through grade 12 in any school."

SECTION 19.(b) This section becomes effective December 1, 2004, and applies to offenses committed on or after that date.

SECTION 20.(a) G.S. 14-298 reads as rewritten:

"§ 14-298. ~~Gaming tables, illegal punchboards, slot machines, and prohibited video game machines to be destroyed by police officers.~~Seizure of illegal gaming items.

(a) ~~All sheriffs and officers of police are hereby authorized and directed, on information made to them on oath~~Any law enforcement officer may seize that any gaming table prohibited to be used by G.S. 14-289 through G.S. 14-300, any illegal punchboard or illegal slot machine, or any video game machine prohibited to be used by G.S. 14-306 or G.S. 14-306.1, that is in the possession or use of any person within the limits of their jurisdiction, jurisdiction when probable cause exists as to the unlawful possession or use, to destroy the same by every means in their power, and they shall call to their aid all the good citizens of the county, if necessary, to effect its destruction.

(b) Any law enforcement agency in possession of an item seized pursuant to subsection (a) of this section shall retain the item pending a disposition order from a district or superior court judge.

(c) At the conclusion of any criminal proceeding regarding an item seized, upon application by the law enforcement agency, district attorney, or owner of the seized item, and after notice and opportunity to be heard by all parties, if the court finds that either of the following occurred or existed at the time the item was seized, the court shall enter an order releasing the item to the law enforcement agency to be destroyed or used for training purposes:

- (1) The item was unlawfully possessed.
- (2) The item was being unlawfully used with the knowledge of the owner of the item.

If the court does not find that either condition occurred or existed at the time the item was seized, the item shall be ordered released to its owner upon satisfactory proof of ownership."

SECTION 20.(b) This section becomes effective October 1, 2004. If Section 3 of Senate Bill 6, 2003 Regular Session, becomes law, this section is repealed.

SECTION 21. G.S. 14-401.5 is repealed.

SECTION 22. G.S. 15-190 reads as rewritten:

"§ 15-190. Person or persons to be designated by warden to execute sentence; supervision of execution; who shall be present.

Some guard or guards or other reliable person or persons to be named and designated by the warden from time to time shall cause the person, convict or felon against whom the death sentence has been so pronounced to be executed as provided by this Article and all amendments thereto. The execution shall be under the general supervision and control of the warden of the penitentiary, who shall from time to time, in writing, name and designate the guard or guards or other reliable person or persons who shall cause the person, convict or felon against whom the death sentence has been pronounced to be executed as provided by this Article and all amendments thereto. At such execution there shall be present the warden or deputy warden or some person designated by the warden in the warden's place, and the surgeon or physician of the penitentiary. Four respectable citizens, two members of the victim's family, the counsel and any relatives of such person, convict or felon and a minister or member of the clergy or religious leader of the person's choosing may be present if they so desire. The names of persons designated to carry out the execution shall be confidential and exempted under Chapter 132 of the General Statutes and are not subject to discovery or introduction as evidence in any proceeding. The Senior Resident Superior Court Judge for Wake County may compel disclosure of names made confidential by this section after making findings that support a conclusion that disclosure is necessary to a proper administration of justice."

SECTION 23. G.S. 18B-101(7a) reads as rewritten:

"§ 18B-101. Definitions.

As used in this Chapter, unless the context requires otherwise:

...

(7a) "Historic ABC establishment" means a restaurant or hotel that meets all of the following requirements:

- a. Is on the national register of historic ~~places~~ places or located within a State historic district.
- b. Is a property designed to attract local, State, national, and international tourists located on a State Route (SR) and with a property line located within 1.5 miles of the intersection of a designated North Carolina scenic byway as defined in G.S. 136-18(31).
- c. Is located within 15 miles of a national scenic highway.
- d. Is located in a county in which the on-premises sale of malt beverages or unfortified wine is authorized in two or more cities in the county.

...."

SECTION 24. G.S. 18B-600(f) reads as rewritten:

"(f) Township Elections. - An election may be called on any of the propositions listed in G.S. 18B-602 in any township located within:

- (1) A county where ABC stores have heretofore been established by petition pursuant to law.
- (2) A county where ABC stores have been established pursuant to law, in which county according to data from the North Carolina Department of Commerce: (i) one-third or more of the employment is travel related, (ii) spending on travel exceeds four hundred million dollars (\$400,000,000) per year, and where the entirety of two townships consists of one island (and several smaller islands not making up more than one percent (1%) of the total land area of the two townships) where that island:
 - a. Has a population of 4,000 or over according to the most recent decennial federal census;
 - b. Is located with one side facing the ocean and another side facing a coastal sound.
- ~~(3) A county where the population of all cities in the county that have previously approved the sale of any kind of alcoholic beverages comprises more than twenty percent (20%) of the total county population as of the most recent federal census.~~

An election may be called on any of the propositions listed in G.S. 18B-602(a), (d), and (h) in any township located within a county where the population of all cities in the county that have previously approved the sale of any kind of alcoholic beverages comprises more than twenty percent (20%) of the total county population as of the most recent federal census. In the case of subdivision (2) of this section, an election may be called in the two townships voting together on the proposition contained in G.S. 18B-602(h).

The election shall be held by the county board of elections upon request of the county board of commissioners or upon petition of twenty-five percent (25%) of the registered voters of the township, or in the case of subdivision (2) of this section, of the two townships taken together. The election shall be conducted and the results determined in the same manner as county elections held under this Article. For purposes of this Article, townships holding any election under this subsection shall be treated on the same basis as counties, and municipalities located within those townships shall be treated on the same basis as cities. In the case of an election under subdivision (2) of this subsection, the votes of the two townships counted together shall determine the result of the election.

For purposes of this subsection, the name and boundary of a township is as it is shown on the Redistricting Census 2000 TIGER Files with modifications made by the Legislative Services Office on its computer database as of May 1, 2001.

In any township election held under this subsection, the area within any incorporated municipality is excluded, and no permits may be issued under this subsection in any excluded area.

In order for an establishment to qualify for a permit under this subsection, the establishment's gross receipts from food and nonalcoholic beverages shall be greater than its gross receipts from alcoholic beverages."

SECTION 25.(a) G.S. 18B-900(a) reads as rewritten:

"(a) Requirements. - To be eligible to receive and to hold an ABC permit, a person shall:

...

- (6) Not have had an alcoholic beverage permit revoked within three years- years, except where the revocation was based solely on a permittee's failure to pay the annual registration and inspection fee required in G.S. 18B-903(b1)."

SECTION 25.(b) G.S. 18B-903(b1) reads as rewritten:

"(b1) Registration. - Each person holding a malt beverage, fortified wine, or unfortified wine permit issued pursuant to G.S. 18B-902(d)(1) through G.S. 18B-902(d)(6) shall register by May 1 of each year on a form provided by the Commission, in order to provide information needed by the State in enforcing this Chapter and to support the costs of that enforcement. The registration required by this subsection shall be accompanied by an annual registration and inspection fee of two hundred dollars (\$200.00) for each permit held. The fee shall be paid by May 1 of each year. A registration fee shall not be refundable. Failure to pay the annual registration and inspection fee shall result in revocation of the permit."

SECTION 26.(a) G.S. 18B-1001.1(b) reads as rewritten:

"(b) A wine shipper permittee that ships to addresses in the State more than 1,000 cases of wine in a calendar year must appoint at least one wholesaler to offer and sell the products of the wine shipper permittee under Article 12 of this Chapter if the wine shipper permittee is contacted by a wholesaler that wishes to sell the products of the wine shipper permittee. This provision shall not be construed to require the wine shipper permittee to appoint the wholesaler that originally contacted the wine shipper permittee. Wine purchased by a resident of the State at the premises of the wine shipper permittee and shipped to an address in the State under ~~G.S. 18B-109(b)~~ 18B-109(d) shall not be included in calculating the total of 1,000 cases per year."

SECTION 26.(b) This section is effective on or after October 1, 2003.

SECTION 27. G.S. 18B-1006(j)(4) is repealed.

SECTION 28. G.S. 18B-1006(m) reads as rewritten:

- "(m) Interstate Interchange Economic Development Zones. -
- (1) The Commission may issue permits listed in G.S. 18B-1001(10), without approval at an election, to qualified establishments defined in G.S. 18B-1000(4), (6), and (8) located within one mile of an interstate highway interchange located in a county that:
 - a. Has approved the sale of malt beverages, unfortified wine, and fortified wine, but not mixed beverages;
 - b. Operates ABC stores;
 - c. Borders on another state; and
 - d. Lies north and east of the Roanoke River.
 - (2) The Commission may issue permits listed in G.S. 18B-1001(1), (3), (5), and (10) to qualified establishments defined in G.S. 18B-1000(4), (6), and (8) and may issue permits listed in G.S. 18B-1001(2) and (4) to qualified establishments defined in G.S. 18B-1000(3) in any county that qualifies for issuance of permits pursuant to G.S. 18B-1006(k)(5). These permits may be issued without approval at an election and shall be issued only to qualified establishments that meet any of the following requirements:
 - a. Located within one mile of any interstate highway interchange in that county.
 - b. Located within one mile of an establishment issued a permit under G.S. 18B-1006(k)(5).
 - ~~(3) The Commission may issue permits listed in G.S. 18B-1001(10), without approval at an election, to qualified establishments defined in G.S. 18B-1000(4), (6), and (8) located within one mile of an interstate highway interchange located in a county that meets all of the following requirements:~~
 - ~~a. Has approved the sale of malt beverages, unfortified wine, fortified wine, but not mixed beverages.~~
 - ~~b. Contains one city that has approved the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages.~~
 - ~~e. Operates ABC stores.~~
 - ~~d. Lies south and west of the Roanoke River and shares a common border with a county qualifying in subdivision (1) of this subsection.~~

~~This subsection shall also apply to an establishment in a county included in subdivision (3) of this subsection if the establishment is located within two miles of an interstate highway interchange that is within three~~

miles of the common border described in sub-subdivision (3)d. of this subsection."

SECTION 29. G.S. 18B-1104(7) reads as rewritten:

"(7) In areas where the sale is legal, sell the brewery's malt beverages at the brewery upon receiving a permit under G.S. 18B-1001(1). The brewery also may obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 310,000 gallons of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery at not more than three other locations in the State upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision shall also offer for sale at that location a reasonable selection of competitive malt beverage products."

SECTION 30. G.S. 30-3.6(c) reads as rewritten:

"(c) A written waiver that would have been effective to waive a spouse's right to dissent in estates of decedents dying on or before December 31, 2000, under Article 1 of Chapter 30 of the General Statutes is effective to waive that spouse's right of elective share under this Article for estates of ~~decedent's~~ decedents dying on or after January 1, 2001."

SECTION 31.(a) G.S. 35A-1213(b) reads as rewritten:

"(b) ~~An individual appointed as general guardian or guardian of the estate must be a resident of the State of North Carolina.~~ A nonresident of the State of North Carolina, to be appointed as general guardian, guardian of the ~~person~~ person, or guardian of the estate of a North Carolina resident, must indicate in writing his willingness to submit to the jurisdiction of the North Carolina courts in matters relating to the guardianship and must appoint a resident agent to accept service of process for the guardian in all actions or proceedings with respect to the guardianship. Such appointment must be approved by and filed with the clerk, and any agent so appointed must notify the clerk of any change in the agent's address or legal residence. The clerk ~~may~~ shall require a nonresident guardian of the estate or a non-resident general guardian to post a bond or other security for the faithful performance of the guardian's duties. The clerk may require a nonresident

guardian of the person to post a bond or other security for the faithful performance of the guardian's duties."

SECTION 31.(b) G.S. 35A-1290(c) reads as rewritten:

"(c) It is the clerk's duty to remove a ~~guardian~~ guardian or to take other action sufficient to protect the ward's interests in the following cases:

- (1) The guardian has been adjudged incompetent by a court of competent jurisdiction and has not been restored to competence.
- (2) The guardian has been convicted of a felony under the laws of the United States or of any state or territory of the United States or of the District of Columbia and his citizenship has not been restored.
- (3) The guardian was originally unqualified for appointment and continues to be unqualified, or the guardian would no longer qualify for appointment as guardian due to a change in residence, a change in the charter of a corporate guardian, or any other reason.
- (4) The guardian is the ward's spouse and has lost his rights as provided by Chapter 31A of the General Statutes.
- (5) The guardian fails to post, renew, or increase a bond as required by law or by order of the court.
- (6) The guardian refuses or fails without justification to obey any citation, notice, or process served on him in regard to the guardianship.
- (7) The guardian fails to file required accountings with the clerk.
- (8) The clerk finds the guardian unsuitable to continue serving as guardian for any reason.
- (9) The guardian is a nonresident of the State and refuses or fails to obey any citation, notice, or process served on the guardian or the guardian's process agent."

SECTION 31.(c) G.S. 35A-1291 reads as rewritten:

"§ 35A-1291. ~~Interlocutory~~ Emergency removal; interlocutory orders on revocation.

The clerk may remove a guardian without hearing if the clerk finds reasonable cause to believe that an emergency exists that threatens the physical well-being of the ward or constitutes a risk of substantial injury to the ward's estate. In all cases where the letters of a guardian are revoked, the clerk may, pending the resolution of any controversy in respect to such removal, make such interlocutory orders and decrees as the clerk finds necessary for the protection of the ward or the ward's estate or the other party seeking relief by such revocation."

SECTION 32.(a) G.S.40A-3(b) reads as rewritten:

"(b) ~~Local Public Condemners~~ Condemners - Standard Provision. - For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property, either inside or outside its boundaries, for the following purposes.

- (1) Opening, widening, extending, or improving roads, streets, alleys, and sidewalks. The authority contained in this subsection is in addition to the authority to acquire rights-of-way for streets, sidewalks and highways under Article 9 of Chapter 136. The provisions of this subdivision (1) shall not apply to counties.
- (2) Establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for counties.
- (3) Establishing, enlarging, or improving parks, playgrounds, and other recreational facilities.
- (4) Establishing, extending, enlarging, or improving storm sewer and drainage systems and works, or sewer and septic tank lines and systems.
- (5) Establishing, enlarging, or improving hospital facilities, cemeteries, or library facilities.
- (6) Constructing, enlarging, or improving city halls, fire stations, office buildings, courthouse jails and other buildings for use by any department, board, commission or agency.
- (7) Establishing drainage programs and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels or improving drainage facilities. The authority contained in this subdivision is in addition to any authority contained in Chapter 156.
- (8) Acquiring designated historic properties, designated as such before October 1, 1989, or acquiring a designated landmark designated as such on or after October 1, 1989, for which an application has been made for a certificate of appropriateness for demolition, in pursuance of the purposes of G.S. 160A-399.3, Chapter 160A, Article 19, Part 3B, effective until October 1, 1989, or G.S. 160A-400.14, whichever is appropriate.
- (9) Opening, widening, extending, or improving public wharves.

The board of education of any municipality or county or a combined board may exercise the power of eminent domain under this Chapter for purposes authorized by other statutes.

The power of eminent domain shall be exercised by local public condemners under the procedures of Article 3 of this Chapter."

SECTION 32.(b) G.S. 40A-3(b1) reads as rewritten:

"(b1) Local Public ~~Condemners~~Condemners - Modified Provision for Certain Localities. - For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property or interest therein, either inside or outside its boundaries, for the following purposes.

- (1) Opening, widening, extending, or improving roads, streets, alleys, and sidewalks. The authority contained in this subsection is in addition to the authority to acquire rights-of-way for streets, sidewalks and highways under Article 9 of Chapter 136. The provisions of this subdivision (1) shall not apply to counties.
- (2) Establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for counties.
- (3) Establishing, enlarging, or improving parks, playgrounds, and other recreational facilities.
- (4) Establishing, extending, enlarging, or improving storm sewer and drainage systems and works, or sewer and septic tank lines and systems.
- (5) Establishing, enlarging, or improving hospital facilities, cemeteries, or library facilities.
- (6) Constructing, enlarging, or improving city halls, fire stations, office buildings, courthouse jails and other buildings for use by any department, board, commission or agency.
- (7) Establishing drainage programs and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels or improving drainage facilities. The authority contained in this subdivision is in addition to any authority contained in Chapter 156.
- (8) Acquiring designated historic properties, designated as such before October 1, 1989, or acquiring a designated landmark designated as such on or after October 1, 1989, for which an application has been made for a certificate of appropriateness for demolition, in pursuance of the purposes of G.S. 160A-399.3, Chapter 160A, Article 19, Part 3B, effective until October 1, 1989, or G.S. 160A-400.14, whichever is appropriate.
- (9) Opening, widening, extending, or improving public wharves.
- (10) Engaging in or participating with other governmental entities in acquiring, constructing, reconstructing, extending, or otherwise building or improving beach erosion control or flood and hurricane protection works, including, but

not limited to, the acquisition of any property that may be required as a source for beach renourishment.

- (11) Establishing access for the public to public trust beaches and appurtenant parking areas.

The board of education of any municipality or county or a combined board may exercise the power of eminent domain under this Chapter for purposes authorized by other statutes.

The power of eminent domain shall be exercised by local public condemnors under the procedures of Article 3 of this chapter.

This subsection applies only to Carteret and Dare Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village of Bald Head Island."

SECTION 33. G.S. 40A-42(a) reads as rewritten:

- "(a) (1) Standard Provision. - When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10), (12), or (13), title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41.
- (2) Modified Provision for Certain Localities. - When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b1)(1), (4), (7), (10), or (11), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in

G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10), (12), or (13), title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41.

This subdivision applies only to Carteret and Dare Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village of Bald Head Island."

SECTION 34.(a) G.S. 50B-3.1(h) reads as rewritten:

"(h) Disposal of Firearms. - If the defendant does not file a motion requesting the return of any firearms, ammunition, or permits surrendered within the time period prescribed by this section, if the court determines that the defendant is precluded from regaining possession of any firearms, ammunition, or permits surrendered, or if the defendant or third-party owner fails to remit all fees owed for the storage of the firearms or ammunition within 30 days of the entry of the order granting the return of the firearms, ammunition, or permits, the sheriff who has control of the firearms, ammunition, or permits shall give notice to the defendant, and the sheriff shall apply to the court for an order of disposition of the firearms, ammunition, or permits. The judge, after a hearing, may order the disposition of the firearms, ammunition, or permits in one or more of the ways authorized by law, including subdivision (4), (4a), (5), or (6) of G.S. 14-269.1. If a sale by the sheriff does occur, any proceeds from the sale after deducting any costs associated with the sale, and in accordance with all applicable State and federal law, shall be provided to the defendant, if requested by the defendant by motion made before the hearing or at the hearing and if ordered by the judge."

SECTION 34.(b) This section becomes effective December 1, 2004, and applies to offenses committed on or after that date.

SECTION 35.(a) G.S. 54B-266(1) is repealed.

SECTION 35.(b) G.S. 54C-200(1) is repealed.

SECTION 36. G.S. 58-64-33(a) reads as rewritten:

"(a) A provider shall maintain after the opening of a facility: an operating reserve equal to fifty percent (50%) of the total operating costs of the facility forecasted for the 12-month period following the period covered

by the most recent disclosure statement filed with the Department. The forecast statements as required by G.S. 58-64-20(a)(12) shall serve as the basis for computing the operating reserve. In addition to total operating expenses, total operating costs will include debt service, consisting of principal and interest payments along with taxes and insurance on any mortgage loan or other long-term financing, but will exclude depreciation, amortized expenses, and extraordinary items as approved by the Commissioner. If the debt service portion is accounted for by way of another reserve account, the debt service portion may be excluded. If a facility maintains an occupancy level in excess of ninety percent (90%), a provider shall only be required to maintain a twenty-five percent (25%) operating reserve upon approval of the Commissioner, unless otherwise instructed by the Commissioner. The operating reserve ~~must~~ may be funded by cash, by ~~cash equivalents, invested cash,~~ or by investment grade securities, including bonds, stocks, U.S. Treasury obligations, or obligations of U.S. government agencies."

SECTION 37.(a) G.S. 62-3(23) reads as rewritten:

"(23) a. "Public utility" means a person, whether organized under the laws of this State or under the laws of any other state or country, now or hereafter owning or operating in this State equipment or facilities for:

...

- i. The term "public utility" shall not include the State, the Office of ~~the State Controller,~~ Information Technology Services, or the Microelectronics Center of North Carolina in the provision or sharing of switched broadband telecommunications services with non-State entities or organizations of the kind or type set forth in G.S. 143B-426.39.

...."

SECTION 37.(b) G.S. 147-33.92 reads as rewritten:

"§ **147-33.92. Telecommunications services for local governmental ~~units~~ entities and other entities.**

(a) The State Chief Information Officer shall provide cities, counties, and other local governmental ~~units~~ entities with access to a central telecommunications system or service established under G.S. 147-33.91 for State agencies. Access shall be provided on the same cost basis that applies to State agencies.

(b) The State Chief Information Officer shall establish switched broadband telecommunications services and ~~permit~~ permit, in addition to State agencies, cities, counties, and other local government ~~units~~ entities, the following organizations and entities to share on a not-for-profit basis:

- (1) Nonprofit educational institutions.
- (2) MCNC.

- (3) Research affiliates of MCNC for use only in connection with research activities sponsored or funded, in whole or in part, by MCNC, if such research activities relate to health care or education in North Carolina.
- (4) Agencies of the United States government operating in North Carolina for use only in connection with activities that relate to health care or education in North Carolina.
- (5) Hospitals, clinics, and other health care facilities for use only in connection with activities that relate to health care or education in North Carolina.

Provided, however, that sharing of the switched broadband telecommunications services by State agencies with entities or organizations in the categories set forth in this subsection shall not cause the State, the Office of Information Technology Services, or the MCNC to be classified as a public utility as that term is defined in G.S. 62-3(23)a.6. Nor shall the State, the Office of Information Technology Services, or the MCNC engage in any activities that may cause those entities to be classified as a common carrier as that term is defined in the Communications Act of 1934, 47 U.S.C. § 153(h); 47 U.S.C. § 153(10). Provided further, authority to share the switched broadband telecommunications services with the non-State agencies set forth in subdivisions (1) through (5) of this subsection shall terminate one year from the effective date of a tariff that makes the broadband services available to any customer."

SECTION 38. Article 4 of Chapter 72 of the General Statutes is repealed.

SECTION 39.(a) G.S. 95-138 reads as rewritten:

"§ 95-138. Civil penalties.

~~(a) Any employer who willfully or repeatedly violates the requirements of this Article, any standard, rule or order promulgated pursuant to this Article, or regulations prescribed pursuant to this Article, may upon the recommendation of the Director to the Commissioner be assessed by the Commissioner a civil penalty of not more than seventy thousand dollars (\$70,000) and not less than five thousand dollars (\$5,000) for each willful violation. Any employer who has received a citation for a serious violation of the requirements of this Article or any standard, rule, or order promulgated under this Article or of any regulation prescribed pursuant to this Article, shall be assessed by the Commissioner a civil penalty of up to seven thousand dollars (\$7,000) for each serious violation. If the violation is adjudged not to be of a serious nature, then the employer may be assessed a civil penalty of up to seven thousand dollars (\$7,000) for each nonserious violation. Any employer who fails to correct a violation for which a citation has been issued under this Article within the period allowed for its correction (which period shall not begin to run until the date of the final~~

~~order of the Board in the case of any appeal proceedings in this Article initiated by the employer in good faith and not solely for the delay or avoidance of penalties), may be assessed a civil penalty of not more than seven thousand dollars (\$7,000). The assessment shall be made to apply to each day during which the failure or violation continues. Any employer who violates any of the posting requirements, as prescribed under the provision[s] of this Article, shall be assessed a civil penalty of not more than seven thousand dollars (\$7,000) for the violation. The Commissioner upon recommendation of the Director, or the Board in case of an appeal, shall have authority to assess all civil penalties provided by this Article, giving due consideration to the appropriateness of the penalty with respect to the following factors:~~

- ~~(1) Size of the business of the employer being charged,~~
- ~~(2) The gravity of the violation,~~
- ~~(3) The good faith of the employer, and~~
- ~~(4) The record of previous violations; provided that for purposes of determining repeat violations, only the record within the previous three years is applicable.~~

~~The Commissioner shall adopt uniform standards which the Commissioner, the Board, and the hearing examiner shall apply when considering the four factors for determining appropriateness of the penalty. The report of the hearing examiner and the report, decision, or determination of the Board on appeal shall specify the standards applied in determining the reduction or affirmation of the penalty assessed by the Commissioner.~~

~~(b) The clear proceeds of all civil penalties and interest recovered by the Commissioner, together with the costs thereof, shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.~~

~~(a) The Commissioner, upon recommendation of the Director, may assess penalties against any employer who violates the requirements of this Article, or any standard, rule, or order promulgated pursuant to this Article, as follows:~~

- ~~(1) A minimum penalty of five thousand dollars (\$5,000) to a maximum penalty of seventy thousand dollars (\$70,000) for each willful or repeat violation.~~
- ~~(2) A maximum penalty of seven thousand dollars (\$7,000) for each nonserious or serious violation.~~
- ~~(3) A maximum penalty of seven thousand dollars (\$7,000) for each day that an employer fails to correct and abate a violation, within the period allowed for its correction and abatement, which period shall not begin to run until the date of the final Order of the Board in the case of any appeal proceedings in this Article initiated by the employer in~~

good faith and not solely for the delay of avoidance of penalties.

- (4) A maximum penalty of seven thousand dollars (\$7,000) for violating the posting requirements, as required under the provisions of this Article.

(b) The Commissioner shall adopt uniform standards that the Commissioner, the Board, and the hearing examiner shall apply when determining appropriateness of the penalty. The following factors shall be used in determining whether a penalty is appropriate:

- (1) Size of the business of the employer being charged.
- (2) The gravity of the violation.
- (3) The good faith of the employer.
- (4) The record of previous violations; provided that for purposes of determining repeat violations, only the record within the previous three years is applicable.

The report of the hearing examiner and the report, decision, or determination of the Board on appeal shall specify the standards applied in determining the reduction or affirmation of the penalty assessed by the Commissioner.

(c) The clear proceeds of all civil penalties and interest recovered by the Commissioner, together with the costs thereof, shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

SECTION 39.(b) This section is effective October 1, 2004, and applies to violations occurring on or after that date.

SECTION 40. G.S. 105-129.6(b) reads as rewritten:

"(b) Reports. - The Department of Revenue shall publish by ~~March 1~~ April 1 of each year the following information itemized by credit and by taxpayer for the 12-month period ending the preceding December 31:

...."

SECTION 41. G.S. 108A-25 is amended by adding a new subsection to read:

"(d) Each Community Care network organization designated by the Department of Health and Human Services as responsible for coordinating the health care of individuals eligible for medical assistance in a county is hereby deemed to be a public agency that is a local unit of government for the sole and limited purpose of all grants-in-aid, public assistance grant programs, and other funding programs."

SECTION 42. G.S. 110-139.2(b1) reads as rewritten:

"(b1) The Department of Health and Human Services Child Support Enforcement Agency may notify any financial institution doing business in this State that an obligor who maintains an identified account with the financial institution has a delinquent child support obligation that may be

eligible for levy on the account in an amount that satisfies some or all of the delinquency. In order to be able to attach a lien on and levy an obligor's account, the obligor's child support obligation shall be in arrears in an amount not less than the amount of support owed for six months or one thousand dollars (\$1,000), whichever is less.

Upon certification of the arrears amount in accordance with G.S. 44-86(c), the Child Support Agency shall serve or cause to be served upon the obligor and the financial institution a notice as provided by this subsection. The notice shall be served in any manner provided in Rule 4 of the North Carolina Rules of Civil ~~Procedure and Procedure~~, except that a notice may be served on a financial institution in any other manner that the financial institution has agreed to in writing at any time prior to the time the notice is sent. The notice shall include the name of the obligor, the financial institution where the account is located, the account number of the account to be levied to satisfy the lien, the certified arrears amount, information for the obligor on how to remove the lien or contest the lien in order to avoid the levy, and a copy of the applicable law, G.S. 110-139.2. Upon service of the notice, the financial institution shall proceed in the following manner:

- (1) Immediately attach a lien to the identified account.
- (2) Notify the Child Support Agency of the balance of the account and date of the lien or that the account does not meet the requirement for levy under this subsection.

In order for an obligor to contest the lien, within 10 days after the obligor is served with the notice, the obligor shall send written notice of the basis of the obligor's contest to the Child Support Agency and shall request a hearing before the district court in the county where the support order was entered. The lien may be contested only on the basis that the arrearage is an amount less than the amount of support owed for six months, or is less than one thousand dollars (\$1,000), or the obligor is not the person subject to the court order of support. The district court may assess court costs against the nonprevailing party. If no response is received from the obligor within 10 days of the service of the notice, the Child Support Agency shall notify the financial institution to submit payment, up to the total amount of the child support arrears, if available. This amount is to be applied to the debt of the delinquent obligor.

A financial institution shall not be liable to any person for complying in good faith with this subsection.

This levy procedure is to be available for direct use by all states' child support programs to financial institutions in this State."

SECTION 43. G.S. 113A-115.1(b) reads as rewritten:

"(b) No person shall construct a permanent erosion control structure in an ocean shoreline. The Commission shall not permit the construction of a temporary erosion control structure that consists of anything other than

sandbags in an ocean shoreline. This section shall not apply to (i) any permanent erosion control structure that is approved pursuant to an exception set out in a rule adopted by the Commission prior to 1 July 2003 or (ii) any permanent erosion control structure that was originally constructed prior to 1 July 1974 and that has since been in continuous use to protect an inlet that is maintained for navigation. This section shall not be construed to limit the authority of the Commission to adopt rules to designate or protect areas of environmental concern, to govern the use of sandbags, or to govern the use of erosion ~~coastal control~~ structures in estuarine shorelines."

SECTION 44. G.S. 115C-84.2(d) reads as rewritten:

"(d) Opening and Closing Dates. - Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. Different opening and closing dates may be fixed for schools in the same administrative unit.

~~Local boards and individual schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (4) or (5) of this subsection. A teacher may elect to waive this notice requirement for one or more such days."~~

SECTION 45.(a) G.S. 115C-238.29D(d) reads as rewritten:

"(d) The State Board of Education may grant the initial charter for a period not to exceed ~~five~~ 10 years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed ~~five~~ 10 years each. The State Board of Education shall review the operations of each charter school at least once every five years to ensure that the school is meeting the expected academic, financial, and governance standards.

A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education.

It shall not be considered a material revision of a charter application and shall not require the prior approval of the State Board for a charter school to increase its enrollment during the charter school's second year of operation and annually thereafter (i) by up to ten percent (10%) of the school's previous year's enrollment or (ii) in accordance with planned growth as authorized in the charter. Other enrollment growth shall be considered a material revision of the charter application, and the State Board may approve such additional enrollment growth of greater than ten percent (10%) only if the State Board finds that:

- (1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment;
- (2) The charter school has commitments for ninety percent (90%) of the requested maximum growth;

- (3) The board of education of the local school administrative unit in which the charter school is located has had an opportunity to be heard by the State Board of Education on any adverse impact the proposed growth would have on the unit's ability to provide a sound basic education to its students;
- (4) The charter school is not currently identified as low-performing;
- (5) The charter school meets generally accepted standards of fiscal management; and
- (6) It is otherwise appropriate to approve the enrollment growth."

SECTION 45.(b) G.S. 115C-238.29F(e)(1) reads as rewritten:

- "(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school; at least seventy-five percent (75%) of these teachers in grades kindergarten through five, at least fifty percent (50%) of these teachers in grades six through eight, and at least fifty percent (50%) of these teachers in grades nine through 12 shall hold teacher certificates. All teachers in grades six through 12 who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates.

The board also may employ necessary employees who are not required to hold teacher certificates to perform duties other than teaching and may contract for other services. The board may discharge teachers and noncertificated employees."

SECTION 45.(c) This section is effective when it becomes law. Subsection (a) of this section applies to charters granted or renewed on or after that date. Subsection (b) of this section applies to persons employed by charter schools for the 2004-2005 and subsequent school years.

SECTION 46. Part 3 of Article 1 of Chapter 116 of the General Statutes is amended by adding the following new section to read:

"§ 116-40.7. Internal auditors.

(a) Internal auditors within The University of North Carolina and its constituent institutions shall provide independent reviews and analyses of various functions and programs within The University of North Carolina that will provide management information to promote accountability, integrity, and efficiency within The University of North Carolina.

(b) An internal auditor shall have access to any records, data, or other information of The University of North Carolina or the relevant constituent institution that the internal auditor believes necessary to carry out the internal auditor's duties.

(c) An internal auditor shall maintain, for 10 years, a complete file of all audit reports and reports of other examinations, investigations, surveys, and reviews issued under the internal auditor's authority. Audit work papers and other evidence and related supportive material directly pertaining to the work of that auditor's office shall be retained in accordance with Chapter 132 of the General Statutes. To promote cooperation and avoid unnecessary duplication of audit effort, audit work papers related to issued audit reports shall be, unless otherwise prohibited by law, made available for inspection by duly authorized representatives of the State and federal governments in connection with some matter officially before them. Except as otherwise provided in this subsection, or upon subpoena issued by a duly authorized court or court official, audit work papers shall be kept confidential and shall not be open to examination or inspection under G.S. 132-6. Audit reports shall be public records to the extent that they do not include information that, under State laws, is confidential and exempt from Chapter 132 of the General Statutes or would compromise the security systems of The University of North Carolina."

SECTION 47. G.S. 116-238.1 is amended by adding a new subsection to read:

"(f) Notwithstanding any other provision of this section, no tuition grant awarded to a student under this section shall exceed the cost of tuition of the constituent institution at which the student is enrolled. If a student, who is eligible for a tuition grant under this subsection, also receives a scholarship or other grant covering the cost of tuition at the constituent institution for which the tuition grant is awarded, then the amount of the tuition grant shall be reduced by an appropriate amount determined by the State Education Assistance Authority. The State Education Assistance Authority shall reduce the amount of the tuition grant so that the sum of all grants and scholarship aid covering the cost of tuition received by the student, including the tuition grant under this section, shall not exceed the cost of tuition for the constituent institution at which the student is enrolled."

SECTION 48. G.S. 116-243 reads as rewritten:

"§ 116-243. Board of directors established; appointments.

A board of directors to govern the operation of the Arboretum is established, to be appointed as follows:

- (1) Two by the Governor, initially, one for a two-year term, and one for a four-year term. Successors shall be appointed for four-year ~~terms;~~terms.
- (2) Two by the General Assembly, in accordance with G.S. 120-121, upon the recommendation of the President

- Pro Tempore of the Senate, initially, one for a two-year term, and one for a four-year term. Successors shall be appointed for four-year ~~terms;~~terms.
- (3) Two by the General Assembly, in accordance with G.S. 120-121, upon the recommendation of the Speaker of the House of Representatives, initially, one for a two-year term, and one for a four-year term. Successors shall be appointed for four-year ~~terms;~~terms.
 - (4) The President of The University of North Carolina or ~~his~~ the President's designee to serve ex ~~officio;~~officio.
 - (5) The chancellors, chief executive officers, or their designees of the following institutions of higher education: North Carolina State University, Western Carolina University, The University of North Carolina at Asheville, Mars Hill College, and Warren Wilson College, to serve ex ~~officio;~~officio.
 - (6) The President of Western North Carolina Arboretum, Inc., to serve ex ~~officio;~~officio.
 - (7) Six by the Board of Governors of The University of North Carolina, initially, three for one-year terms, and three for three-year terms. Successors shall be appointed for four-year terms. One shall be an active grower of nursery stock, and one other shall represent the State's garden ~~clubs;~~clubs.
 - (8) The executive director of the Arboretum and the Executive Vice President of Western North Carolina Development Association shall serve ex officio as nonvoting members of the board of directors.

All appointed members may serve two full four-year terms following the initial appointment and then may not be reappointed until they have been absent for at least one year. Members serve until their successors have been appointed. Appointees to fill vacancies serve for the remainder of the unexpired term. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Initial terms begin July 1, 1986.

The chairman of the board of directors shall be elected biennially by majority vote of the directors.

The executive director of the Arboretum shall report to the board of directors."

SECTION 49.(a) The title of Article 6 of Chapter 120 of the General Statutes reads as rewritten:

"Article 6.

~~Acts and Journals.~~ Acts, Journals, and Reports to the General Assembly."

SECTION 49.(b) Article 6 of Chapter 120 of the General Statutes is amended by adding the following new section to read:

"§ 120-29.5. State agency reports to the General Assembly.

Whenever a report is directed by law or resolution to be made to the General Assembly, the State agency preparing the report shall deliver one copy of the report to each of the following officers: the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the House Principal Clerk, and the Senate Principal Clerk; and two copies of the report to the Legislative Library. The State agency is encouraged to inform members of the General Assembly that an electronic copy is available. This section does not affect any responsibilities for depositing documents with the State Library or the State Publications Clearinghouse under Chapter 125 of the General Statutes."

SECTION 49.(c) This section becomes effective October 1, 2004.

SECTION 50.(a) G.S. 120-47.2(d) reads as rewritten:

"(d) Within 20 days after the convening of each session of the General Assembly, the Secretary of State shall furnish each member of the General Assembly and the ~~State~~-Legislative Library a list of all persons who have registered as lobbyists and whom they represent. A supplemental list shall be furnished periodically each 20 days thereafter as the session progresses."

SECTION 50.(b) G.S. 147-16.2 reads as rewritten:

"§ 147-16.2. Duration of boards and councils created by executive officials; extensions.

(a) Any executive order of the Governor that creates a board, committee, council, or commission expires two years after the effective date of the executive order, unless the Governor specifies an expiration date in the order; provided, however, that any such executive order that was in effect on July 1, 1983, expires on June 30, 1985, unless the Governor specified a different expiration date in any such order. The Governor may extend any such executive order before it expires for additional periods of up to two years by doing so in writing; copies of the writing shall be filed by the Governor with the Secretary of State and the ~~State~~-Legislative Library.

(b) Any other State board, committee, council, or commission created by the Governor or by any other State elective officer specified in Article III of the North Carolina Constitution expires two years after it was created; provided, however, that any such board, committee, council, or commission existing as of July 1, 1984, expires on June 30, 1985, unless it was due to expire on an earlier date. The elective officer creating any such board, committee, council, or commission may extend the board, committee, council, or commission before it expires for additional periods of up to two years by doing so in writing; copies of the writing shall be filed by the elective officer with the Secretary of State and the ~~State~~-Legislative Library.

(c) Any State board, committee, council, or commission created by any official in the executive branch of State government, other than by those officials specified in subsections (a) and ~~(b)~~, (b) of this section, expires two

years after it was created; provided, however, that any board, committee, council, or commission existing as of July 1, 1984, expires on June 30, 1985, unless it was due to expire on an earlier date. The Governor may extend any such board, committee, council, or commission before it expires for additional periods of up to two years by executive order; copies of the executive order shall be filed by the Governor with the Secretary of State and the ~~State~~ Legislative Library.

The words, "official in the executive branch of State government," as used in this section, do not include officials of counties, cities, towns, villages, other municipal corporations or political subdivisions of the State or any agencies of such subdivision, or local boards of education, other local public districts, units or bodies of any kind, or community colleges as defined in G.S. 115D- 2(2), or private corporations created by act of the General Assembly.

(d) Any elective officer specified in subsection (b) of this section and any other official in the executive branch of State government who creates a board, committee, council, or commission shall do so in writing and shall file copies of the writing with the Secretary of State and the ~~State~~ Legislative Library."

SECTION 51. G.S. 121-4(16) is repealed.

SECTION 52.(a) G.S. 131E-256 is amended by adding the following subsection to read:

"(a1) The Department shall include in the registry a brief statement of any individual disputing the finding entered against the individual in the health care personnel registry pursuant to subdivision (1) of subsection (a) of this section."

SECTION 52.(b) G.S. 131E-256(e) reads as rewritten:

"(e) The Department shall provide an employer or potential employer of any person listed on the Health Care Personnel Registry ~~of information concerning~~ the nature of the finding or allegation and the status of the investigation."

SECTION 52.(c) G.S. 131E-256 is amended by adding the following subsection to read:

"(i) In the case of a finding of neglect under subdivision (1) of subsection (a) of this section, the Department shall establish a procedure to permit health care personnel to petition the Department to have his or her name removed from the registry upon a determination that:

- (1) The employment and personal history of the nurse aid does not reflect a pattern of abusive behavior or neglect;
- (2) The neglect involved in the original finding was a singular occurrence; and
- (3) The petition for removal is submitted after the expiration of the one-year period which began on the date the petitioner's

name was added to the registry under subdivision (1) of subsection (a) of this section."

SECTION 53.(a) G.S. 148-22.2 reads as rewritten:

"§ 148-22.2. Procedure when surgical operations on inmates are necessary.

The medical staff of any penal institution of the State of North Carolina is hereby authorized to perform or cause to be performed by competent and skillful surgeons surgical operations upon any inmate when such operation is necessary for the improvement of the physical condition of the inmate. The decision to perform an operation shall be made by the chief medical officer of the institution, with the approval of the superintendent of the institution, and with the advice of the medical staff of the institution. No operation shall be performed without the consent of the inmate; or, if the inmate is a minor, without the consent of a responsible member of the inmate's family, a guardian, or one having legal custody of the minor; or, if the inmate be non compos mentis, then the consent of a responsible member of the inmate's family or of a guardian shall be obtained. Any surgical operations on inmates of State penal institutions shall also be subject to the provisions of Article 1A of Chapter 90 of the General ~~Statutes and Statutes~~, ~~G.S. 90-21.13~~G.S. 90-21.13, and ~~G.S. 90-21.14~~G.S. 90-21.16.

If the operation on the inmate is determined by the chief medical officer to be an emergency situation in which immediate action is necessary to preserve the life or health of the inmate, and the inmate, if sui juris, is unconscious or otherwise incapacitated so as to be incapable of giving consent or in the case of a minor or inmate non compos mentis, the consent of a responsible member of the inmate's family, guardian, or one having legal custody of the inmate cannot be obtained within the time necessitated by the nature of the emergency situation, then the decision to proceed with the operation shall be made by the chief medical officer and the superintendent of the institution with the advice of the medical staff of the institution.

In all cases falling under this ~~Article, section~~, the chief medical officer of the institution and the medical staff of the institution shall keep a careful and complete record of the measures taken to obtain the permission for the operation and a complete medical record signed by the medical superintendent or director, the surgeon performing the operation and all surgical consultants of the operation performed."

SECTION 53.(b) G.S. 148-46.2 reads as rewritten:

"§ 148-46.2. Procedure when consent is refused by prisoner.

When the Secretary of Correction finds as a fact that the injury to any prisoner was willfully and intentionally self-inflicted and that an operation or treatment is necessary for the preservation or restoration of the health of the prisoner and that the prisoner is competent to act for himself or herself; and

that attempts have been made to obtain consent for the proposed operation or treatment but such consent was refused, and the findings have been reduced to writing and entered into the prisoner's records as a permanent part thereof, then the chief medical officer of the prison hospital or prison institution shall be authorized to give or withhold, on behalf of the prisoner, consent to the operation or treatment.

In all cases coming under the provisions of this ~~Article, section,~~ the medical staff of the hospital or institution shall keep a careful and complete medical record of the treatment and surgical procedures undertaken. The record shall be signed by the chief medical officer of the hospital or institution and the surgeon performing any surgery. Any treatment of self-inflicted injuries shall also be subject to the provisions of G.S. 90-21.13 and ~~90-21.14-G.S. 90-21.16."~~

SECTION 54. G.S. 148-32.1(a) reads as rewritten:

"(a) The Department of Correction shall pay each local confinement facility a standard sum set by the General Assembly in its appropriation acts at a per day, per inmate rate, for the cost of providing food, clothing, personal items, supervision and necessary ordinary medical services to those inmates committed to the custody of the local confinement facility to serve criminal sentences of 30 days or more. This reimbursement shall not include any period of detention prior to actual commitment by the sentencing court. The Department shall also pay to the local confinement facility extraordinary medical expenses incurred for the inmates, defined as follows:

- (1) Medical expenses incurred as a result of providing health care to an inmate as an inpatient (hospitalized);
- (2) Other medical expenses when the total cost exceeds thirty-five dollars (\$35.00) per occurrence or illness as a result of providing health care to an inmate as an outpatient (nonhospitalized); and
- (3) Cost of replacement of eyeglasses and dental prosthetic devices if those eyeglasses or devices are broken while the inmate is incarcerated, provided the inmate was using the eyeglasses or devices at the time of his commitment and then only if prior written consent of the Department is obtained by the local facility.

In order to obtain reimbursement for any of the expenses authorized by this section, a local confinement facility shall submit an invoice to the Department within one year of the date of commitment by the sentencing court."

SECTION 55. G.S. 160A-176.2 reads as rewritten:

"§ 160A-176.2. Ordinances effective in Atlantic Ocean.

(a) A city may adopt ordinances to regulate and control swimming, personal watercraft operation, surfing and littering in the Atlantic Ocean and other waterways adjacent to that portion of the city within its boundaries or

within its extraterritorial jurisdiction; provided, however, nothing contained herein shall be construed to permit any city to prohibit altogether swimming or surfing or to make these activities unlawful.

(b) Subsection (a) of this section applies to the Towns of Atlantic Beach, Calabash, Cape Carteret, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, Oak Island, Ocean Isle Beach, Southern Shores, Sunset Beach, Topsail Beach, and Wrightsville Beach, and the City of Southport only."

SECTION 56. G.S. 160A-635(a) reads as rewritten:

"§ 160A-635. Membership; officers; compensation.

(a) The governing body of an authority is the Board of Trustees. The Board of Trustees shall consist of:

- (1) The mayor of the four cities within the service area that have the largest population, or a member of the city council designated by the city council to serve in the absence of the mayor.
- (2) Two members of the Board of Transportation appointed by the Secretary of Transportation, to serve as ex officio nonvoting members.
- (3) The chair of each Metropolitan Planning Organization in the territorial jurisdiction. The chair of the Metropolitan Planning Organization may appoint the Chair of the Transportation Advisory Committee, or a designee approved by the Transportation Advisory Committee, as his or her designee.
- (4) The chair of the board of commissioners of any county within the territorial jurisdiction or a member of the board of commissioners designated by the board to serve in the absence of the chair, but only if the Board of Trustees by resolution has expanded the Board of Trustees to include the chair of the board of commissioners of that county and the board of commissioners of that county has consented by resolution.
- (5) The chair of the principal airport authority or airport commission of each of the two most populous counties within the territorial jurisdiction, as determined by the most recent decennial federal census. The chair of the airport authority or airport commission may appoint a designee. The designee is not required to be a member of the airport authority or airport commission."

SECTION 57. G.S. 163-34 reads as rewritten:

"§ 163-34. Power of county board of elections to maintain order.

Each county board of elections shall possess full power to maintain order, and to enforce obedience to its lawful commands during its sessions, and shall be constituted an inferior court for that purpose. If any person shall refuse to obey the lawful commands of any county board of elections,

or by disorderly conduct in its hearing or presence shall interrupt or disturb its proceedings, it may, by an order in writing, signed by its chairman, and attested by its secretary, commit the person so offending to the common jail of the county for a period not exceeding 30 days. Such order shall be executed by any sheriff ~~or constable~~ to whom the same shall be delivered, or if a sheriff ~~or constable~~ shall not be present, or shall refuse to act, by any other person who shall be deputed by the county board of elections in writing, and the keeper of the jail shall receive the person so committed and safely keep him for such time as shall be mentioned in the commitment: Provided, that any person committed under the provisions of this section shall have the right to post a two hundred dollar (\$200.00) bond with the clerk of the superior court and appeal to the superior court for a trial on the merits of his commitment."

SECTION 58. G.S. 163-35(b) reads as rewritten:

"(b) Appointment, Duties; Termination. - Upon receipt of a nomination from the county board of elections stating that the nominee for director of elections is submitted for appointment upon majority selection by the county board of elections the Executive Director shall issue a letter of appointment of such nominee to the chairman of the county board of elections within 10 days after receipt of the nomination. Thereafter, the county board of elections shall enter in its official minutes the specified duties, responsibilities and designated authority assigned to the director by the county board of elections. A copy of the specified duties, responsibilities and designated authority assigned to the director shall be filed with the State Board of Elections.

The county board of elections may, by petition signed by a majority of the board, recommend to the Executive Director of the State Board of Elections the termination of the employment of the county board's director of elections. The petition shall clearly state the reasons for termination. Upon receipt of the petition, the Executive Director shall forward a copy of the petition by certified mail, return receipt requested, to the county director of elections involved. The county director of elections may reply to the petition within 15 days of receipt thereof. Within 20 days of receipt of the county director of elections' reply or the expiration of the time period allowed for the filing of the reply, the State Executive Director shall render a decision as to the termination or retention of the county director of elections. The decision of the Executive Director of the State Board of Elections shall be final unless the decision is, within 20 days from the official date on which it was made, deferred by the State Board of Elections. If the State Board defers the decision, then the State Board shall make a final decision on the termination after giving the county director of elections an opportunity to be heard and to present witnesses and information to the State Board, and then notify the Executive Director of its decision in writing.

Any one or more members of the State Board designated by the remaining members of the State Board may conduct the hearing and make a final determination on the termination. For the purposes of this subsection, the member(s) designated by the remaining members of the State Board shall possess the same authority conferred upon the chairman pursuant to G.S. 163-23. If the decision, rendered by the State Board of Elections, after the hearing, results in concurrence with the decision entered by the Executive Director, the decision becomes final. If the decision rendered by the Board after the hearing is contrary to that entered by the Executive Director, then the Executive Director shall, within 15 days from the written notification, enter an amended decision consistent with the results of the decision by the State Board of Elections. Elections or its designated member(s).

Upon majority vote on the recommendation of the Executive Director, the State Board of Elections may initiate proceedings for the termination of a county director of elections for just cause. If the State Board votes to initiate proceedings for termination, the State Board shall state the reasons for the termination in writing and send a copy by certified mail, return receipt requested, to the county director of elections. The director has 15 days to reply in writing to the notice. The State Board of Elections shall also notify the chair of the county board of elections and the chair of the county board of commissioners that the State Board has initiated termination proceedings. The State Board shall make a final decision on the termination after giving the county director of elections an opportunity to be heard, present witnesses, and provide information to the State Board. ~~The State Board of Elections shall notify the chair of the county board of elections and the chair of the county board of commissioners that the State Board has initiated termination proceedings.~~ Any one or more members of the State Board designated by the remaining members of the State Board may conduct the hearing and make a final decision. For the purposes of this subsection, the member(s) designated by the remaining members of the State Board shall possess the same authority conferred upon the chairman pursuant to G.S. 163-23.

A county director of elections may be suspended, with pay, without warning for causes relating to personal conduct detrimental to service to the county or to the State Board of Elections, pending the giving of written reasons, in order to avoid the undue disruption of work or to protect the safety of persons or property or for other serious reasons. Any suspension may be initiated by the Executive Director but may not be for more than five days. Upon placing a county director of elections on suspension, the Executive Director shall, as soon as possible, reduce to writing the reasons for the suspension and forward copies to the county director of elections, the members of the county board of elections, the chair of the county board of

commissioners, and the State Board of Elections. If no action for termination has been taken within five days, the county director of elections shall be fully reinstated.

Termination of any county director of elections shall comply with this subsection. ~~For the purposes of this subsection, the individual designated by the remaining four members of the State Board shall possess the same authority conferred upon the chairman pursuant to G.S. 163-23."~~

SECTION 59.(a) G.S. 163-278.7(b)(7) reads as rewritten:

"(b) Each appointed treasurer shall file with the Board at the time required by G.S. 163-278.9(a)(1) a statement of organization that includes:

- ...
- (7) A listing of all banks, safety deposit boxes, or other depositories used, including the names and numbers of all accounts maintained and the numbers of all such safety deposit boxes used, provided that the Board shall keep any account number included in any report filed after March 1, 2003, and required by this Article confidential except as necessary to conduct an audit or investigation, except as required by a court of competent jurisdiction, or unless confidentiality is waived by the treasurer. Disclosure of an account number in violation of this subdivision shall not give rise to a civil cause of action. This limitation of liability does not apply to the disclosure of account numbers in violation of this subdivision as a result of gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable.

...."

SECTION 59.(b) This section is effective on and after January 1, 2003.

SECTION 60. G.S. 163-278.64(d)(5) reads as rewritten:

- "(5) A candidate and the candidate's committee shall limit the use of all revenues permitted by this subsection to expenditures for campaign-related purposes only. The Board shall publish guidelines outlining permissible campaign-related expenditures. In establishing those guidelines, the Board shall differentiate expenditures that reasonably further a candidate's campaign from expenditures for personal use that would be incurred in the absence of the candidacy. In establishing the guidelines, the Board shall review relevant provisions of G.S. 163-278.42(e), the Federal Election

Campaign Act, and rules adopted pursuant to it, and similar provisions in other states."

SECTION 61. G.S. 168-2 reads as rewritten:

"§ 168-2. Right of access to and use of public places.

Handicapped persons have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and all other buildings and facilities, both publicly and privately owned, which serve the public. The Department of Health and Human Services shall develop, print, and promote the publication ACCESS NORTH CAROLINA. It shall make copies of the publication available to the Department of Commerce for its use in Welcome Centers and other appropriate Department of Commerce offices. ~~The Department of Economic and Community Development~~ Commerce shall promote ACCESS NORTH CAROLINA in its publications (including providing a toll-free telephone line and an address for requesting copies of the publication) and provide technical assistance to the Department of Health and Human Services on travel attractions to be included in ACCESS NORTH CAROLINA. The Department of Commerce shall forward all requests for mailing ACCESS NORTH CAROLINA to the Department of Health and Human Services."

SECTION 62.(a) G.S. 168-4.2 reads as rewritten:

"§ 168-4.2. May be accompanied by ~~assistance dog~~ service animal.

Every mobility impaired person, as defined in this section, visually impaired person, as broadly defined to include visual disability, ~~or~~ hearing impaired person, as defined in G.S. 8B-1(2), or person with a seizure disorder has the right to be accompanied by ~~an assistance dog~~ a service animal especially trained for the purpose of providing assistance to a person with the same impairing condition as the person wishing to be accompanied, in any of the places listed in G.S. 168-3, and has the right to keep the ~~assistance dog~~ service animal on any premises the person leases, rents, or uses. The person qualifies for these rights upon the showing of a tag, issued by the Department of Health and Human Services, ~~pursuant to~~ under G.S. 168-4.3, stamped "NORTH CAROLINA ~~ASSISTANCE DOG~~ SERVICE ANIMAL PERMANENT REGISTRATION" and stamped with a registration number, or upon a showing that the ~~dog~~ animal is being trained or has been trained as ~~an assistance dog~~ An assistance dog ~~a service animal~~ a service animal. The ~~service animal~~ animal may accompany a person in any of the places listed in G.S. 168-3 but may not occupy a seat in any of these places. ~~The trainer of the assistance dog may be accompanied by the dog~~ service animal may accompany that animal's trainer during training sessions in any of the places listed in G.S. 168-3.

A mobility impaired person is a person with a physiological deficiency, regardless of its cause, nature, or extent, that renders the individual unable to move about without the aid of crutches, a wheelchair, or other form of support,

or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any other related function."

SECTION 62.(b) G.S. 168-4.3 reads as rewritten:

"§ 168-4.3. Training and registration of ~~assistance dogs~~ service animal.

The Department of Health and Human Services, shall adopt rules for the registration of ~~assistance dogs~~ service animals and shall issue registrations to a visually impaired person, a hearing impaired person, ~~or a mobility impaired person~~ person, or a person with a seizure disorder who makes application for registration of ~~a dog~~ an animal that serves as ~~an assistance dog~~ a service animal. The rules adopted regarding registration shall require that the ~~dog~~ animal be trained as ~~an assistance dog~~ a service animal by an appropriate agency, and that the certification and registration be permanent for the particular ~~dog~~ animal and need not be renewed while that particular ~~dog~~ animal serves the person applying for registration as ~~an assistance dog~~ a service animal. No fee may be charged the person for the application, registration, tag, or replacement in the event the original is lost. The Department of Health and Human Services may, by rule, issue a certification or accept the certification issued by the appropriate training facilities."

SECTION 62.(c) G.S. 168-4.4 reads as rewritten:

"§ 168-4.4. Responsibility for ~~assistance dogs~~ service animal.

The visually impaired person, hearing impaired person, ~~or mobility impaired person~~ person, or person with a seizure disorder who is accompanied by ~~an assistance dog~~ a service animal may not be required to pay any extra compensation for the ~~dog~~ animal. The person has all the responsibilities and liabilities placed on any person by any applicable law when that person owns or uses any ~~dog~~ animal, including liability for any damage done by the ~~dog~~ animal."

SECTION 63.(a) Section 9.2 of Chapter 707 of the 1963 Session Laws, as amended by S.L. 2002-66, reads as rewritten:

"Sec. 9.2. Beginning with the 2003-2004 fiscal year, the base amount of funding for current expense expenditures from local funds shall include the previous ~~years'~~ year's level of current expense expenditures (for example, eight million seven hundred thousand dollars (\$8,700,000) in 2002-2003), multiplied by one plus the average percentage change in local current expense school expenditures for the two most recent available fiscal ~~year~~ years for low-wealth counties in North Carolina (all local expenditures shall include local current expense expenditures incurred by charter schools within the appropriate districts), as determined by the Superintendent of Public Instruction or that person's designee. The average percentage change shall be calculated by (i) adding together for each of the two previous fiscal years the total current local expense expenditures for all low-wealth counties, (ii) dividing each of those totals, respectively, by the number of low-wealth counties receiving low-wealth funding in each year to obtain an average

low-wealth county local current expense expenditure for each year, and (iii) comparing the two averages. The average percentage change shall equal the percent difference between the averages for the two years. The resulting product shall then be multiplied by a ratio consisting of the Average Daily Membership used to distribute State funding for the succeeding fiscal year as provided by the Department of Public Instruction, divided by the Average Daily Membership used to distribute funding for the current fiscal year, as determined by the Superintendent of Public Instruction, or that person's designee. ~~The resulting number shall be added to or subtracted from the previous year's amount of current expense expenditures from local funds. This sum-~~ The resulting product shall be the required level of current expense funding to be appropriated by the Board of Commissioners from any local sources, including both general and supplemental tax revenues, and not including fines and forfeitures or restricted use sales taxes authorized by Article 40 or 42 of Chapter 105 of the General Statutes."

SECTION 63.(b) The remainder of Chapter 707 of the 1963 Session Laws is not changed by this section except to the extent any previously enacted provisions for the establishment and funding of current expense expenditures are inconsistent with the provisions of this section.

SECTION 64.(a) Section 6(a) of Chapter 246, Session Laws of 1991, as rewritten by Section 14 of Chapter 358 of the 1993 Session Laws, reads as rewritten:

"Sec. 6. Orange County Civil Rights Ordinance. (a) The Board of Commissioners of Orange (hereafter 'Board of Commissioners') may adopt an ordinance (hereafter 'the Ordinance') to prohibit discrimination in ~~employment, housing, housing~~ and public accommodations on the basis of race, color, religion, gender, national origin, age, disability, marital status, familial status, and veteran status.

The Board of Commissioners may include in the Ordinance a prohibition of language or conduct or both directed at an individual or at a group of individuals because of that individual's or group of individuals' actual or perceived race, color, religion, gender, national origin, age, disability, marital status, familial status, or veteran status which communicates in a threatening manner words that incite imminent lawless action or which tend to incite an immediate breach of the peace."

SECTION 64.(b) Section 6(b)(9) of Chapter 246, Session Laws of 1991, as rewritten by Section 14 of Chapter 358 of the 1993 Session Laws, reads as rewritten:

"(b) The Board of Commissioners may, in the Ordinance, adopt procedures and delegate powers to the Orange County Human Relations Commission (hereafter 'the Commission') which are necessary and proper for carrying out and enforcing the Ordinance. To assist in the enforcement of the Ordinance, the Commission has, but is not limited to, the following powers:

- ...
- (9) Making application, in its discretion, to the Office of Administrative Hearings for the designation of an administrative law judge to preside over a hearing in cases involving allegedly unlawful ~~employment practices, public accommodations, public accommodations~~ or other conduct made unlawful by subsection (a) of this section after conciliation efforts have failed; and

...."

SECTION 64.(c) Section 6(d) of Chapter 246, Session Laws of 1991, as rewritten by Section 14 of Chapter 358 of the 1993 Session Laws, reads as rewritten:

"(d) The administrative law judge may recommend the imposition of mandatory and prohibitory injunctive relief, compensatory damages (which, as provided by the 1991 Civil Rights Act, includes emotional pain, humiliation, embarrassment, and inconvenience), punitive damages, and any other relief the administrative law judge deems appropriate; provided that:

- (1) Punitive damages may be recommended only if the administrative law judge finds that the respondent engaged in a practice made unlawful under the ordinance with malice or with reckless indifference to the protected rights of the ~~complainant; and complainant.~~
- (2) ~~In cases involving unlawful employment practices, the administrative law judge may recommend reinstatement, hiring, and/or back pay.~~

In all cases wherein the Commission applies to the Office of Administrative Hearings for the designation of an administrative law judge, the Commission shall be the complainant and the case in support of the Commission shall be presented by the Commission's attorney.

The administrative law judge may, in his or her discretion, recommend that the respondent be awarded reasonable costs and attorneys' fees in the event the respondent prevails."

SECTION 65. S.L. 1997-182 is repealed. This also repeals G.S. 18B-1006(l).

SECTION 66. Section 17.1(f) of S.L. 2000-138, as amended by S.L. 2002-180, reads as rewritten:

"**SECTION 17.1.(f)** Members of the Commission ~~shall not~~ may receive per diem or reimbursement for travel or subsistence. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the per diem of the Commission established by this Part."

SECTION 67. Section 7.13(b) of S.L. 2002-126 reads as rewritten:

~~"SECTION 7.13.(b) The Office of State Budget and Management shall issue a Request for Proposals for conduct an analysis of the structure and operation of the Department of Public Instruction that identifies Instruction. The analysis shall identify potential efficiencies and savings in the operations of the Department. The analysis may consider consolidation of functions with other agencies and automation of functions.~~

~~The Request for Proposals may include contingency proposals based on potential savings.~~

~~The Office of State Budget and Management shall consult with report its findings to the State Board of Education. The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to the award of the contract by March 15, 2004, on the results of the analysis."~~

SECTION 68.(a) Section 61.5 of S.L. 2002-159 is repealed.

SECTION 68.(b) Section 1.1 of S.L. 2002-162 is repealed.

SECTION 69. The introductory language of the second Section 3 of S.L. 2003-31 reads as rewritten:

"**SECTION 3.3.1.** Section 36(b) of S.L. 2002-159, as amended by Section 1 of S.L. 2003-2, reads as rewritten:"

SECTION 70.(a) G.S. 20-141(o) reads as rewritten:

"(o) A violation of G.S. 20-123.2 shall be a lesser included offense in any violation of this section. No drivers license points or insurance surcharge shall be assessed on account of a violation of this subsection."

SECTION 70.(b) This section becomes effective December 1, 2004.

SECTION 71. Section 2 of S.L. 2003-128 reads as rewritten:

"**SECTION 2.(a)** A ~~county~~ county, city, or town may adopt ordinances to regulate the removal and preservation of existing trees and shrubs prior to development within a perimeter buffer zone of up to 50 feet along public roadways and property boundaries adjacent to developed properties and up to 25 feet along property boundaries adjacent to undeveloped properties.

"**SECTION 2.(b)** Ordinances adopted pursuant to this section shall:

- (1) Provide that the required buffer area shall not exceed twenty percent (20%) of the area of the tract, net of public road rights-of-way and any required conservation easements.
- (2) Provide that buffer zones that adjoin public roadways shall be measured from the edge of the public road right-of-way.
- (3) Provide that tracts of two acres or less, net of public road rights-of-way, that are zoned for single-family residential use are exempt from the requirements of the ordinances.
- (4) Provide that the ordinances are limited to situations where undeveloped property is planned or zoned in accordance with adopted planning and zoning regulations.
- (5) Provide that a survey of individual trees is not required.

"SECTION 12. Sections 1 through ~~8-9~~ of this act become effective for a local school administrative unit when the unit is certified by the Department of Public Instruction as being E-Procurement compliant, as provided in Section ~~9-10~~ of this act, or April 1, 2004, whichever occurs first. The remainder of this act is effective when it becomes law."

SECTION 73. Section 2 of S.L. 2003-194 reads as rewritten:

"SECTION 2. This act is effective when it becomes law and applies to the 2003-2004 academic ~~year-year~~, beginning with the Spring 2004 semester, and each subsequent year."

SECTION 74.(a) The introductory language of Section 26(e) of S.L. 2003-212 reads as rewritten:

"SECTION 26.(e) ~~G.S. 58-6-30~~G.S. 58-15-30 reads as rewritten:".

SECTION 74.(b) G.S. 58-31-66 reads as rewritten:

"§ 58-31-66. **Public construction contract surety bonds.**

(a) Neither the State nor any county, city, or other political subdivision of the State, or any officer, employee, or other person acting on behalf of any such entity shall, with respect to any public building or construction contract, require any contractor, bidder, or proposer to procure a bid bond, payment bond, or performance bond from a particular surety, agent, producer, or broker.

(b) ~~Nothing in this section prohibits an officer or employee acting on behalf of the State or a county, city, or other political subdivision of the State from:~~

(1) ~~Approving the form, sufficiency, or manner of execution of the surety bonds furnished by the surety selected by the bidder to underwrite the bonds.~~

(2) ~~Disapproving, on a reasonable, nondiscriminatory basis, the surety selected by the bidder to underwrite the bonds because of the financial condition of the surety.~~

(c) ~~A violation of this section renders the public building or construction contract void ab initio."~~

SECTION 74.(c) Subsection (a) of this section becomes effective January 1, 2004. Subsection (b) of this section becomes effective October 1, 2004.

SECTION 75. Section 7.5 of S.L. 2003-284 reads as rewritten:

"SECTION 7.5.(a) ~~Funds in the Reserve for Experience Step Increase for Teachers and Principals in Public Schools shall be used for experience step increases for employees of schools operated by a local board of education, the Department of Health and Human Services, the Department of Correction, or the Department of Juvenile Justice and Delinquency Prevention who are paid on the teacher salary schedule or the principal and assistant principal salary schedule.~~

~~SECTION 7.5.(b)~~ Effective July 1, 2003, any permanent certified personnel employed on July 1, 2003, and paid on the teacher salary schedule with 29+ years of experience shall receive a one-time bonus equivalent to the average increase of the 26 to 29 year steps. Effective July 1, 2003, any permanent personnel employed on July 1, 2003, and paid at the top of the principal and assistant principal salary schedule shall receive a one-time bonus equivalent to two percent (2%). For permanent part-time personnel, the one-time bonus shall be adjusted pro rata. Personnel defined under G.S. 115C-325(a)(5a) are not eligible to receive the bonus."

SECTION 76. Section 11.4(e) of S.L. 2003-284 reads as rewritten:

"**SECTION 11.4.(e)** It is the intent of the General Assembly that the funds under ~~subsection (e)~~ subsection (d) of this section are recurring funds."

SECTION 77. Section 12.6C(a) of S.L. 2003-284 reads as rewritten:

"**SECTION 12.6C.(a)** The North Carolina Industrial Commission may retain the additional revenue generated by raising the fee charged to parties for the filing of compromised settlements from two hundred dollars (\$200.00) to an amount that does not exceed two hundred fifty dollars (\$250.00) for the purpose of replacing existing computer hardware and software used for the operations of the Commission. These funds may also be used to prepare any assessment of hardware and software needs prior to purchase. The Commission may not retain any fees ~~under this section~~ for the purpose of computer system replacement unless they are in excess of the current two-hundred-dollar (\$200.00) fee charged by the Commission for filing a compromise settlement."

SECTION 78. Section 29.21 of S.L. 2003-284 reads as rewritten:

"**SECTION 29.21.** The Joint Legislative Transportation Oversight Committee shall contract with an independent consultant to study the project delivery process of the Department of Transportation. The study shall examine all aspects of the project delivery process, including (i) Department of Transportation planning, design, and contract letting procedures, and (ii) the effect of other resource and regulatory agency decisions and processes on the project delivery process. The study shall identify all significant causes of delay in the project delivery process, and suggest specific, practical solutions to decrease the time it takes to deliver a transportation project from inception to completion. The Committee shall endeavor to complete this study by April 1, ~~2003~~ 2004. The provisions of G.S. 120-32.02 shall apply to any contract with a consultant pursuant to this section."

SECTION 79. The lead-in language of Section 46.2 of S.L. 2003-284 is rewritten to read:

"**SECTION 46.2.** Article 9 of Chapter 142 of the General Statutes, as enacted by S.L. 2003-314, is rewritten to read:"

SECTION 80. Section 3 of S.L. 2003-300 reads as rewritten:

"**SECTION 3.** Waiver of Deadlines, Fees, and Penalties. - Except as prohibited by the Constitution, the Governor may extend deadlines and waive penalties or fees as is necessary to alleviate hardship created for deployed military personnel serving in Operation Iraqi Freedom. This authority includes the authority to do all of the following:

- (1) Extend for up to 90 days from the end of deployment the validity of a permanent or temporary drivers license issued under G.S. 20-7 to deployed military personnel.
- (2) Waive civil penalties and restoration fees under G.S. 20-309 for any deployed military personnel whose motor vehicle liability insurance lapsed during the period of deployment or within 90 days after the military member returned to North Carolina if the military member certifies to the Division of Motor Vehicles that the motor vehicle was not driven on the highway by anyone during the period in which the motor vehicle was uninsured and that the owner now has liability insurance on the motor vehicle.
- (3) Allow up to 90 days from the end of deployment for any deployed military personnel to renew ~~a license as defined in G.S. 93B-1.~~ an occupational license. During the period of deployment or active duty and until the expiration of the 90-day period provided for in this subdivision, expired occupational licenses that are within the scope of this act remain valid, as if they had not expired. For the purposes of this section, the term "occupational license" means any license (other than a privilege license), certificate, or other evidence of qualification that an individual is required to obtain before the individual may engage in or represent himself or herself to be a member of a particular profession or occupation.
- (4) Require that any renewal fee applicable to the renewal of a license under subdivision (3) of this section be prorated over the period covered by the license and reduced in proportion to the period of time that the licensee was deployed outside the State."

SECTION 81. Section 1 of S.L. 2003-320 reads as rewritten:

"**SECTION 1.** Mayland Community College may, with prior approval of the State Board of Community Colleges and notwithstanding G.S. 115D-15 or Article 12 of Chapter 160A of the General Statutes:

- (1) Notwithstanding the provisions of G.S. 160A-272, lease the former Lexington Furniture Building for terms it deems appropriate; Lease at private sale the former Lexington Furniture Building for such consideration as it deems sufficient; and
- (2) Sell at private sale the former Hampshire Hosiery Building to Mitchell County Development Foundation, Inc., for such consideration as it deems sufficient."

SECTION 82. Section 12 of S.L. 2003-349 reads as rewritten:

"**SECTION 12.** Parts 1 and 8 of this act are effective for taxable years beginning on or after January 1, 2003. Part 5 of this act becomes effective July 1, 2003. ~~Part 9 of this act is effective for taxable years beginning on or after January 1, 2003, and shall expire for taxable years beginning on or after January 1, 2005.~~ Part 10 of this act becomes effective January 1, 2004. The remainder of this act is effective when it becomes law."

SECTION 83. The title of S.L. 2003-401 is amended by adding the following immediately before the period: "AND PROVIDE ADDITIONAL CONSUMER PROTECTIONS".

SECTION 84. Sections 75 through 79 of this act become effective July 1, 2004, unless otherwise provided in those sections. Unless otherwise provided, the remainder of this act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL 354**

H354-PCCS30562-LL-1, AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-101(6) reads as rewritten:

- "(6) "Disability" or "Disabled" shall mean the ~~physical or cognitive limitations that prevent working as determined by the Department of State Treasurer and the Board of Trustees;~~ mental or physical incapacity for the further performance of duty of a participant or beneficiary; provided that such incapacity was not the result of terrorist activity, active participation in a riot, committing or attempting to commit a felony, or intentionally self-inflicted injury."

SECTION 2. G.S. 135-105(a) reads as rewritten:

"(a) Any participant who becomes disabled and is ~~unable to perform the duties of the participant's job or any other available jobs with the State~~ no longer able to perform his usual occupation may, after at least 365 calendar days succeeding his date of initial employment as a teacher or employee and at least one year of contributing membership service, receive a benefit commencing on the first day succeeding the waiting period; provided that the participant's employer and attending physician shall certify that such participant ~~cannot perform the duties of the participant's job or any other jobs available with the State;~~ is mentally or physically incapacitated for the further performance of duty, that such incapacity was incurred at the time of active employment and has been continuous thereafter; provided further that the requirement for one year of contributing membership service must have been earned within 36 calendar months immediately preceding the date of disability and further, salary continuation used during the period as provided in G.S. 135-104 shall count toward the aforementioned one year requirement.

Notwithstanding the requirement that the incapacity was incurred at the time of active employment, any participant who becomes disabled while on an employer approved leave of absence and who is eligible for and in receipt of temporary total benefits under The North Carolina Workers' Compensation Act, Article 1 of Chapter 97 of the General Statutes, will be eligible for all benefits provided under this Article."

SECTION 3. G.S. 135-106(a) reads as rewritten:

"(a) Upon the application of a beneficiary or participant or of his legal representative or any person deemed by the Board of Trustees to represent the participant or beneficiary, any beneficiary or participant who has had five or more years of membership service may receive long-term disability benefits from the Plan upon approval by the Board of Trustees, commencing on the first day succeeding the conclusion of the short-term disability period provided for in G.S. 135-105, provided the beneficiary or participant makes application for such benefit within 180 days after the short-term disability period ceases, after salary continuation payments cease, or after monthly payments for Workers' Compensation cease, whichever is later; Provided, that the beneficiary or participant withdraws from active service by terminating employment as a teacher or State employee; Provided, that the Medical Board shall certify that such beneficiary or participant is ~~unable to perform any occupation for which the beneficiary or participant is reasonably qualified for by training or experience,~~ mentally or physically incapacitated for the further performance of duty, that such incapacity was incurred at the time of active employment and has been continuous thereafter, that such incapacity is likely to be permanent; Provided further that the Medical Board shall not certify any beneficiary or participant as disabled who is in receipt of any

payments on account of the same incapacity which existed when the beneficiary first established membership in the Retirement System. The Board of Trustees may extend this 180-day filing requirement upon receipt of clear and convincing evidence that application was delayed through no fault of the disabled beneficiary or participant and was delayed due to the employers' miscalculation of the end of the 180-day filing period. However, in no instance shall the filing period be extended beyond an additional 180 days.

The Board of Trustees may require each beneficiary who becomes eligible to receive a long-term disability benefit to have an annual medical review or examination for the first five years and thereafter once every three years after the commencement of benefits under this section. However, the Board of Trustees may require more frequent examinations and upon the advice of the Medical Board shall determine which cases require such examination. Should any beneficiary refuse to submit to any examination required by this subsection or by the Medical Board, his long-term disability benefit shall be suspended until he submits to an examination, and should his refusal last for one year, his benefit may be terminated by the Board of Trustees. If the Medical Board finds that a beneficiary is no longer ~~unable to perform any occupation for which the beneficiary or participant is reasonably qualified for by training or experience, the Department of State Treasurer and~~ mentally or physically incapacitated for the further performance of duty, the Medical Board shall so certify this finding to the Board of Trustees, and the Board of Trustees may terminate the beneficiary's long-term disability benefits effective on the last day of the month in which the Medical Board certifies that the beneficiary is no longer disabled.

As to the requirement of five years of membership service, any participant or beneficiary who does not have five years of membership service within the 96 calendar months prior to conclusion of the short-term disability period or cessation of salary continuation payments, whichever is later, shall not be eligible for long-term disability benefits.

Notwithstanding the requirement that the incapacity was incurred at the time of active employment, any participant who becomes disabled while on an employer approved leave of absence and who is eligible for and in receipt of temporary total benefits under The North Carolina Workers' Compensation Act, Article 1 of Chapter 97 of the General Statutes, will be eligible for all benefits provided under this Article."

SECTION 4. Effective August 1, 2005, G.S. 135-106(a), as rewritten by Section 3 of this act, reads as rewritten:

"(a) Upon the application of a beneficiary or participant or of his legal representative or any person deemed by the Board of Trustees to represent the participant or beneficiary, any beneficiary or participant who has had five or more years of membership service may receive long-term

disability benefits from the Plan upon approval by the Board of Trustees, commencing on the first day succeeding the conclusion of the short-term disability period provided for in G.S. 135-105, provided the beneficiary or participant makes application for such benefit within 180 days after the short-term disability period ceases, after salary continuation payments cease, or after monthly payments for Workers' Compensation cease, whichever is later; Provided, that the beneficiary or participant withdraws from active service by terminating employment as a teacher or State employee; Provided, that the Medical Board shall certify that such beneficiary or participant is ~~mentally or physically incapacitated for the further performance of duty, unable to perform any occupation or employment commensurate to the beneficiary's or participant's education, training, or experience, which is available in the same commuting area for State employees or within the same local school administrative unit for school personnel, without an adverse impact on the beneficiary's or participant's career status, and in which the beneficiary or participant can be expected to earn not less than sixty-five percent (65%) of that beneficiary's or participant's predisability earnings,~~ that such incapacity was incurred at the time of active employment and has been continuous thereafter, that such incapacity is likely to be permanent; Provided further that the Medical Board shall not certify any beneficiary or participant as disabled who is in receipt of any payments on account of the same incapacity which existed when the beneficiary first established membership in the Retirement System. The Board of Trustees may extend this 180-day filing requirement upon receipt of clear and convincing evidence that application was delayed through no fault of the disabled beneficiary or participant and was delayed due to the employers' miscalculation of the end of the 180-day filing period. However, in no instance shall the filing period be extended beyond an additional 180 days.

The Board of Trustees may require each beneficiary who becomes eligible to receive a long-term disability benefit to have an annual medical review or examination for the first five years and thereafter once every three years after the commencement of benefits under this section. However, the Board of Trustees may require more frequent examinations and upon the advice of the Medical Board shall determine which cases require such examination. Should any beneficiary refuse to submit to any examination required by this subsection or by the Medical Board, his long-term disability benefit shall be suspended until he submits to an examination, and should his refusal last for one year, his benefit may be terminated by the Board of Trustees. If the Medical Board finds that a beneficiary is no longer mentally or physically incapacitated for the further performance of duty, the Medical Board shall so certify this finding to the Board of Trustees, and the Board of Trustees may terminate the beneficiary's long-term disability benefits effective

on the last day of the month in which the Medical Board certifies that the beneficiary is no longer disabled.

As to the requirement of five years of membership service, any participant or beneficiary who does not have five years of membership service within the 96 calendar months prior to conclusion of the short-term disability period or cessation of salary continuation payments, whichever is later, shall not be eligible for long-term disability benefits.

Notwithstanding the requirement that the incapacity was incurred at the time of active employment, any participant who becomes disabled while on an employer approved leave of absence and who is eligible for and in receipt of temporary total benefits under The North Carolina Workers' Compensation Act, Article 1 of Chapter 97 of the General Statutes, will be eligible for all benefits provided under this Article."

SECTION 5. Section 30.20(b) of S.L. 2003-284 reads as rewritten:

"**SECTION 30.20.(b)** The Commission shall be comprised of ~~seven~~13 members as follows:

- (1) ~~Two~~ Four persons appointed by the President Pro Tempore of the ~~Senate. One of these appointees shall be a State employee. Senate, one of whom shall be familiar with disability issues relating to State employees, one of whom shall be familiar with disability issues relating to school employees, and one of whom shall be familiar with workers' compensation issues relating to State employees or school employees.~~
- (2) ~~Two~~ Four persons appointed by the Speaker of the House of ~~Representatives. One of these appointees shall be a State employee. Representatives, one of whom shall be familiar with disability issues relating to State employees, one of whom shall be familiar with disability issues relating to school employees, and one of whom shall be familiar with workers' compensation issues relating to State employees or school employees.~~
- (3) The State Treasurer, or the Treasurer's designee.
- (4) The Executive Administrator of the Teachers' and State Employees' Comprehensive Major Medical Plan.
- (5) ~~The President of the North Carolina Association of Educators, or the President's designee. The Chair of the North Carolina Industrial Commission, or the Chair's designee.~~
- (6) One person appointed by the President of The University of North Carolina who is familiar with disability issues relating to university employees.
- (7) One person appointed by the President of the North Carolina Community Colleges System who is familiar with disability issues relating to community college employees.

Any vacancy shall be filled by the officer who made the original appointment."

SECTION 6. Sections 1 through 3 are effective retroactively from and after July 1, 2003. Section 4 of this act becomes effective August 1, 2005, and applies only to persons who are not vested in the disability plan in question on that date. The remainder of this act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL 817**

H 817-PCCS70506-RK-1, AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-402 reads as rewritten:

"§ 14-402. **Sale of certain weapons without permit forbidden.**

(a) It ~~shall be~~ is unlawful for any person, firm, or corporation in this State to sell, give away, or transfer, or to purchase or receive, at any place within this State from any other place within or without the State any pistol or crossbow ~~unless a~~ unless: (i) a license or permit therefor has is first been obtained under this Article by the purchaser or receiver from the sheriff of the county in which ~~that the~~ purchaser or receiver resides-resides; or (ii) a valid North Carolina concealed handgun permit is held under Article 54B of this Chapter by the purchaser or receiver who must be a resident of the State at the time of the purchase.

It ~~shall be~~ is unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee within the State of North Carolina any pistol or crossbow without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same the permit from the sheriff as provided in G.S. 14-403. Any person violating the provisions of this section ~~shall be~~ is guilty of a Class 2 misdemeanor.

(b) This section does not apply to an antique firearm or an historic edged weapon.

(c) The following definitions apply in this section:

- (1) Antique firearm. - Defined in G.S. 14-409.11.
- (2) Bolt. - A projectile made to be discharged from a crossbow. The bolt differs from an arrow in that the bolt is heavier and shorter than an arrow.

- (3) Crossbow. - A mechanical device consisting of, but not limited to, strings, cables, and prods transversely mounted on either a shoulder or hand-held stock. This device [device] is mechanically held at full or partial draw and released by a trigger or similar mechanism which is incorporated into a stock or handle. When operated, the crossbow discharges a projectile known as a bolt.
- (4) Historic edged weapon. - Defined in G.S. 14-409.12."
- SECTION 2.** This act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL 1264**

H1264-PCCS60537LCx-9, AN ACT (1) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND HIGHER EDUCATION NEEDS AND FOR JUVENILE DETENTION; (2) TO REQUIRE THE TOBACCO TRUST FUND AND THE HEALTH AND WELLNESS TRUST FUND TO PROVIDE THE DEBT SERVICE FOR THIS INDEBTEDNESS; (3) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; (4) TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; (5) TO MAKE CLARIFYING CHANGES; (6) TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE; (7) TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONDUCT A STUDY OF UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS; AND (8) TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING.

The General Assembly of North Carolina enacts:

PART 1. HEALTH, EDUCATION, AND YOUTH FACILITIES

SECTION 1. This part may be cited as the State Capital Facilities Act of 2004.

SECTION 1.1. In accordance with G.S. 142-83, this section authorizes the issuance or incurrence of special indebtedness in the following maximum aggregate principal amounts to finance the costs of the following projects. The table below provides the maximum principal amounts. The

first column is the aggregate maximum principal amount. The second column is the maximum portion of this amount that can be issued or incurred before July 1, 2005. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the cost of these projects.

Aggregate Maximum	Maximum before 7/1/05	Project
\$180,000,000	\$110,000,000	Acquiring, constructing, and equipping a new cancer rehabilitation and treatment center, a nearby physicians' office building, and a walkway between the two, all to be located at the University of North Carolina Hospitals at Chapel Hill.
60,000,000	30,000,000	Acquiring, constructing, and equipping the North Carolina Cardiovascular Diseases Institute at East Carolina University.
35,000,000	25,000,000	Acquiring, constructing, and equipping a Bioinformatics Center at the University of North Carolina at Charlotte.
28,000,000	25,000,000	Acquiring, constructing, and equipping a stand-alone facility to house the new Pharmacy School program to be located at Elizabeth City State University, and interim temporary facilities to house the program during construction of the facility.
35,000,000	25,000,000	Acquiring, constructing, and equipping a Center for Health Promotion and Partnerships at the University of North Carolina at Asheville.

10,000,000	10,000,000	Land acquisition, site preparation, and engineering, architectural, and other consulting services for a Center of Excellence of Teaching and Nursing at Fayetteville State University.
10,000,000	10,000,000	Land acquisition, site preparation, and engineering, architectural, and other consulting services for facilities for development of the joint Millennial Campus of North Carolina Agricultural and Technical State University and the University of North Carolina at Greensboro.
10,000,000	10,000,000	Land acquisition, site preparation, and engineering, architectural, and other consulting services for an Optometry School facility at the University of North Carolina at Pembroke.
10,000,000	10,000,000	To Western Carolina University for land acquisition, site preparation, and engineering, architectural, and other consulting services for Western Carolina University and the Mountain Area Health Education Consortium for the North Carolina Center for Health and Aging to be operated as a consortium among Western Carolina University, the University of North Carolina at Asheville, and the Mountain Area Health Education Consortium.

10,000,000	10,000,000	Property acquisition in Piedmont-Triad Research Park for Winston-Salem State University programming related to biotechnology education and research; and land acquisition, site preparation, and engineering, architectural, and other consulting services for a Center for Design Innovation to be operated jointly by Winston-Salem State University and the North Carolina School of the Arts.
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TOTAL:

\$388,000,000 \$265,000,000

SECTION 1.2. In accordance with G.S. 142-83, this section authorizes the issuance or incurrence of special indebtedness in the maximum aggregate principal amount of thirty-five million dollars (\$35,000,000) to finance the costs of constructing up to five youth development centers totaling up to 224 beds to be operated by the Department of Juvenile Justice and Delinquency Prevention and to be located as determined by that Department. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the cost of constructing the projects described by this section. Of the special indebtedness authorized by this section, no more than thirteen million dollars (\$13,000,000) may be issued or incurred before July 1, 2005.

SECTION 1.3. G.S. 147-86.30 reads as rewritten:

"§ 147-86.30. Health and Wellness Trust Fund established.

(a) Fund Established. - There is established the Health and Wellness Trust Fund in the Office of the State Treasurer ~~to that shall~~ be used to develop a comprehensive plan to finance programs and initiatives to improve the health and wellness of the people of North Carolina. As used in this Article, the term "Fund" means the Health and Wellness Trust Fund. It is the intent of the General Assembly that the funds provided pursuant to this Article to address the health needs of North Carolinians be used to supplement, not supplant, existing funding of health and wellness programs.

(b) Fund Earnings, Assets, and Balances. - The State Treasurer shall hold the Fund separate and apart from all other moneys, funds, and accounts. The

State Treasurer shall be the custodian of the Fund and shall invest its assets in accordance with G.S. 147-69.2 and G.S. 147-69.3. Investment earnings credited to the assets of the Fund shall become part of the Fund. Any balance remaining in the Fund at the end of any fiscal year shall be carried forward in the Fund for the next succeeding fiscal year. Payments from the Fund shall be made on the warrant of the chair of the Commission, pursuant to directives of the Commission. The Commission may expend moneys in the Fund only as provided in subsections (c) and (d) of this section.

~~(c) Creation of Fund Reserve. The Commission shall reserve, and shall not expend, fifty percent (50%) of each annual payment allocated to the Health and Wellness Trust Fund pursuant to G.S. 143-16.4 during years 2001 through 2025 to create and build the Fund Reserve. During years 2001 through 2025, the Commission may expend any investment earnings on the reserved funds. Beginning in year 2026, and thereafter, the Commission shall not expend the reserved funds but may continue to expend any investment earnings on the reserved funds.~~ Priority Use of Funds. - As soon as practicable after the beginning of each fiscal year, the State Treasurer must certify in writing to the chair of the Commission the estimated amount of debt service anticipated to be paid during the fiscal year for special indebtedness authorized by the State Capital Facilities Act of 2004, Part 1 of House Bill 1264, 2003 General Assembly. The chair of the Commission must issue a warrant from the Fund to the General Fund for the lesser of (i) one-half of the amount certified by the Treasurer and (ii) the applicable percentage of the Fund's receipts for the current fiscal year. For fiscal years beginning before July 1, 2007, the applicable percentage is thirty percent (30%). For fiscal years beginning on or after July 1, 2007, the applicable percentage is sixty-five percent (65%).

~~(d) Use of Nonreserved Remaining Funds. - The Commission may expend or commit moneys in the Fund in a fiscal year only after the payment required by subsection (c) of this section has been made. all of the annual payments for years 1998, 1999, and 2000 and may expend the remaining fifty percent (50%) portion of each annual payment thereafter through the year 2025 that is not reserved pursuant to subsection (c) of this section. Any unexpended or unencumbered portion of the nonreserved portion of each annual payment for years 2001 through 2025 that has not been expended or encumbered by the third June 30th following the date of the receipt of the payment shall be reserved pursuant to subsection (c) of this section. The Commission may expend any investment earnings on the nonreserved funds in the year in which the investment earnings are received by the Fund.~~

(e) Fund Purposes. - Moneys from the Fund may be used for any of the following purposes:

- (1) To address the health needs of vulnerable and underserved populations in North Carolina.
- (2) To fund programs and initiatives that include research, education, prevention, and treatment of health problems in North Carolina and to increase the capacity of communities to respond to the public's health needs.
- (3) To develop a comprehensive, community-based plan with goals and objectives to improve the health and wellness of the people of North Carolina with a priority on preventing, reducing, and remedying the health effects of tobacco use and with an emphasis on reducing youth tobacco use. The plan shall include measurable health and wellness objectives and a proposed timetable for achieving these objectives. In developing the plan, the Commission shall consider all facets of health, including prevention, education, treatment, research, and related areas.

(f) Limit on Operating and Administrative Expenses. - No more than two and one-half percent (2 1/2%) of the annual receipts of the Fund for the fiscal year beginning July 1 or a total ~~sum~~ of one million dollars (\$1,000,000), whichever is less, may be used each fiscal year for administrative and operating expenses of the Commission and its staff. All administrative expenses of the Commission shall be paid from the Fund."

SECTION 1.4. G.S. 143-719 reads as rewritten:

"§ 143-719. Tobacco Trust Fund; creation; ~~investment~~investment; ~~priority use~~.

(a) Fund Established. - The Tobacco Trust Fund is established in the Office of the State Treasurer. The Fund shall be used ~~to provide financial assistance in accordance with~~for the purposes provided in this Article.

(b) Fund Earnings, Assets, and Balances. - The State Treasurer shall hold the Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer ~~shall be~~is the custodian of the Fund and shall invest the assets in accordance with G.S. 147-69.2 and G.S. 147-69.3. Investment earnings credited to the Fund ~~shall become~~ part of the Fund. Any balance remaining in the Fund at the end of any fiscal year ~~shall be~~is carried forward in the Fund for the next succeeding fiscal year. Payments from the Fund shall be made on the warrant of the chair of the Commission, pursuant to the directives of the Commission.

(c) Priority Use of Funds. - As soon as practicable after the beginning of each fiscal year, the State Treasurer must certify in writing to the chair of the Commission the estimated amount of debt service anticipated to be paid during the fiscal year for special indebtedness authorized by the State Capital Facilities Act of 2004, Part 1 of House Bill 1264, 2003 General Assembly. The chair of the Commission must issue a warrant from the Fund to the

General Fund for the lesser of (i) one-half of the amount certified by the Treasurer and (ii) the applicable percentage of the Fund's receipts for the current fiscal year. For fiscal years beginning before July 1, 2007, the applicable percentage is thirty percent (30%). For fiscal years beginning on or after July 1, 2007, the applicable percentage is sixty-five percent (65%)."

SECTION 1.5. Sections 1.3 and 1.4 of this part are effective on and after July 1, 2004. The remainder of this part is effective when it becomes law.

PART 2. PARKS RENOVATION AND ACQUISITION

SECTION 2.1. Authorization. - In accordance with G.S. 142-83, this part authorizes the issuance or incurrence of special indebtedness in the maximum principal amount provided in this part to be used to finance the cost of parks projects. As used in this part, the term "parks projects" means capital projects for the State Parks System, repairs and renovations of park facilities, and land acquisition for the State Parks System, pursuant to G.S. 113-44.15(b)(1). Special indebtedness authorized by this section shall be issued or incurred only in accordance with Article 9 of Chapter 142 of the General Statutes.

SECTION 2.2. Identification of Parks Projects. - The specific parks projects for which the special indebtedness may be used are to be identified by the North Carolina Parks and Recreation Authority as provided in G.S. 113-44.15, but are limited to the following projects:

- (1) Acquisition by conservation easement or fee simple up to 17,000 acres near North Carolina military bases in order to prevent encroachment by incompatible development.
- (2) Acquisition of up to 6,000 acres to expand an existing State park, provide gamelands to help protect North Carolina rivers, and provide two new State parks along North Carolina rivers; and capital improvements to an existing State park as part of its expansion.

SECTION 2.3. Maximum Amount. - The maximum principal amount of special indebtedness that may be issued or incurred pursuant to this part is the lesser of (i) the total amount provided in the first column below minus the amount of special indebtedness issued or incurred under parts 3 and 4 of this act or (ii) the maximum amount for which the aggregate annual principal and interest payments to be made in any year on the special indebtedness will not exceed the annual amount identified by the Authority as provided in G.S. 113-44.15(d). If the annual amount is increased, the maximum principal amount increases accordingly, but not above the total amount provided in the first column below minus the amount of special indebtedness issued or incurred under parts 3 and 4 of this act. The amount of special indebtedness to be issued or incurred at any time is determined in accordance with Article 9 of Chapter 142 of the General Statutes.

Of the special indebtedness authorized by this part, no more than the applicable maximum principal amount listed in the first column below may be issued for each purpose. Of the special indebtedness authorized by this part, no more than the applicable maximum principal amount listed in the second column below may be issued for each purpose before July 1, 2005. The total maximum principal amount of special indebtedness that may be issued under this part before July 1, 2005, is the total amount indicated in the second column below minus the amount of special indebtedness issued or incurred under parts 3 and 4 of this act.

Maximum Amount	Maximum before 7/1/05	Purpose
\$20,000,000	\$12,000,000	Land near military bases.
25,000,000	20,000,000	Parks and gamelands.
TOTAL:		
\$45,000,000	\$32,000,000	

SECTION 2.4. G.S. 113-44.15 reads as rewritten:

"§ 113-44.15. Parks and Recreation Trust Fund.

(a) Fund Created. - There is established a Parks and Recreation Trust Fund in the State Treasurer's Office. The Trust Fund shall be a nonreverting special revenue fund consisting of gifts and grants to the Trust Fund, monies credited to the Trust Fund pursuant to G.S. 105-228.30(b), and other monies appropriated to the Trust Fund by the General Assembly.

(b) Use. - Funds in the Trust Fund are annually appropriated to the North Carolina Parks and Recreation Authority and, unless otherwise specified by the General Assembly or the terms or conditions of a gift or grant, shall be allocated and used as follows:

- (1) Sixty-five percent (65%) for the State Parks System for capital projects, repairs and renovations of park facilities, and land acquisition-acquisition, and to retire debt incurred for these purposes under Article 9 of Chapter 142 of the General Statutes.
- (2) Thirty percent (30%) to provide matching funds to local governmental units or public authorities as defined in G.S. 159-7 on a dollar-for-dollar basis for local park and recreation purposes. The appraised value of land that is donated to a local government unit or public authority may be applied to the matching requirement of this subdivision. These funds shall be allocated by the North Carolina Parks and Recreation Authority based on criteria patterned after the Open Project Selection Process established for the Land and Water Conservation Fund administered by the National Park Service of the United States Department of the Interior.

(3) Five percent (5%) for the Coastal and Estuarine Water Beach Access Program.

(b1) Geographic Distribution. - In allocating funds in the Trust Fund under this ~~subsection~~section, the North Carolina Parks and Recreation Authority shall ~~consider~~make geographic distribution across the State to the extent practicable.

(b2) Administrative Expenses. - Of the funds appropriated to the North Carolina Parks and Recreation Authority from the Trust Fund each year, no more than three percent (3%) may be used by the Department for operating expenses associated with managing capital improvements projects, acquiring land, and administration of local grants programs.

(c) Reports. - The North Carolina Parks and Recreation Authority shall report no later than October 1 of each year to the Joint Legislative Commission on Governmental Operations, the House and Senate Appropriations Subcommittees on Natural and Economic Resources, the Fiscal Research Division, and the Environmental Review Commission on allocations from the Trust Fund from the prior fiscal year. The Authority also shall provide a progress report no later than March 15 of each year to the same recipients on the activities of and the expenditures from the Trust Fund for the current fiscal year.

(d) Debt. - The Authority may allocate up to fifty percent (50%) of the portion of the annual appropriation identified in subdivision (b)(1) of this section to reimburse the General Fund for debt service on special indebtedness to be issued or incurred under Article 9 of Chapter 142 of the General Statutes for the purposes provided in subdivision (b)(1) of this section. In order to allocate funds for debt service reimbursement, the Authority must identify to the State Treasurer the specific parks projects for which it would like special indebtedness to be issued or incurred and the annual amount it intends to make available, and request the State Treasurer to issue or incur the indebtedness. After special indebtedness has been issued or incurred for a parks project requested by the Authority, the Authority must credit to the General Fund each year the actual aggregate principal and interest payments to be made in that year on the special indebtedness, as identified by the State Treasurer."

PART 3. PARKS, RECREATION, AND PRESERVATION OF NATURAL HERITAGE

SECTION 3.1. Authorization. - In accordance with G.S. 142-83, this part authorizes the issuance or incurrence of special indebtedness in the maximum principal amount provided in this part to be used to finance the cost of natural heritage projects. As used in this part, the term "natural heritage projects" means acquiring land for parks, recreation, and the preservation of natural heritage, pursuant to G.S. 113-77.9(b)(1) and (2).

Special indebtedness authorized by this section shall be issued or incurred only in accordance with Article 9 of Chapter 142 of the General Statutes.

SECTION 3.2. Identification of Natural Heritage Projects. - The specific natural heritage projects for which the special indebtedness may be used are to be identified by the Trustees of the Natural Heritage Trust Fund as provided in G.S. 113-77.9, but are limited to the following projects:

- (1) Acquisition by conservation easement or fee simple up to 17,000 acres near North Carolina military bases in order to prevent encroachment by incompatible development.
- (2) Acquisition of up to 6,000 acres to expand an existing State park, provide gamelands to help protect North Carolina rivers, and provide two new State parks along North Carolina rivers; and capital improvements to an existing State park as part of its expansion.

SECTION 3.3. Maximum Amount. - The maximum principal amount of special indebtedness that may be issued or incurred pursuant to this part is the lesser of (i) the total amount provided in the first column below minus the amount of special indebtedness issued or incurred under parts 2 and 4 of this act or (ii) the maximum amount for which the aggregate annual principal and interest payments to be made in any year on the special indebtedness will not exceed the annual amount identified by the Authority as provided in G.S. 113-44.15(d). If the annual amount is increased, the maximum principal amount increases accordingly, but not above the total amount provided in the first column below minus the amount of special indebtedness issued or incurred under parts 2 and 4 of this act. The amount of special indebtedness to be issued or incurred at any time is determined in accordance with Article 9 of Chapter 142 of the General Statutes.

Of the special indebtedness authorized by this part, no more than the applicable maximum principal amount listed in the first column below may be issued for each purpose. Of the special indebtedness authorized by this part, no more than the applicable maximum principal amount listed in the second column below may be issued for each purpose before July 1, 2005. The total maximum principal amount of special indebtedness that may be issued under this part before July 1, 2005, is the total amount indicated in the second column below minus the amount of special indebtedness issued or incurred under parts 2 and 4 of this act.

Maximum Amount	Maximum before 7/1/05	Purpose
\$20,000,000	\$12,000,000	Land near military bases.

25,000,000 20,000,000 Parks and gamelands.

TOTAL:

\$45,000,000 \$32,000,000

SECTION 3.4. G.S. 113-77.9 reads as rewritten:

"§ 113-77.9. Acquisition of lands with funds from the Natural Heritage Trust Fund.

(a) Proposals. - From time to time, but at least once each year, the Secretary, the Chairman of the North Carolina Wildlife Resources Commission, the Commissioner of Agriculture, and the Secretary of Cultural Resources may propose to the Trustees lands to be acquired with funds from the Fund. For each tract or interest proposed, the Secretary, the Chairman of the North Carolina Wildlife Resources Commission, the Commissioner of Agriculture, and the Secretary of Cultural Resources shall provide the Trustees with the following information:

- (1) The value of the land for recreation, forestry, fish and wildlife habitat, and wilderness purposes, and its consistency with the plan developed pursuant to the State Parks Act, the State's comprehensive plan for outdoor recreation, parks, natural areas development, and wildlife management goals and objectives.
- (2) Any rare or endangered species on or near the land.
- (3) Whether the land contains a relatively undisturbed and outstanding example of a native North Carolina ecological community that is now uncommon.
- (4) Whether the land contains a major river or tributary, watershed, wetland, significant littoral, estuarine, or aquatic site, or important geologic feature.
- (5) The extent to which the land represents a type of landscape, natural feature, or natural area that is not currently in the State's inventory of parks and natural areas.
- (6) Other sources of funds that may be available to assist in acquiring the land.
- (7) The State department or division that will be responsible for managing the land.
- (8) What assurances exist that the land will not be used for purposes other than those for which it is being acquired.
- (9) Whether the site or structure is of such historical significance as to be essential to the development of a balanced State program of historic properties.

(b) Land Acquisition and Debt Service. - The Trustees may authorize expenditures from the Fund ~~to acquire~~ for the following purposes:

- (1) To acquire land ~~Land~~ that represents the ecological diversity of North Carolina, including natural features such as riverine,

montane, coastal, and geologic systems and other natural areas to ensure their preservation and conservation for recreational, scientific, educational, cultural, and aesthetic ~~purposes~~ purposes, and to retire debt incurred for this purpose under Article 9 of Chapter 142 of the General Statutes.

- (2) To acquire land Land as additions to the system of parks, State trails, aesthetic forests, fish and wildlife management areas, wild and scenic rivers, and natural areas for the beneficial use and enjoyment of the ~~public~~ public, and to retire debt incurred for this purpose under Article 9 of Chapter 142 of the General Statutes.
- (3) Subject to the limitations of subsection (b2) of this section, to acquire land that contributes to the development of a balanced State program of historic properties.

(b1) Priorities. - In authorizing expenditures from the Fund to acquire land pursuant to this Article, the first priority shall be the protection of land with outstanding natural or cultural heritage values. Land with outstanding natural heritage values is land that is identified by the North Carolina Natural Heritage Program as having State or national significance. Land with outstanding cultural heritage values is land that is identified, inventoried, or evaluated by the Department of Cultural Resources. The Trustees shall be guided by any priorities established by the Secretary, the Chairman of the Wildlife Resources Commission, the Commissioner of Agriculture, and the Secretary of Cultural Resources in their proposals made pursuant to subsection (a) of this section.

(b2) Historic Properties. - The Trustees may authorize expenditure of up to twenty-five percent (25%) of the funds credited to the Fund pursuant to G.S. 105-228.30 during the preceding fiscal year to acquire land under subdivision (3) of subsection (b) of this section. No other funds in the Fund may be used for expenditures to acquire land under subdivision (3) of subsection (b) of this section.

(b3) Debt. - Of the funds credited annually to the Fund pursuant to G.S. 105-228.30, the Trustees may authorize expenditure of up to fifty percent (50%) to reimburse the General Fund for debt service on special indebtedness to be issued or incurred under Article 9 of Chapter 142 of the General Statutes for the purposes provided in subdivisions (b)(1) and (2) of this section. In order to authorize expenditure of funds for debt service reimbursement, the Trustees must identify to the State Treasurer and the Department of Administration the specific natural heritage projects for which they would like special indebtedness to be issued or incurred and the annual amount they intend to make available, and request the State Treasurer to issue or incur the indebtedness. After special indebtedness has been issued

or incurred for a natural heritage project requested by the Trustees, the Trustees must direct the State Treasurer to credit to the General Fund each year the actual aggregate principal and interest payments to be made in that year on the special indebtedness, as identified by the State Treasurer.

(c) Other Purposes. - The Trustees may authorize expenditures from the Fund to pay for the inventory of natural areas conducted under the Natural Heritage Program established pursuant to the Nature Preserves Act, Article 9A of Chapter 113A of the General Statutes. The Trustees may also authorize expenditures from the Fund to pay for conservation and protection planning and for informational programs for owners of natural areas, as defined in G.S. 113A-164.3.

(d) Acquisition. - The Department of Administration may, pursuant to G.S. 143-341, acquire by purchase, gift, or devise all lands selected by the Trustees for acquisition pursuant to this Article. Title to any land acquired pursuant to this Article shall be vested in the State. A State agency with management responsibility for land acquired pursuant to this Article may enter into a management agreement or lease with a county, city, town, or private nonprofit organization qualified under G.S. 105-151.12 and G.S. 105-130.34 and certified under section 501(c)(3) of the Internal Revenue Code to aid in managing the land. A management agreement or lease shall be executed by the Department of Administration pursuant to G.S. 143-341.

(d1) Local Reimbursement. - In any county in which real property was purchased pursuant to subsection (d) of this section as additions to the fish and wildlife management areas and where less than twenty-five percent (25%) of the land area is privately owned at the time of purchase, that county and any other local taxing unit shall be annually reimbursed, for a period of 20 years, from funds available to the North Carolina Wildlife Resources Commission in an amount equal to the amount of ad valorem taxes that would have been paid to the taxing unit if the property had remained subject to taxation.

(e) Reports. - The Secretary shall maintain and revise twice each year a list of acquisitions made pursuant to this Article. The list shall include the acreage of each tract, the county in which the tract is located, the amount paid from the Fund to acquire the tract, and the State department or division responsible for managing the tract. The Secretary shall furnish a copy of the list to each Trustee, the Joint Legislative Commission on Governmental Operations, the House and Senate Appropriations Subcommittees on Natural and Economic Resources, the Fiscal Research Division, and the Environmental Review Commission within 30 days after each revision.

(f) Hunting and Fishing. - No provision of this Article shall be construed to eliminate hunting and fishing, as regulated by the laws of the State of North Carolina, upon properties purchased pursuant to this Article."

SECTION 3.5. G.S. 113-77.7 is amended by adding a new subsection to read:

"(d) Monies in the Fund are appropriated annually and may be used for the purposes provided in G.S. 113-77.9."

PART 4. CLEAN WATER CONSERVATION

SECTION 4.1. Authorization. - In accordance with G.S. 142-83, this part authorizes the issuance or incurrence of special indebtedness in the maximum principal amount provided in this part to be used to finance the cost of clean water projects. As used in this part, the term "clean water project" means a capital project for one or more purposes provided in G.S. 113A-253(c)(1) through (4). Special indebtedness authorized by this section shall be issued or incurred only in accordance with Article 9 of Chapter 142 of the General Statutes.

SECTION 4.2. Identification of Clean Water Projects. - The specific clean water projects for which the special indebtedness may be used are to be identified by the Clean Water Management Trust Fund Board of Trustees as provided in G.S. 113A-256(j), but are limited to the following projects:

- (1) Acquisition by conservation easement or fee simple up to 17,000 acres near North Carolina military bases in order to prevent encroachment by incompatible development.
- (2) Acquisition of up to 6,000 acres to expand an existing State park, provide gamelands to help protect North Carolina rivers, and provide two new State parks along North Carolina rivers; and capital improvements to an existing State park as part of its expansion.

SECTION 4.3. Maximum Amount. - The maximum principal amount of special indebtedness that may be issued or incurred pursuant to this part is the lesser of (i) the total amount provided in the first column below minus the amount of special indebtedness issued or incurred under parts 2 and 3 of this act or (ii) the maximum amount for which the aggregate annual principal and interest payments to be made in any year on the special indebtedness will not exceed the annual amount identified by the Authority as provided in G.S. 113-44.15(d). If the annual amount is increased, the maximum principal amount increases accordingly, but not above the total amount provided in the first column below minus the amount of special indebtedness issued or incurred under parts 2 and 3 of this act. The amount of special indebtedness to be issued or incurred at any time is determined in accordance with Article 9 of Chapter 142 of the General Statutes.

Of the special indebtedness authorized by this part, no more than the applicable maximum principal amount listed in the first column below may be issued for each purpose. Of the special indebtedness authorized by this part, no more than the applicable maximum principal amount listed in the second

column below may be issued for each purpose before July 1, 2005. The total maximum principal amount of special indebtedness that may be issued under this part before July 1, 2005, is the total amount indicated in the second column below minus the amount of special indebtedness issued or incurred under parts 2 and 3 of this act.

Maximum Amount	Maximum before 7/1/05	Purpose
\$20,000,000	\$12,000,000	Land near military bases.
25,000,000	20,000,000	Parks and gamelands.
TOTAL:		
\$45,000,000	\$32,000,000	

SECTION 4.4. G.S. 113A-253(c) reads as rewritten:

"(c) Fund Purposes. - Moneys from the Fund are appropriated annually and may be used for any of the following purposes:

- (1) To acquire land for riparian buffers for the purposes of providing environmental protection for surface waters and urban drinking water supplies and establishing a network of riparian greenways for environmental, educational, and recreational ~~uses-uses~~ and to retire debt incurred for this purpose under Article 9 of Chapter 142 of the General Statutes.
- (2) To acquire conservation easements or other interests in real property for the purpose of protecting and conserving surface waters and urban drinking water ~~supplies-supplies~~ and to retire debt incurred for this purpose under Article 9 of Chapter 142 of the General Statutes.
- (3) To coordinate with other public programs involved with lands adjoining water bodies to gain the most public benefit while protecting and improving water ~~quality-quality~~ and to retire debt incurred for this purpose under Article 9 of Chapter 142 of the General Statutes.
- (4) To restore previously degraded lands to reestablish their ability to protect water ~~quality-quality~~ and to retire debt incurred for this purpose under Article 9 of Chapter 142 of the General Statutes.
- (5) To repair failing waste treatment systems if: (i) an application has first been submitted to receive a loan or grant from the Clean Water Revolving Loan and Grant Fund and the application was denied during the latest review cycle; (ii) the repair is a reasonable remedy for resolving an existing waste treatment problem; and (iii) the repair is not for the purpose of expanding the system to accommodate future anticipated growth of a community. Priority shall

be given to economically distressed units of local government.

- (6) To repair and eliminate failing septic tank systems, to eliminate illegal drainage connections, and to expand waste treatment systems if the system is being expanded as a remedy to eliminate failing septic tank systems or illegal drainage connections. Priority shall be given to economically distressed units of local government.
- (7) To improve stormwater controls and management practices.
- (8) To facilitate planning that targets reductions in surface water pollution.
- (9) To fund operating expenses of the Board of Trustees and its staff."

SECTION 4.5. G.S. 113A-256 is amended by adding a new subsection to read:

"(j) Debt. - Of the funds credited annually to the Fund, the Trustees may authorize expenditure of a portion to reimburse the General Fund for debt service on special indebtedness to be issued or incurred under Article 9 of Chapter 142 of the General Statutes for the purposes provided in G.S. 113A-253(c)(1) through (4). In order to authorize expenditure of funds for debt service reimbursement, the Trustees must identify to the State Treasurer and the Department of Administration the specific capital projects for which they would like special indebtedness to be issued or incurred and the annual amount they intend to make available, and request the State Treasurer to issue or incur the indebtedness. After special indebtedness has been issued or incurred for a capital project requested by the Trustees, the Trustees must direct the State Treasurer to credit to the General Fund each year the actual aggregate principal and interest payments to be made in that year on the special indebtedness, as identified by the State Treasurer."

PART 5. DEBT AFFORDABILITY ADVISORY COMMITTEE

SECTION 5.1. Chapter 142 of the General Statutes is amended by adding a new Article to read:

"Article 10.

"Managing Debt Capacity.

"§ 142-100. Purpose.

The purpose of this Article is to provide tools for sound debt management by providing an annual debt affordability study to establish guidelines for maintaining prudent debt levels and by establishing a system for prioritizing State capital needs when the needs exceed the State's capacity for new debt.

"§ 142-101. Debt Affordability Advisory Committee.

(a) Membership. - The Debt Affordability Advisory Committee is created in the Department of State Treasurer. The Committee shall consist

of five ex officio members or their designees and four appointed members, as follows:

- (1) The State Treasurer.
- (2) The Secretary of Revenue.
- (3) The State Budget Officer.
- (4) The State Auditor.
- (5) The State Controller.
- (6) Two members of the public appointed by the President Pro Tempore of the Senate.
- (7) Two members of the public appointed by the Speaker of the House of Representatives.

(b) Officers and Staff. - The State Treasurer shall serve as the chair of the Committee. The Committee shall meet at the call of the chair. The Department of State Treasurer shall provide space for the Committee to meet. The Department shall also provide the Committee with necessary staff and supplies to enable it to carry out its duties in an effective manner.

(c) Compensation. - Members of the Committee shall serve without pay but shall receive per diem and allowances provided by G.S. 138-5 and G.S. 138-6.

(d) Duties. - The Debt Affordability Advisory Committee shall annually advise the Governor and the General Assembly on the estimated debt capacity of the State for the upcoming 10 fiscal years. The Committee shall oversee the undertaking of an annual debt affordability study and the establishment of guidelines for evaluating the State's debt burden. The guidelines should include target and ceiling ratios of net tax-supported debt to personal income and debt service to revenues, target and floor percentages for the 10-year payout ratio, and target and floor percentages for the unreserved General Fund balance. The Committee shall also recommend any other debt management policies it considers desirable and consistent with sound management of the State's debt.

(e) Reports. - The Committee shall report its findings and recommendations to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Fiscal Research Division by February 1 of each year."

SECTION 5.2. From funds appropriated to the Department of State Treasurer for the 2004-2005 fiscal year, the State Treasurer shall allocate the amounts necessary to implement the provisions of this part.

PART 6. UNIVERSITY SYSTEM AND COMMUNITY COLLEGE SYSTEM JOINT STUDY OF HIGHER EDUCATION STRATEGY

SECTION 6.1. To ensure that the State's citizens are academically prepared and equipped for current job opportunities and jobs of the future in North Carolina's growing knowledge economy, the Board of Governors of The University of North Carolina, in collaboration with the

State Board of Community Colleges, shall, within 60 days after this act becomes law, contract with a private consulting firm that has experience in higher education to conduct a comprehensive study of the mission and educational program needs for the University System and the Community College System. The Board of Governors may enter into contracts with consultants for the purposes authorized in this section without complying with the provisions of Article 3C of Chapter 143 of the General Statutes. The study shall include all of the following:

- (1) An analysis of demographic, economic, and educational data regarding the needs for higher education programming in the State as a whole, as well as in all geographic and economic regions of the State.
- (2) An updated enrollment projection for each System and each institution that includes adult, noncredit, career, and degree program enrollments.
- (3) An analysis of current program offerings and majors in undergraduate, graduate, nondegree, and workforce training programs, offered by each institution.
- (4) Recommendations as to how the institutions might better serve current and emerging needs related to existing and new programs; opportunities for regional program delivery; enhanced effectiveness and quality that can be achieved via sharing of resources, and program partnerships and collaborations both within and between higher education systems; and opportunities for online program delivery and other distance technology delivery systems.
- (5) An analysis of and suggested updates to existing long-range capital plans of both the University and Community College Systems that will address land acquisition and facility needs to support the program recommendations identified in this study, taking into account opportunities for modernization of and new uses for existing facilities.
- (6) With regard to the University System, there shall be special emphasis on the development of signature programs for Historically Black Colleges and Universities and the University of North Carolina at Pembroke. In conducting the study, the consulting firm shall take into account that the General Assembly finds the Historically Black Colleges and Universities and the University of North Carolina at Pembroke to be institutions with important historical traditions and equally important contemporary purposes and, as such, are valuable and indispensable assets of The University of

North Carolina and the State. The General Assembly intends to encourage the continued growth and development of those constituent institutions and would resist any suggestion to eliminate the historical function and purpose of those institutions.

- (7) With regard to both the University System and the Community College System, there shall be an acknowledgment of the existence and importance of a strong liberal arts education foundation and, at the same time, an emphasis on existing and new programs specifically aimed at meeting business, industry, workforce, and career needs of North Carolina in the State's changing and growing knowledge-based economy, taking into account, as appropriate, State and regional economic strategies.

SECTION 6.2. These studies shall be designed to provide information and recommendations that will assist the General Assembly in setting priorities for funding to address the strategic higher education needs of the State. The Board of Governors, the State Board, and their consultant shall periodically report their findings to a higher education programming subcommittee of the Joint Legislative Education Oversight Committee. The two boards and their consultant shall report the preliminary results of the study to the General Assembly and to the Joint Legislative Education Oversight Committee by April 15, 2005, and shall file a final report and recommendations with the General Assembly and the Joint Legislative Education Oversight Committee no later than December 31, 2005.

SECTION 6.3. The Joint Legislative Education Oversight Committee may create a higher education programming subcommittee to monitor the study authorized in this part.

PART 7. INNOVATIVE STATE FINANCING STUDY

SECTION 7.1. Article 9 of Chapter 142 of the General Statutes is amended by adding a new section to read:

"§ 142-95. RECOP indebtedness.

(a) Authorization. - In addition to special indebtedness described in the preceding sections of this Article, the State may incur special indebtedness as described in this section to be called real estate certificates of participation (RECOP) indebtedness. RECOP indebtedness shall be incurred for the purposes and otherwise as prescribed in the preceding sections of this Article, with the exceptions and limitations provided in this section. All of the provisions of this Article apply to RECOP indebtedness except to the extent a provision of this section specifically conflicts with a provision in the preceding sections of this Article.

(b) Purposes. - In addition to the purposes provided in G.S. 142-83, RECOP indebtedness may be incurred to refund any indebtedness of the State. RECOP indebtedness may refund non-RECOP indebtedness to the

same extent it may refund RECOP indebtedness in accordance with the preceding sections of this Article, except that the General Assembly must first enact legislation authorizing the incurrence of RECOP indebtedness for this purpose up to a specific maximum amount. The proceeds of RECOP indebtedness may not be used for operating expenses, start-up costs, or other items of working capital.

(c) Security. - In addition to the security authorized in G.S. 142-85(a), RECOP indebtedness may be secured by any property or interest in property of the State selected by the Director of the Budget in consultation with the State Treasurer and approved by the Council of State in accordance with this Article. Before selecting as security any property or interest in property not authorized in G.S. 142-85, the Director of the Budget must consult with the Joint Legislative Commission on Governmental Operations. This subsection supplements G.S. 142-85(a); all of the remaining provisions of G.S. 142-85 apply to RECOP indebtedness.

(d) Principal. - The entire principal amount may mature on a single date. No principal reduction is required prior to maturity.

(e) Interest. - Interest on RECOP indebtedness may be payable partly periodically and partly at maturity or earlier redemption, in the latter case with interest accreting and compounding at a stated interest rate.

(f) Additional State Property Law Exception. - Chapter 146 of the General Statutes does not apply to any sale of the State's interest in property securing RECOP indebtedness if the sales proceeds are used first to pay, or provide for the payment of, all or a portion of that RECOP indebtedness. The property law exceptions in G.S. 142-85(h) also apply to RECOP indebtedness."

SECTION 7.2. The General Assembly finds that there are circumstances in which the State may benefit from the use of innovative or flexible public financing tools not previously considered in North Carolina. In light of the value of State property and its great potential for appreciation, financing vehicles may be developed that provide for a lower annual debt service in exchange for a larger payment when the debt matures. In the context of urgent State needs or temporary budget restrictions, the General Assembly finds that it may be in the best interest of the State to be able to take advantage of this type of financing option. In order for the General Assembly to make a policy decision on this issue, more economic and financial information is needed.

SECTION 7.3 The State Treasurer shall study the effects of refunding State indebtedness or financing new State facilities with RECOP indebtedness as defined in G.S. 142-95, as enacted by this part. In evaluating the feasibility of incurring RECOP indebtedness and the surrounding policy issues, the State Treasurer shall evaluate all of the following:

- (1) The overall net economic cost to the State in incurring RECOP indebtedness as compared to other forms of indebtedness.
- (2) The relative annual debt service costs and final maturity payments of RECOP indebtedness as compared to other forms of indebtedness.
- (3) The availability of alternative financing opportunities and their relative costs to the State.
- (4) For refundings, whether the refunding would result in an economic gain, overall lower borrowing costs, or other benefits to the State.
- (5) Factors that affect which circumstances might make RECOP financing more or less desirable.
- (6) The impact on the State's credit rating of various debt options in various situations.
- (7) Any other issues the State Treasurer considers relevant.

The State Treasurer shall report to the Joint Legislative Commission on Governmental Operations by February 1, 2005, the results of this study, including specific findings and recommendations.

PART 8. GENERAL PROVISIONS

SECTION 8.1. It is the intent of the General Assembly that the proceeds of special indebtedness issued under parts 2 through 4 of this act shall be applied for the purposes provided in those parts, including the acquisition by conservation easement, or otherwise, of land near military bases to prevent encroachment. This acquisition shall be a high priority because of its vital importance to the State of North Carolina.

SECTION 8.2. None of the proceeds of special indebtedness authorized by parts 2 through 4 of this act may be used to acquire any property by eminent domain.

SECTION 8.3. The provisions of this act are severable. If any provision of this act is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

SECTION 8.4. Except as otherwise provided in this act, this act is effective when it becomes law.

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL 1303

H1303-PCCSLA-1, AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-40 is amended by adding two new subdivisions to read:

"(6a) A youth athletic contest with an admissions price that does not exceed ten dollars (\$10.00) sponsored by a person exempt from income tax under Article 4 of this Chapter. For the purpose of this subdivision, a youth athletic contest means a contest in which each participating athlete is less than 20 years of age.

...

(7a) All exhibitions, performances, and entertainments promoted and managed by a nonprofit arts organization that is exempt from income tax under G.S. 105-130.11(a)(3). This exemption does not apply to athletic events."

SECTION 2.(a) G.S. 105-113.21 reads as rewritten:

"§ 105-113.21. ~~Refund.~~Discount; refund.

(a) Discount. - A distributor who files a timely report under G.S. 105-113.18 and who sends a timely payment may deduct from the amount due with the report a discount of two percent (2%). This discount covers expenses incurred in preparing the records and reports required by this Part, and the expense of furnishing a bond.

(b) Refund. - A distributor in possession of packages of stale or otherwise unsalable cigarettes upon which the tax has been paid may return the cigarettes to the manufacturer and apply to the Secretary for refund of the tax. The application shall be in the form prescribed by the Secretary and shall be accompanied by an affidavit from the manufacturer stating the number of cigarettes returned to the manufacturer by the applicant. The Secretary shall refund the tax ~~paid~~ paid, less the discount allowed, on the unsalable cigarettes."

SECTION 2.(b) G.S. 105-113.35(c) reads as rewritten:

"(c) Secondary Liability. - A retail dealer who acquires non-tax-paid tobacco products subject to the tax imposed by this section from a wholesale dealer is liable for any tax due on the tobacco products. A retail dealer who is liable for tax under this subsection may not deduct a discount from the amount of tax due when reporting the tax."

SECTION 2.(c) G.S. 105-113.39 is reenacted and reads as rewritten:

"§ 105-113.39. Discount.

A wholesale dealer or a retail dealer who is primarily liable under G.S. 105-113.35(b) for the excise taxes imposed by this Part, who files a timely report under G.S. 105-113.37, and who sends a timely payment may deduct from the amount due with the report a discount of ~~four percent (4%)~~ two percent (2%). This discount covers losses due to damage to tobacco products, expenses incurred in preparing the records and reports required by this Part, and the expense of furnishing a bond."

SECTION 2.(d) G.S. 105-113.85 is reenacted and reads as rewritten:

"§ 105-113.85. Discount.

Each wholesaler or importer who files a timely return and sends a timely payment may deduct from the amount payable a discount of ~~four percent (4%)~~ two percent (2%). This discount covers losses due to spoilage and breakage, expenses incurred in preparing the records and reports required by this Article, and the expense of furnishing a bond."

SECTION 3. Section 1 of this act becomes effective July 1, 2004. Section 2 of this act is effective for reporting periods beginning on or after August 1, 2004. Section 3 of this act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL 1352**

H1352-PCCS30569-RB-3, AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED FOR ECONOMIC INFRASTRUCTURE, AND TO MAKE NECESSARY TRANSITIONAL ADJUSTMENTS TO THE STATE BUDGET.

The General Assembly of North Carolina enacts:

**APPROPRIATIONS FOR THE ONE NORTH CAROLINA FUND
AND FOR THE NEW AND EXPANDING INDUSTRY PROGRAM**

SECTION 1.(a) There is appropriated from the General Fund to the One North Carolina Fund the sum of twenty million dollars (\$20,000,000) for the 2003-2004 fiscal year. Funds that are unexpended and unencumbered as of the end of the fiscal year do not revert to the General Fund but remain available for these purposes. It is the intent of the General Assembly that there be a recurring annual appropriation to the One North Carolina Fund of ten million dollars (\$10,000,000) beginning with the 2006-2007 fiscal year.

SECTION 1.(b) Of the funds appropriated in this section to the One North Carolina Fund, the Department of Commerce may use up to three hundred thousand dollars (\$300,000) to cover its expenses in administering the One North Carolina Fund and other economic development incentive grant programs during the 2004-2005 fiscal year.

SECTION 1.(c) There is appropriated from the General Fund to the Community Colleges System Office the sum of four million one hundred thousand dollars (\$4,100,000) for the 2003-2004 fiscal year for new and

expanding industry training. Funds that are unexpended and unencumbered as of the end of the fiscal year do not revert to the General Fund but remain available for these purposes.

SECTION 1.(d) Article 10 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 2H. One North Carolina Fund.

"§ 143B-437.70. Legislative findings and purpose.

The General Assembly finds that:

- (1) It is the policy of the State of North Carolina to stimulate economic activity and to create new jobs for the citizens of the State by encouraging and promoting the retention and expansion of existing business and industry within the State and by recruiting and attracting new business and industry to the State.
- (2) Both short-term and long-term economic trends at the State, national, and international levels have made the successful implementation of the State's economic development policy and programs both more critical and more challenging; and the decline in the State's traditional industries, and the resulting adverse impact upon the State and its citizens, have been exacerbated in recent years by adverse national and State economic trends that contribute to the reduction in the State's industrial base and that inhibit the State's ability to sustain or attract new and expanding businesses.
- (3) The purpose of this Part is to stimulate economic activity and to create new jobs within the State.
- (4) The enactment of this Part will maintain consistency and accountability in a key economic development program and will ensure that the program benefits the State and its citizens.
- (5) Nothing in this Part shall be construed to constitute a guarantee or assumption by the State of any debt of any business or to authorize the taxing power or the full faith and credit of the State to be pledged.

"§ 143B-437.71. One North Carolina Fund established as a nonreverting account.

(a) Establishment. - The One North Carolina Fund is established as a special revenue fund in the Department of Commerce.

(b) Purposes. - Moneys in the One North Carolina Fund may be allocated only to local governments for use in connection with securing commitments for the recruitment, expansion, or retention of new and existing businesses. Moneys in the One North Carolina Fund shall be used for the following purposes only:

- (1) Installation or purchase of equipment.
- (2) Structural repairs, improvements, or renovations to existing buildings to be used for expansion.
- (3) Construction of or improvements to new or existing water, sewer, gas, or electric utility distribution lines or equipment for existing buildings.
- (4) Construction of or improvements to new or existing water, sewer, gas, or electric utility distribution lines or equipment for new or proposed buildings to be used for manufacturing and industrial operations.
- (5) Any other purposes specifically provided by an act of the General Assembly.

"§ 143B-437.72. Agreements required; disbursement of funds.

(a) Agreements Required. - Funds may be disbursed from the One North Carolina Fund only in accordance with agreements entered into between the State and one or more local governments and between the local government and a grantee business.

(b) Company Performance Agreements. - An agreement between a local government and a grantee business must contain the following provisions:

- (1) A commitment to create or retain a specified number of jobs within a specified salary range at a specific location and commitments regarding the time period in which the jobs will be created or retained and the minimum time period for which the jobs must be maintained.
- (2) A commitment to provide proof satisfactory to the local government and the State of new jobs created or existing jobs retained and the salary level of those jobs.
- (3) A provision that funds received under the agreement may be used only for a purpose specified in G.S. 143B-437.71(b).
- (4) A provision allowing the State or the local government to inspect all records of the business that may be used to confirm compliance with the agreement or with the requirements of this Part.
- (5) A provision establishing the method for determining compliance with the agreement.
- (6) A provision establishing a schedule for disbursement of funds under the agreement that allows disbursement of funds only in proportion to the amount of performance completed under the agreement.
- (7) A provision requiring recapture of grant funds if a business subsequently fails to comply with the terms of the agreement.

(8) Any other provision the State or the local government finds necessary to ensure the proper use of State or local funds.

(c) Local Government Grant Agreement. - An agreement between the State and one or more local governments shall contain the following provisions:

(1) A commitment on the part of the local government to match the funds allocated by the State. A local match may include cash, fee waivers, in-kind services, the donation of assets, the provision of infrastructure, or a combination of these.

(2) A provision requiring the local government to recapture any funds to which the local government is entitled under the company performance agreement.

(3) A provision requiring the local government to reimburse the State for any funds improperly disbursed or funds recaptured by the local government.

(4) A provision allowing the State access to all records possessed by the local government necessary to ensure compliance with the company performance agreement and with the requirements of this Part.

(5) A provision establishing a schedule for the disbursement of funds from the One North Carolina Fund to the local government that reflects the disbursement schedule established in the company performance agreement.

(6) Any other provision the State finds necessary to ensure the proper use of State funds.

(d) Disbursement of Funds. - Funds may be disbursed from the One North Carolina Fund to the local government only after the local government has demonstrated that the business has complied with the terms of the company performance agreement. The State shall disburse funds allocated under the One North Carolina Fund to a local government in accordance with the disbursement schedule established in the local government grant agreement.
"§ 143B-437.73. Program guidelines.

The Department of Commerce, in conjunction with the Governor's Office, shall develop guidelines related to the administration of the One North Carolina Fund and to the selection of projects to receive allocations from the Fund. At least 20 days before the effective date of any guidelines or nontechnical amendments to guidelines, the Department of Commerce must publish the proposed guidelines on the Department's Web site and provide notice to persons who have requested notice of proposed guidelines. In addition, the Department must accept oral and written comments on the proposed guidelines during the 15 business days beginning on the first day

that the Department has completed these notifications. For the purpose of this section, a technical amendment is either of the following:

- (1) An amendment that corrects a spelling or grammatical error.
- (2) An amendment that makes a clarification based on public comment and could have been anticipated by the public notice that immediately preceded the public comment.

"§ 143B-437.74. Reports.

The Department of Commerce shall publish a report on the use of funds in the One North Carolina Fund at the end of each fiscal quarter. The report shall contain information on the commitment, disbursement, and use of funds allocated under the One North Carolina Fund. The report is due no later than one month after the end of the fiscal quarter and must be submitted to the following:

- (1) The Joint Legislative Commission on Governmental Operations.
- (2) The chairs of the House of Representatives and Senate Finance Committees.
- (3) The chairs of the House of Representatives and Senate Appropriations Committees.
- (4) The Fiscal Research Division of the General Assembly."

SECTION 1.(e) G.S. 150B-1(d) is amended by adding a new

subdivision to read:

"(d) Exemptions from Rule Making. - Article 2A of this Chapter does not apply to the following:

- ...
- (13) The Department of Commerce and the Governor's Office in developing guidelines for the One North Carolina Fund under Part 2H of Article 10 of Chapter 143B of the General Statutes."

SECTION 1.(f) Program guidelines developed by the Department of Commerce for the One North Carolina Industrial Recruitment Competitive Fund that are in effect when this act becomes effective shall apply to the One North Carolina Fund enacted by this act until guidelines for the One North Carolina Fund are adopted pursuant to G.S. 143B-437.73. Program guidelines for the One North Carolina Fund shall be adopted in accordance with G.S. 143B-437.73 on or before September 1, 2004.

SECTION 1.(g) This section becomes effective June 30, 2004. Subsection (d) of this section does not apply to commitments made under the One North Carolina Industrial Recruitment Competitive Fund prior to July 1, 2004.

APPROPRIATION FOR THE RURAL ECONOMIC DEVELOPMENT CENTER

SECTION 2.(a) There is appropriated from the General Fund to the Rural Economic Development Center, Inc., the sum of twenty million dollars (\$20,000,000) for the 2003-2004 fiscal year to be allocated as follows:

- (1) To establish the North Carolina Infrastructure Program. The purpose of the Program is to provide grants to local governments to construct critical water and wastewater facilities and to provide other infrastructure needs, including technology needs, to sites where these facilities will generate private job-creating investment. At least fifteen million dollars (\$15,000,000) of the funds appropriated in this section must be used to provide grants under this Program.
- (2) To provide matching grants to local governments in distressed areas and equity investments in public-private ventures that will productively reuse vacant buildings, with priority given to towns with a population of less than 5,000.
- (3) To provide research and demonstration grants.

SECTION 2.(b) The Rural Economic Development Center, Inc., may contract with other State agencies, constituent institutions of The University of North Carolina, and colleges within the North Carolina Community College System for certain aspects of the program, including design of program guidelines and evaluation of program results.

SECTION 2.(c) The Rural Economic Development Center, Inc., may use up to four percent (4%) of the funds appropriated by this act to cover its expenses in administering the North Carolina Economic Infrastructure Program.

SECTION 2.(d) The Rural Economic Development Center, Inc., shall report annually to the Joint Legislative Commission on Governmental Operations concerning the progress of the North Carolina Economic Infrastructure Program. It must make its initial report on the program no later than January 15, 2005.

SECTION 2.(e) The General Fund Availability Statement for the 2003-2005 fiscal biennium, as enacted in Section 2.2(a) of S.L. 2003-284, does not reflect the additional General Fund revenue collections in the amount of two hundred thirty-five million one hundred thousand dollars (\$235,100,000) for the 2003-2004 fiscal year.

SECTION 2.(f) This section becomes effective June 30, 2004.

APPROPRIATION TO REPAY DEBT TO THE RETIREMENT SYSTEM

SECTION 3.(a) There is appropriated from the General Fund to the Teachers' and State Employees' Retirement System Fund the sum of twenty million dollars (\$20,000,000) for the 2003-2004 fiscal year to partially pay back the debt owed to the Fund.

SECTION 3.(b) This section becomes effective June 30, 2004.

DIRECTIONS AND LIMITATIONS ON EXPENDITURES OF STATE FUNDS

SECTION 4.(a) The appropriations and the authorizations to allocate and spend funds, which are set out in this act, shall remain in effect until the Current Operations and Capital Improvements Appropriations Act of 2004 becomes law, at which time that act shall become effective and shall govern appropriations and expenditures. When the Current Operations and Capital Improvements Appropriations Act of 2004 becomes law, the Director of the Budget shall adjust allocations to give effect to that act from July 1, 2004.

Except as otherwise provided by this act, the limitations and directions for the 2003-2004 fiscal year in S.L. 2003-283 and S.L. 2003-284 remain in effect. Session laws that applied to appropriations to particular agencies or for particular purposes apply to the funds appropriated and authorized for expenditure under this act.

SECTION 4.(b) If the provisions of (i) House Bill 1414, 3rd Edition, of the 2004 Regular Session of the General Assembly, (ii) House Bill 1414, 6th Edition, of the 2004 Regular Session of the General Assembly, or (iii) both, direct that funds shall not revert, the funds shall not revert on June 30, 2004. Unless these funds are encumbered on or before June 30, 2004, these funds shall not be expended after June 30, 2004, except as provided by a statute that becomes effective after June 30, 2004.

SECTION 4.(c) Subsection (b) of this section becomes effective June 30, 2004.

BLOCK GRANT PROVISIONS

SECTION 5. The Director of the Budget shall continue to allocate federal block grant funds at the levels provided in Sections 5.1 and 5.2 of S.L. 2003-284 and as otherwise provided by law, and appropriations from federal block grants are hereby made.

CASH BALANCES, FEDERAL RECEIPTS, AND DEPARTMENTAL RECEIPTS

SECTION 6. There is appropriated out of the cash balances, federal receipts, and departmental receipts available to each department, sufficient amounts to carry on authorized activities included under each department's operations. All these cash balances, federal receipts, and departmental receipts shall be expended and reported in accordance with provisions of the Executive Budget Act, except as otherwise provided by statute, and shall be expended at the level of service authorized by the General Assembly. If the receipts, other than gifts and grants that are unanticipated and are for a specific purpose only, collected in a fiscal year by an institution, department, or agency exceed the receipts certified for it in General Fund Codes or Highway Fund Codes, then the Director of the Budget shall decrease the amount he allots to that institution, department, or agency from appropriations from that Fund by the amount of the excess, unless the Director of the Budget finds that the appropriations from the Fund are necessary to maintain the function that generated the receipts at the level anticipated in the certified budget codes for that Fund.

Funds that become available from overrealized receipts in General Fund Codes and Highway Fund Codes may be used for new permanent employee positions or to raise the salary of existing employees only as follows:

- (1) As provided in G.S. 116-30.1, 116-30.2, 116-30.3, 116-30.4; or
- (2) If the Director of the Budget finds that the new permanent employee positions are necessary to maintain the function that generated the receipts at the level anticipated in the certified budget codes for that Fund. The Director of the Budget shall notify the President Pro Tempore of the Senate, the Speakers of the House of Representatives, the Chairs of the Appropriations Committees of the Senate and the House of Representatives, and the Fiscal Research Division of the Legislative Services Office that he intends to make such a finding at least 10 days before he makes the finding. The notification shall set out the reason the positions are necessary to maintain the function.

The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office within 30 days after the end of each quarter the General Fund Codes or Highway Fund Codes that did not result in a corresponding reduced allotment from appropriations from that Fund.

NO AUTOMATIC STEP INCREASES FOR STATE AND PUBLIC SCHOOL EMPLOYEES

SECTION 7. State employees subject to G.S. 7A-102(c), 7A-171.1, or 20-187.3 shall not move up on salary schedules or receive automatic increases, including automatic step increases, until authorized by the General Assembly.

Public school employees paid on the teacher salary schedule or the school-based administrator salary schedule shall not move up on salary schedules or receive automatic step increases until authorized by the General Assembly.

STATE CONTROLLER SHALL NOT TRANSFER FUNDS ON JUNE 30

SECTION 8.(a) Notwithstanding G.S. 143-15.2 and G.S.143-15.3, for the 2003-2004 fiscal year only, funds shall not be reserved to the Savings Reserve Account, and the State Controller shall not transfer funds from the unreserved credit balance to the Savings Reserve Account on June 30, 2004.

SECTION 8.(b) Notwithstanding G.S. 143-15.2 and G.S. 143-15.3A, for the 2003-2004 fiscal year only, funds shall not be reserved to the Repairs and Renovations Reserve Account, and the State Controller shall not transfer funds from the unreserved credit balance to the Repairs and Renovations Reserve Account on June 30, 2004.

SECTION 8.(c) This section becomes effective June 30, 2004.

EFFECTIVE DATE

SECTION 9. Except as otherwise provided in this act, this act becomes effective July 1, 2004. Sections 4 through 8 of this act expire July 9, 2004.

**CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL 1464**

H1464-PCCS60538-RH-4, AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS, IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNIT IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS, OR IN CERTAIN SCHOOLS WITH MODIFIED CALENDARS; TO ALLOW THE STATE BOARD OF EDUCATION TO

GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS AND SCHOOLS; TO CLARIFY THAT LOCAL BOARDS OF EDUCATION MAY OFFER SUPPLEMENTAL OR ADDITIONAL PROGRAMS OUTSIDE OF THE SCHOOL CALENDAR; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO REQUIRE THAT AT LEAST SEVEN NONINSTRUCTIONAL DAYS ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW. The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2 reads as rewritten:

"§ 115C-84.2. School calendar.

(a) School Calendar. - Each local board of education shall adopt a school calendar consisting of ~~220~~215 days all of which shall fall within the fiscal year. A school calendar shall include the following:

- (1) A minimum of 180 days and 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather,

- the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.
- (1a) ~~(Applies only to 2002-2003 school year— See editor's note.)~~ Notwithstanding subdivision (1) of this subsection, a local board may decide to make up a maximum of three instructional days by adding instructional hours to previously scheduled instructional days. A local board shall make this decision only if all of the following criteria are met:
- a. ~~The days to be made up were missed when schools were unable to be opened due to unusual and extraordinary inclement weather conditions.~~
 - b. ~~It would cause undue hardship to parents, children, and teachers to make up those days.~~
 - c. ~~The school calendar continues to have a minimum of 1,000 instructional hours covering at least nine months.~~
 - d. ~~The additional hours must equal the regularly scheduled number of instructional hours at each school.~~

~~If a local board adds instructional hours to previously scheduled days under this sub division, the local school administrative unit is deemed to have a minimum of 180 days of instruction, teachers employed for a 10 month term are deemed to have been employed for the days being made up, and all other employees shall be compensated as if they had worked the days being made up.~~
- (2) A minimum of 10 annual vacation leave days.
- (3) The same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State employees.
- (4) ~~Eight Five~~ days, as designated by the local board, for use as teacher workdays, additional instructional days, or other lawful purposes. A local board may delegate to the individual schools some or all of the eight days to schedule under subdivision (5) of this subsection. A local board may schedule different purposes for different personnel on any given day and is not required to schedule the same dates for all personnel workdays. These days shall be protected

to allow teachers to complete instructional and classroom administrative duties. The local school administrative unit shall not impose any additional tasks on these days. The local board shall schedule one of these days at the beginning of the school year and one at the end of each academic quarter.

- (5) The remaining days scheduled by the local board in consultation with each school's principal for any of the purposes allowed under subdivision (4) of this subsection. use as teacher workdays, additional instructional days, or other lawful purposes. Before scheduling these days, the principal consulting with the local board, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. However, if during the last two years the local school administrative unit has made up an average of at least eight days for school closing because of inclement weather, the local board may designate up to two of these days In order to make up days for school closing because of inclement weather, the local board may designate any of the days in this subdivision as additional make-up days to be scheduled after the last day of student attendance.

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

Local boards and individual schools shall designate at least seven days scheduled under subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave. Local boards may designate the remaining days scheduled in subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave, but local boards shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (5) of this subsection. any of these days. A teacher may elect to waive this notice requirement for one or more such of these days.

(b) Limitations. - The following limitations apply when developing the school calendar:

- (1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed ~~200~~195 days.
- (2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.
- (3) School shall not be held on Sundays.
- (4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools.

(c) Emergency Conditions. - During any period of emergency in any section of the State where emergency conditions make it necessary, the State Board of Education may order general, and if necessary, extended recesses or adjournment of the public schools.

(d) Opening and Closing Dates. - Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, and the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. ~~Different opening and closing dates may be fixed for schools in the same administrative unit.~~ For purposes of this subsection, the term 'good cause' means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

The State Board also may waive this requirement for an educational purpose. The term 'educational purpose' means a local school administrative unit establishes a need to adopt a different calendar for (i) a specific school to accommodate a special program offered generally to the student body of that school, (ii) a school that primarily serves a special population of students, or (iii) a defined program within a school. The State Board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational

purpose, and the request is not an attempt to circumvent the opening and closing dates set forth in this subsection. The waiver requests for educational purposes shall not be used to accommodate system-wide class scheduling preferences.

The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar.

(e) Nothing in this section prohibits a local board of education from offering supplemental or additional educational programs or activities outside the calendar adopted under this section."

SECTION 2. G.S. 115C-302.1(b) reads as rewritten:

"(b) Salary Payments. - State-allotted teachers shall be paid for a term of 10 months. State-allotted months of employment for vocational education to local boards shall be used for the employment of teachers of vocational and technical education for a term of employment to be determined by the local boards of education. However, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 1982-83 school year for any school year thereafter.

Each local board of education shall establish a set date on which monthly salary payments to State-allotted teachers shall be made. This set pay date may differ from the end of the month of service. The daily rate of pay for teachers shall equal ~~one twenty-second~~ midway between one twenty-first and one twenty-second of the monthly rate of pay. Except for teachers employed in a year-round school or paid in accordance with a year-round calendar, or both, the initial pay date for teachers shall be no later than August 31 and shall include a full monthly payment. Subsequent pay dates shall be spaced no more than one month apart and shall include a full monthly payment.

Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who fails to attend scheduled workdays or who has not worked the number of days for which the teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall repay to the local board any salary payments received for days not yet worked. A teacher who has been prepaid and continues to be employed by a local board but fails to attend scheduled workdays may be subject to dismissal under G.S. 115C-325 or other appropriate discipline.

Any individual teacher who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or

before the first day of the school year. The request shall be filed in the local school administrative unit ~~which that~~ employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the teacher's annual salary nor in any other way alter the contract made between the teacher and the local school administrative unit. Teachers employed for a period of less than 10 months shall not receive their salaries in 12 installments.

Notwithstanding this subsection, the term 'daily rate of pay' for the purpose of G.S. 115C-12(8) or for any other law or policy governing pay or benefits based on the teacher salary schedule shall not exceed one twenty-second of a teacher's monthly rate of pay."

SECTION 3. For certified and noncertified employees employed on or after the effective date of this act, the annual rate of pay beginning with the 2005-2006 school year shall not be reduced as the result of this act. Furthermore, nothing in this act shall be construed to change the pay cycle for noncertified employees. The State Board of Education shall report annually to the Joint Legislative Education Oversight Committee on local compliance with this section.

SECTION 4. The State Board of Education shall study the scheduling of and purposes of noninstructional teacher workdays. As part of the study, the State Board shall consult with interested stakeholders that include members of local boards of education, school administrators, teachers, parents, and others the State Board considers appropriate. The State Board shall report any findings to the Joint Legislative Education Oversight Committee by December 15, 2004.

SECTION 5. Nothing in this act shall require the General Assembly to appropriate funds to implement it or require a local school administrative unit to spend additional funds to implement it.

SECTION 6. This act is effective when it becomes law and applies to school years beginning with the 2005-2006 school year. This act shall apply in all 100 counties and in all local school administrative units.

**CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL 1594**

H1594-PCCS80485-RB-6, AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 74D-7(e) reads as rewritten:

"(e) The Board may charge fees as follows:

- (1) A nonrefundable initial license application fee in an amount not to exceed one hundred fifty dollars (\$150.00).
- (2) A new or renewal license fee in an amount not to exceed ~~three hundred fifty dollars (\$350.00)~~; five hundred dollars (\$500.00).
- (3) A late license renewal fee to be paid in addition to the renewal fee due in an amount not to exceed one hundred dollars (\$100.00), if the license has not been renewed on or before the expiration date of the license.
- (4) A registration fee in an amount not to exceed ~~twenty dollars (\$20.00)~~; fifty dollars (\$50.00) plus any fees charged to the board for background checks by the State Bureau of Investigation.
- (5) A fee for reregistration of an employee who changes employment to another licensee, not to exceed ten dollars (\$10.00).
- (6) A branch office certificate fee not to exceed one hundred fifty dollars (\$150.00).
- (7) A fee not to exceed fifty dollars (\$50.00) for each reconsideration of a license or registration permit that has been filed or returned to the applicant for correctable errors.

All fees collected pursuant to this section shall be expended, under the direction of the Board, for the purpose of defraying the expense of administering this Chapter."

SECTION 2. This act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE BILL 51**

S51-PCCS85351-LCx-3, AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES AND TO REMOVE PROVISIONS THAT COULD RESULT IN FRANCHISE TAXES ON ASSETS NOT INDIRECTLY OWNED BY CORPORATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-114.1 reads as rewritten:

"§ 105-114.1. **Limited liability companies.**

(a) Definitions. - The definitions in G.S. 105-130.7A apply in this section. In addition, the following definitions apply in this section:

- (1) Affiliated group. - Defined in section 1504 of the Code.
- (2) Capital interest. - The right under a limited liability company's governing law to receive a percentage of the company's assets upon dissolution after payments to creditors.
- (3) Entity. - A person that is not a human being.
- (4) Governing law. - A limited liability company's governing law is determined under G.S. 57C-6-05 or G.S. 57C-7-01, as applicable.
- (2) Owned indirectly. - A person owns indirectly assets of a limited liability company if the limited liability company's governing law provides that seventy percent (70%) or more of its assets, after payments to creditors, must be distributed upon dissolution to the person as of the last day of the principal corporation's taxable year.
- (3) Principal corporation. - A corporation that is a member of a limited liability company or has a related member that is a member of a limited liability company.

(b) Controlled Companies. - If a corporation or an affiliated group of corporations owns seventy percent (70%) or more of the capital interests in a limited liability company, the corporation or group of corporations must include in its three tax bases under this Article the same percentage of the limited liability company's net assets. a related member of the corporation is a member of a limited liability company and the principal corporation and any related members of the principal corporation together own indirectly seventy percent (70%) or more of the limited liability company's assets, then the following provisions apply:

- (1) A percentage of the limited liability company's income, assets, liabilities, and equity is attributed to that principal corporation and must be included in the principal corporation's computation of tax under this Article.
- (2) The principal corporation's investment in the limited liability company is not included in the principal corporation's computation of tax under this Article.
- (3) The attributable percentage is equal to the percentage of the limited liability company's assets owned indirectly by the principal corporation divided by the percentage of the limited liability company's assets owned indirectly by related members of the principal corporation that are corporations.

(c) Constructive Ownership. - Ownership of the capital interests in a limited liability company is determined by reference to the constructive ownership rules for partnerships, estates, and trusts in section 318(a)(2)(A) and (B) of the Code with the following modifications:

- (1) The term 'capital interest' is substituted for 'stock' each place it appears.
- (2) A limited liability company and any noncorporate entity other than a partnership, estate, or trust is treated as a partnership.
- (3) The operating rule of section 318(a)(5) of the Code applies without regard to section 318(a)(5)(C).

~~Other Companies.~~ - ~~In all other cases, none of the limited liability company's income, assets, liabilities, or equity is attributed to a principal corporation under this Article.~~

(d) No Double Inclusion. - If a corporation is required to include a percentage of a limited liability company's assets in its tax bases under this Article pursuant to subsection (b) of this section, its investment in the limited liability company is not included in its computation of capital stock base under G.S. 105-122(b).

(e) Affiliated Group. - If the owner of the capital interests in a limited liability company is an affiliated group of corporations, the percentage to be included pursuant to subsection (b) of this section by each group member that is doing business in this State is determined by multiplying the capital interests in the limited liability company owned by the affiliated group by a fraction. The numerator of the fraction is the capital interests in the limited liability company owned by the group member, and the denominator of the fraction is the capital interests in the limited liability company owned by all group members that are doing business in this State.

(f) Exemption. - This section does not apply to assets owned by a limited liability company if the total book value of the limited liability company's assets never exceeded one hundred fifty thousand dollars (\$150,000) during its taxable year.

(g) Timing. - Ownership of the capital interests in a limited liability company is determined as of the last day of its taxable year. The adjustments pursuant to subsections (b) and (d) of this section must be made to the owner's next following return filed under this Article. If a limited liability company and a corporation or an affiliated group of corporations have engaged in a pattern of transferring assets between them with the result that each did not own the capital interests on the last day of its taxable year, the ownership of the capital interests in the limited liability company must be determined as of the last day of the corporation or group of corporations' taxable year.

(h) Penalty. - A taxpayer who, because of fraud with intent to evade tax, underpays the tax under this Article on assets attributable to it under this section is guilty of a Class H felony in accordance with G.S. 105-236(7)."

SECTION 2. G.S. 105-114.1(b), as amended by this act, reads as rewritten:

"(b) Controlled Companies. - If a corporation or an affiliated group of corporations owns ~~seventy percent (70%) or more~~ more than fifty percent (50%) of the capital interests in a limited liability company, the corporation or group of corporations must include in its three tax bases under this Article the same percentage of the limited liability company's net assets."

SECTION 3. Section 1 of this act becomes effective January 1, 2003, and applies to taxes due on or after that date. Section 2 of this act becomes effective January 1, 2005, and applies to taxes due on or after that date. The remainder of this act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE BILL 676**

S676-PCCS65471-RO-2, AN ACT TO AMEND CERTAIN BANKING LAWS OF NORTH CAROLINA AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEED FOR FURTHER AMENDMENTS TO THE STATE BANKING LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 53-48 reads as rewritten:

"§ 53-48. **Limitation of loans.**

(a) The total loans and extensions of credit, both direct and indirect, by a bank to a person, other than a municipal corporation for money borrowed, including in the liabilities of a firm the liabilities of the several members thereof, outstanding at one time and not fully secured, as determined in a manner consistent with subsection (b) of this section, by collateral having a market value at least equal to the amount of the loan or extension of credit shall not exceed the greater of fifteen percent (15%) of the unimpaired capital fund of the ~~bank~~ bank or the percentage permitted for national banks in this State by statute or regulation of the Comptroller of the Currency.

(b) The total loans and extensions of credit, both direct and indirect, by a bank to a person outstanding at one time and fully secured by readily marketable collateral having a market value, as determined by reliable and continuously available price quotations, at least equal to the amount of the ~~fund~~ loan or extension of credit outstanding shall not exceed the greater of ten percent (10%) of the unimpaired capital fund of the ~~bank~~ bank or the percentage permitted for national banks by statute or regulation of the

Comptroller of the Currency. This limitation shall be separate from and in addition to the limitation contained in subsection (a) ~~above of this section.~~

(c) The discount of bills of exchange drawn in good faith against actual existing values, the discount of solvent trade acceptances or other solvent commercial or business paper actually owned by the person negotiating the same, loans or extensions of credit secured by a segregated deposit account in the lending bank, the purchase of bankers acceptances of the kind described in section 13 of the Federal Reserve Act and issued by other banks, and the purchase of any notes and the making of any loans, secured by not less than a like face amount of bonds of the United States, or an agency of the United States, or other obligations guaranteed by the United States Government, or State of North Carolina or certificates of indebtedness of the United States, or agency thereof, or other obligations guaranteed by the United States Government, shall not be considered as money borrowed within the meaning of this section: Provided, however, that the limitations of this section shall not apply to loans or obligations to the extent that they are secured or covered by guarantees or by commitments or agreements to take over or purchase the same, made by any federal reserve bank or by the United States or any department, board, bureau, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.

(d) For purposes of this section, the term "person" shall be deemed to include an individual, or a corporation, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated organization or any other form of entity not specifically listed herein. Loans or extensions of credit to one person include loans made to other persons when the proceeds of the loans or extensions of credit are to be used for the direct benefit of the first person or the persons are engaged in a common enterprise. The Commissioner of Banks shall monitor the lending activities of banks under this section for undue credit concentrations and inadequate risk diversification which could adversely affect the safety and soundness of such banks."

SECTION 2. G.S. 53-67 reads as rewritten:

"§ 53-67. Banks controlled by boards of directors.

The corporate powers, business, and property of banks doing business under this Chapter shall be exercised, conducted, and controlled by its board of directors, which shall meet at least quarterly. Such board shall consist of not less than five directors, to be chosen by the stockholders, and shall hold office for the term for which they are elected, and until their successors are elected and qualified. The annual meeting of stockholders for the election of directors shall be held at such time as may be designated by the charter or the bylaws of the bank but shall be held not later than ~~the thirtieth day of~~

~~June in each year.~~ June 30 each year; provided, however, that any bank which has been open for business for fewer than 12 months as of June 30 of the current year shall hold its first annual meeting by not later than June 30 of the following year. In addition to the foregoing powers relating to the fixing of the number and the election of directors, the stockholders of a bank, at any stockholders' meeting, special or annual, may authorize not more than two additional directorships which may be left unfilled and to be filled in the discretion of the directors of the institution during the interval between such stockholders' meetings. Aside from the specific provisions of this section, the number, election, term and classification of the directors of banks doing business under this Chapter shall be governed by the provisions of the North Carolina Business Corporation Act."

SECTION 3. G.S. 53-99(b)(7b) reads as rewritten:

"(7b) Records of applications, examinations, and investigations of registrants-applicants, licensees, and exempt persons under the Mortgage Lending Act, Article 19A of this Chapter;"

SECTION 4. G.S. 53-115 reads as rewritten:

"§ 53-115. State Banking Commission to ~~make rules and regulations.~~ adopt rules.

(a) ~~The State Banking Commission is hereby authorized, empowered and directed to make all necessary rules and regulations, and to give all necessary instructions with respect to such actions of banking corporations which the Commissioner of Banks may authorize, permit and/or direct and require to be conducted under the provisions of G.S. 53-77, 53-114, 53-115, and 53-116. And it shall be the duty of all such banking corporations and their officers, agents and employees, to comply fully with any and all such rules, regulations and instructions, established and promulgated by the State Banking Commission with respect to such banking corporations under the terms of G.S. 53-77, 53-114, 53-115, and 53-116; and such orders, rules, and regulations shall have the same force and effect as rules, regulations and instructions promulgated under the existing banking laws, with respect to the establishment, operation, conduct, and termination of any and all activities and businesses that are subject to licensing, regulation, supervision, or examination by the Commissioner of Banks under this Chapter.~~

(b) The rule-making authority conferred on the State Banking Commission by this section shall be in addition to and not in derogation of any specific rule-making authority by any other provision of this Chapter."

SECTION 5. G.S. 53-160 reads as rewritten:

"§ 53-160. License to do business.

Before any such bank or trust company is authorized to act in any fiduciary capacity without bond, it must be licensed by the Commissioner of Banks of the State. For such license the ~~licensee~~licensee, for the purpose

of defraying necessary expenses of the Commissioner of Banks and the Commissioner's agents in supervising and examining the licensee, shall pay to the State Banking Commission an annual license fee of two hundred dollars (\$200.00), which shall be remitted to the State Treasurer for the use of the Commissioner of Banks in the supervision of banks and trust companies acting in a fiduciary capacity, insofar as it may be necessary, and the surplus, if any, shall remain in the State treasury for the use of the general fund of the State. Commissioner of Banks an annual license fee not to exceed five hundred dollars (\$500.00) as required by rule of the State Banking Commission. Provided, however, that a national bank which has been granted trust powers by the Comptroller of the Currency or his duly authorized agent shall be annually licensed as required in this section and shall be granted a certificate of solvency which will meet the provisions of G.S. 53-162 without examination by the Commissioner of Banks as required in G.S. 53-161."

SECTION 6. G.S. 53-208.12 reads as rewritten:

"§ 53-208.12. Quarterly reports.

A licensee shall file for each calendar quarter, no later than 60 days after the quarter has ended, a report which contains the total number of authorized delegates in this State. In addition, a licensee shall promptly provide any additional information regarding any or all of its current and prior authorized delegates requested by the Commissioner."

SECTION 7. G.S. 53-243.02(c) reads as rewritten:

"(c) The license of a loan officer is not effective during any period when that person is not employed by a mortgage broker or mortgage banker licensed under this Article. The license of an exclusive mortgage broker is not effective during any period when that person is not authorized to act as a single licensee or exempt person pursuant to G.S. 53-243.05(c)(1a).

When a loan officer ceases to be employed by a mortgage broker or mortgage banker licensed under this Article, the loan officer and the mortgage broker or mortgage banker licensed under this Article by whom that person is employed shall promptly notify the Commissioner in writing. When the authority of an exclusive mortgage broker to act on behalf of the principal licensee or exempt person identified in G.S. 53-243.05(c)(1a) has been terminated, the exclusive mortgage broker and the licensee or exempt person for whom the exclusive mortgage broker is an agent shall promptly notify the Commissioner in writing. The mortgage broker, mortgage banker, or exempt person's notice shall include a statement of the specific reason or reasons for, as applicable, the termination of the loan officer's employment or exclusive mortgage broker's authority.

A loan officer shall not be employed simultaneously by more than one mortgage broker or mortgage banker licensed under this Article."

SECTION 8. G.S. 53-243.05(a)(6) reads as rewritten:

"(6) The applicant's consent to a federal and State criminal history record check and a set of the applicant's fingerprints in a form acceptable to the Commissioner. In the case of an applicant that is a corporation, partnership, limited liability company, association, or trust, each individual who has control of the applicant or who is the managing principal or a branch manager shall consent to a federal and State criminal history record check and submit a set of that individual's fingerprints pursuant to this subdivision. Refusal to consent to a criminal history record check ~~may constitute~~ constitutes grounds for the Commissioner to deny licensure to the applicant-applicant as well as to any entity (i) by whom or by which the applicant is employed, (ii) over which the applicant has control, or (iii) as to which the applicant is the current or proposed managing principal or a current or proposed branch manager."

SECTION 9. G.S. 53-243.06(b1) reads as rewritten:

"(b1) When required by the Commissioner, ~~the licensee~~ each individual described in G.S. 53-245.05(a)(6) shall furnish to the Commissioner the licensee's his or her consent to a criminal history record check and a set of the licensee's his or her fingerprints in a form acceptable to the Commissioner. Refusal to consent to a criminal history record check may constitute grounds for the Commissioner to deny renewal of ~~licensure to the licensee~~ the license of the person as well as the license of any other person by which he or she is employed, over which he or she has control, or as to which he or she is the current or proposed managing principal or a current or proposed branch manager."

SECTION 10. G.S. 53-243.11 is amended by adding a new subdivision to read:

"(12) To fail to comply with the mortgage loan servicing transfer, escrow account administration, or borrower inquiry response requirements imposed by sections 6 and 10 of the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. § 2605 and § 2609, and regulations adopted thereunder by the Secretary of the Department of Housing and Urban Development."

SECTION 11. G.S. 53-243.12(a)(2) reads as rewritten:

"(2) That any of the following circumstances apply to the applicant, licensee, or any partner, member, manager, officer, director, loan officer, managing ~~broker,~~ principal, or any person occupying a similar status or performing similar functions

or any person directly or indirectly controlling the applicant or licensee. The person:

- a. Has filed an application for license that, as of its effective date or as of any date after filing, contained any statement that, in light of the circumstances under which it was made, is false or misleading with respect to any material fact.
- b. Has violated or failed to comply with any provision of this Article, rule adopted by the Commissioner, or order of the Commissioner.
- c. Has been convicted of any felony, or, within the past 10 years, has been convicted of any misdemeanor involving mortgage lending or any aspect of the mortgage lending business, or any offense involving breach of trust, moral turpitude, or fraudulent or dishonest dealing.
- d. Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the mortgage lending business.
- e. Is the subject of an order of the Commissioner denying, suspending, or revoking that person's license as a mortgage broker or mortgage banker.
- f. Is the subject of an order entered within the past five years by the authority of any state with jurisdiction over that state's mortgage brokerage or mortgage banking industry denying or revoking that person's license as a mortgage broker or mortgage banking industry or denying or revoking that person's license as a mortgage broker or mortgage banker.
- g. Does not meet the qualifications or the financial responsibility, character, or general fitness requirements under G.S. 53-243.05 or any bond or capital requirements under this Article.
- h. Has been the executive officer or controlling shareholder or owned a controlling interest in any mortgage broker or mortgage banker who has been subject to an order or injunction described in subdivision d., e., or f. of this subdivision.
- i. Has failed to pay the proper filing or renewal fee under this Article. However, the Commissioner

may enter only a denial order under this sub-subdivision, and the Commissioner shall vacate the order when the deficiency has been corrected."

SECTION 12. G.S. 53-243.12(g) reads as rewritten:

"(g) If the Commissioner has reasonable grounds to believe that a licensee or other person has violated the provisions of this Article or that facts exist that would be the basis for an order against a licensee or other person, the Commissioner may at any time, either personally or by a person duly designated by the Commissioner, investigate or examine the loans and business of the licensee and examine the books, accounts, records, and files of any licensee or other person relating to the complaint or matter under investigation. The Commissioner may require any licensee or other person to submit a consent to a criminal history record check and a set of that person's fingerprints in a form acceptable to the Commissioner in connection with any examination or investigation. Refusal to submit the requested criminal history record check or a set of fingerprints shall be grounds for disciplinary action. The reasonable cost of this investigation or examination shall be charged against the licensee."

SECTION 13. G.S. 53-243.12(k) reads as rewritten:

"(k) If the Commissioner finds that the managing principal, branch manager, or loan officer of a licensee had knowledge of or reasonably should have had knowledge of, or participated in, any activity that results in the entry of an order under this section suspending or withdrawing the license of a licensee, the Commissioner may prohibit the branch manager, managing broker-principal, or loan officer from serving as a branch manager, managing broker-principal, or loan officer for any period of time the Commissioner deems necessary."

SECTION 14. G.S. 53-243.16 reads as rewritten:

"§ 53-243.16. Criminal history record checks.

(a) The Department of Justice may provide a criminal record check to the Commissioner for ~~a~~any person who has applied for or holds a mortgage banker, mortgage broker, exclusive mortgage broker, or loan officer license through the Commissioner under this Article.

(b) In addition, if a person described in subsection (a) of this section is a corporation, partnership, limited liability company, association, or trust, the Department of Justice may provide a criminal history record check to the Commissioner for any person who has control of that person, or who is the managing principal or a branch manager of that person.

(c) The Commissioner shall provide to the Department of Justice, along with the request, the fingerprints of the ~~applicant, person,~~ any additional information required by the Department of Justice, and a form signed by the ~~applicant-person~~ consenting to the check of the criminal record and to the

use of the fingerprints and other identifying information required by the State or national repositories. The ~~applicant's person's~~ fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The Commissioner shall keep all information pursuant to this section privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

The Department of Justice may charge a fee for each ~~applicant-person~~ for conducting the checks of criminal history records authorized by this section."

SECTION 15. G.S. 53-257(6) reads as rewritten:

"(6) Reverse mortgage loan or loan. - A loan for a definite or indefinite term (i) secured by a first mortgage or first deed of trust on the principal residence of the ~~mortgagor,~~ mortgagor located in North Carolina, (ii) the proceeds of which are disbursed to the mortgagor in one or more lump sums, or in equal or unequal installments, either directly by the lender or the lender's agent, and (iii) that requires no repayment until a future time, upon the earliest occurrence of one or more events specified in the reverse mortgage loan contract."

SECTION 16. G.S. 53-258 reads as rewritten:

"§ 53-258. Authority and procedures governing reverse mortgage loans.

(a) ~~No~~ Except as provided in subsection (b1) of this section, no person, firm, or corporation shall engage in the business of making reverse mortgage loans without first being approved as an authorized reverse mortgage lender by the Commissioner, ~~unless the lender is the North Carolina Housing Finance Agency, or is a bank, savings institution, or credit union authorized to do business under the laws of this State or authorized to do business under the laws of the United States and chartered to do business in this State.~~ Commissioner. Mortgage lenders licensed under Article 19A of this Chapter must also be authorized under this Article before making reverse mortgage loans.

(b) An application for authorization to make reverse mortgage loans shall be in writing to the Commissioner and in the form prescribed by the Commissioner. The application shall contain the name and complete business address or addresses of the applicant. The application shall also include affirmation of financial solvency and all capitalization requirements that are required by the Commissioner. The application shall be accompanied by a

nonrefundable fee, payable to the Commissioner, of five hundred dollars (\$500.00).

(b1) Each of the following lenders shall be considered authorized to engage in the business of making reverse mortgage loans without being required to apply pursuant to subsection (b) of this section and may represent to the public that it is so authorized:

- (1) The North Carolina Housing Finance Agency.
- (2) A bank, savings institution, or credit union formed under the laws of this or any other state or of the United States.
- (3) A wholly owned subsidiary of an entity described in subdivision (2) of this subsection.

Each lender listed in this subsection may, upon written request to the Commissioner of Banks, obtain written confirmation of its authority to engage in the business of making reverse mortgage loans. In the case of lenders listed in subdivisions (2) and (3) of this subsection, the request shall be accompanied by the fee set forth in subsection (d) of this section.

~~(c) The North Carolina Housing Finance Agency, and any bank, savings institution, or credit union that is not required to obtain authorization to make reverse mortgage loans under subsection (a) of this section, shall, prior to making any reverse mortgage loan, notify the Commissioner of its intent to make reverse mortgage loans. This notification shall be made on a form prescribed by the Commissioner and shall contain all information required by the Commissioner.~~

(d) The Commissioner shall, upon determination that a lender an applicant should be authorized to make reverse mortgage loans, issue notice of this authority to the lender. The authority to issue reverse mortgage loans is valid for the period of time specified by the Commissioner. A lender to whom a notice of authority is issued shall display the notice prominently in any and all offices of the lender that make reverse mortgage loans. Authorizations issued under this section are nontransferable and subject to nontransferable. Except for lenders described in subsection (b1) of this section, each lender to which an authorization is issued shall pay an annual renewal fee of two hundred fifty dollars (\$250.00)."

SECTION 17. The Legislative Research Commission shall undertake a comprehensive study of those laws, including Chapters 53, 54B, and 54C of the General Statutes, which affect the establishment and operation of banks in North Carolina and shall make recommendations to the 2005 General Assembly, prior to the convening of the 2006 Regular Session as to which laws (i) are obsolete, unnecessary, or duplicative, (ii) are unnecessarily inconsistent in the treatment of banks, savings and loan associations, and savings banks, and (iii) unnecessarily restrict, impede, or prohibit activities of banks, savings and loan associations, and savings

banks or the ability of the Commissioner of Banks to regulate banks and savings institutions in an effective, efficient, and equitable manner.

In preparing its recommendations, the Commission shall actively solicit and consider information received from representatives of banks, savings and loan associations, savings banks, the State Banking Commission, the Commissioner of Banks and the Commissioner's staff, other interested parties, and the general public.

SECTION 18. This act becomes effective October 1, 2004, and applies to acts occurring and transactions or agreements entered into on or after that date.

**CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE BILL 991**

S991-PCCS75358-RV-2, AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY.

The General Assembly of North Carolina enacts:

PART I. INFORMATION TECHNOLOGY MANAGEMENT.

SECTION 1. Part 1 of Article 3D of Chapter 147 of the General Statutes is redesignated as Part 1A.

SECTION 2. Article 3D of Chapter 147 of the General Statutes is amended by adding a new Part 1 to read:

"Article 3D.

~~"Office of State Information Technology Services.~~

"Part 1. State Information Technology Management.

"§ 147-33.72A. Purpose.

The purposes of this Article are to:

- (1) Establish a systematic process for planning and financing the State's information technology resources.
- (2) Develop standards and accountability measures for information technology projects, including criteria for adequate project management.
- (3) Implement procurement procedures that will result in cost savings on information technology purchases.
- (4) Create an Information Technology Advisory Board.
- (5) Create the Information Technology Fund for statewide information technology efforts.

"§ 147-33.72B. Planning and financing State information technology resources.

(a) In order to provide a systematic process for meeting the State's technology needs, the State Chief Information Officer shall develop a biennial State Information Technology Plan (Plan). The Plan shall be transmitted to the General Assembly by February 1 of each regular session.

(b) The Plan shall include the following elements:

- (1) An inventory of current information technology assets and major projects currently in progress. As used in this subdivision, the term 'major project' includes projects subject to review and approval under G.S. 147-33.72C, or that cost more than five hundred thousand dollars (\$500,000) to implement.
- (2) An evaluation and estimation of the significant unmet needs for information technology resources over a five-year time period. The Plan shall rank the unmet needs in priority order according to their urgency.
- (3) A statement of the financial requirements posed by the significant unmet needs, together with a recommended funding schedule for each major project currently in progress or recommended for initiation during the upcoming fiscal biennium.
- (4) An analysis of opportunities for statewide initiatives that would yield significant efficiencies or improve effectiveness in State programs.

(c) Each executive agency shall biennially develop an agency information technology plan that includes the information required under subsection (b) of this section. The Office of Information Technology Services shall consult with and assist agencies in the preparation of these plans. Each agency shall submit its plan to the State Chief Information Officer by October 1 of each even-numbered year.

"§ 147-33.72C. Project approval standards.

(a) Project Review and Approval. - The State Chief Information Officer shall:

- (1) Review all State agency information technology projects that cost or are expected to cost more than five hundred thousand dollars (\$500,000), whether the project is undertaken in a single phase or component or in multiple phases or components. If the State Chief Information Officer determines a project meets the quality assurance requirements established under this Article, the State Chief Information Officer shall approve the project.

- (2) Establish thresholds for determining which information technology projects costing or expected to cost five hundred thousand dollars (\$500,000) or less shall be subject to review and approval under subdivision (a)(1) of this section. When establishing the thresholds, the State Chief Information Officer shall consider factors such as project cost, potential project risk, agency size, and projected budget.

(b) Project Implementation. - No State agency shall proceed with an information technology project that is subject to review and approval under subsection (a) of this section until the State CIO approves the project. If a project is not approved, the State CIO shall specify in writing to the agency the grounds for denying the approval. The State CIO shall provide this information to the agency within five business days of the denial.

(c) Suspension of Approval. - The State Chief Information Officer may suspend the approval of any information technology project that does not continue to meet the applicable quality assurance standards. This authority extends to any information technology project that costs more than five hundred thousand dollars (\$500,000) to implement regardless of whether the project was originally subject to review and approval under subsection (a) of this section. If the State CIO suspends approval of a project, the State CIO shall specify in writing to the agency the grounds for suspending the approval. The State CIO shall provide this information to the agency within five business days of the suspension.

The Office of Information Technology Services shall report any suspension immediately to the Office of the State Controller and the Office of State Budget and Management. The Office of State Budget and Management shall not allow any additional expenditure of funds for a project that is no longer approved by the State Chief Information Officer.

(d) General Quality Assurance. - Information technology projects that are not subject to review and approval under subsection (a) of this section shall meet all other standards established under this Article.

(e) Performance Contracting. - All contracts between a State agency and a private party for information technology projects shall include provisions for vendor performance review and accountability. The State CIO may require that these contract provisions include monetary penalties for projects that are not completed within the specified time period or that involve costs in excess of those specified in the contract. The State CIO may require contract provisions requiring a vendor to provide a performance bond.

"§ 147-33.72D. Agency/State CIO Dispute Resolution.

(a) Agency Request for Review. - In any instance where the State CIO has denied or suspended the approval of an information technology project, or has denied an agency's request for deviation pursuant to G.S. 147-33.84, the agency may request a committee review of the State CIO's decision. The agency shall submit a written request for review to the State Controller within 10 working days following the agency's receipt of the State CIO's written grounds for denial or suspension. The agency's request for review shall specify the grounds for its disagreement with the State CIO's determination. The agency shall include with its request for review a copy of the State CIO's written grounds for denial or suspension.

(b) Review Process. - The review committee shall consist of the State Controller, the State Budget Officer, and the Secretary of Administration. The State Controller shall serve as the chair of the review committee. If the chair or one of the members of the review committee is an official of the agency that has requested the review, that person is deemed to have a conflict of interest and is ineligible to participate in the consideration of the matter, and the two remaining members of the review committee shall select an alternate official to serve as a member of the review committee for that specific matter. Within 10 business days following receipt of an agency's request for review, the committee shall meet to consider the matter. The committee shall review the information provided, and may request additional information from either the agency or the State CIO. The committee may affirm, reverse, or modify the decision of the State CIO, or may remand the matter back to the State CIO for additional findings. Within 30 days after initial receipt of the agency's request for review, the committee shall notify the agency and the State CIO of its decision in the matter. The notification shall be in writing, and shall specify the grounds for the committee's decision. The committee may reverse or modify a decision of the State CIO when the committee finds at least one of the following:

- (1) The decision of the State CIO is unsupported by substantial evidence that the agency project fails to meet one or more standards of efficiency and quality of State government information technology as required under this Article.
- (2) The State CIO did not have the requisite statutory authority or jurisdiction to render the decision.
- (3) The decision of the State CIO was rendered in a manner that was arbitrary, capricious, or indicative of an abuse of discretion.

"§ 147-33.72E. Project management standards.

(a) Agency Responsibilities. - Each agency shall provide for a project manager who meets the applicable quality assurance standards for each information technology project that is subject to approval under

G.S. 143-33.72C(a). The project manager shall be subject to the review and approval of the State Chief Information Officer.

The agency project manager shall provide periodic reports to the project management assistant assigned to the project by the State CIO under subsection (b) of this section. The reports shall include information regarding project costs, issues related to hardware, software, or training, projected and actual completion dates, and any other information related to the implementation of the information technology project.

(b) State Chief Information Officer Responsibilities. - The State Chief Information Officer shall designate a project management assistant from the Office of Information Technology Services for projects that receive approval under G.S. 147-33.72C(a). The State Chief Information Officer may designate a project management assistant for any other information technology project.

The project management assistant shall advise the agency with the initial planning of a project, the content and design of any request for proposals, contract development, procurement, and architectural and other technical reviews. The project management assistant shall also monitor agency progress in the development and implementation of the project and shall provide status reports to the State Chief Information Officer, including recommendations regarding continued approval of the project.

"§ 147-33.72F. Procurement procedures; cost savings.

Pursuant to Part 4 of this Article, the Office of State Technology Services shall establish procedures for the procurement of information technology. The procedures may include aggregation of hardware purchases, the use of formal bid procedures, restrictions on supplemental staffing, enterprise software licensing, hosting, and multiyear maintenance agreements. The procedures may require agencies to submit information technology procurement requests to the Office of State Technology Services on October 1, January 1, and June 1 of each fiscal year in order to allow for bulk purchasing.

"§ 147-33.72G. Information Technology Advisory Board.

(a) Creation; Membership. - The Information Technology Advisory Board is established and shall be located within the Office of Information Technology Services for organizational, budgetary, and administrative purposes. The Board shall consist of 12 members, four appointed by the Governor, four appointed by the President Pro Tempore of the Senate, and four appointed by the Speaker of the House of Representatives. All appointments shall be from among persons knowledgeable in the subject area and having experience with State government or information technology deployment within large organizations. Each member shall serve at the pleasure of the

officer who appointed the member. The Governor shall designate a chair from among the membership.

(b) Conflicts of Interest. - Members of the Advisory Board shall not serve on the board of directors or other governing body of, be employed by, or receive any remuneration of any kind from any information systems, computer hardware, computer software, or telecommunications vendor of goods and services to the State of North Carolina.

No member of the Advisory Board shall vote on an action affecting solely that person's State agency.

(c) Powers and Duties. - The Board shall:

- (1) Review and comment on the State Information Technology Plan developed by the State Chief Information Officer under G.S. 147-33.72B(b).
- (2) Review and comment on the information technology plans of the executive agencies prepared under G.S. 147-33.72B(c).
- (3) Review and comment on the statewide technology initiatives developed by the State Chief Information Officer.

(d) Meetings. - The Information Technology Advisory Board shall adopt bylaws containing rules governing its meeting procedures. The Board shall meet at least quarterly. The Office of Information Technology Services shall provide administrative staff and facilities for Advisory Board meetings. The expenses of the Board shall be paid from receipts available to the Office of Information Technology Services as requested by the Board. Advisory Board members shall receive per diem, subsistence, and travel allowances as follows:

- (1) Commission members who are officials or employees of the State or of local government agencies, at the rate established in G.S. 138-6; and
- (2) All other commission members, at the rate established in G.S. 138-5.

"§ 147-33.72H. Information Technology Fund.

There is established a special revenue fund to be known as the Information Technology Fund, which may receive transfers or other credits as authorized by the General Assembly. Money may be appropriated from the Information Technology Fund to meet statewide requirements, including planning, project management, security, electronic mail, State portal operations, and the administration of systemwide procurement procedures. Expenditures involving funds appropriated to the Office of Information Technology Services from the Information Technology Fund shall be made by the State CIO in consultation with the Information Technology Advisory Board. By October 1 of each year, the State CIO shall submit to the Joint Legislative Oversight Committee on Information Technology a report on all expenditures

involving funds appropriated to the Office of Information Technology Services from the Information Technology Fund for the preceding fiscal year. Interest earnings on the Information Technology Fund balance shall be credited to the Information Technology Fund."

SECTION 3. G.S. 147-33.76 reads as rewritten:

"§ 147-33.76. ~~Head of the Office of Information Technology Services; qualification and appointment~~Qualification, appointment, and duties of the State Chief Information Officer.

(a) The Office of Information Technology Services shall be managed and administered by the State Chief Information ~~Officer~~ Officer ('State CIO'). The State Chief Information Officer shall be qualified by education and experience for the office and shall be appointed by ~~the Governor after consultation with the Senate Committee on Information Technology and the House Committee on Technology meeting jointly (or by similar committees designated by the rules of each house);~~ and serve at the pleasure of the Governor.

(b) ~~The Governor shall submit the name of the person to be appointed for review by the entities specified in subsection (a) of this section.~~

(b1) The State CIO shall be responsible for developing and administering a comprehensive long-range plan to ensure the proper management of the State's information technology resources. The State CIO shall set technical standards for information technology, review and approve major information technology projects, review and approve State agency information technology budget requests, establish information technology security standards, provide for the procurement of information technology resources, and develop a schedule for the replacement or modification of major systems. The State CIO is authorized to adopt rules to implement this Article.

(c) The salary of the State Chief Information Officer shall be set by the General Assembly in the Current Operations Appropriations Act. The State Chief Information Officer shall receive longevity pay on the same basis as is provided to employees of the State who are subject to the State Personnel Act."

SECTION 4. G.S. 147-33.78 is repealed.

SECTION 5. G.S. 147-33.79 is repealed.

SECTION 6. All (i) records, (ii) personnel positions and salaries, (iii) property, and (iv) unexpended balances of appropriations, allocations, reserves, support costs, and other funds of the Information Resources Management Commission are transferred to and vested in the Office of Information Technology Services authorized by Article 3D of Chapter 147 of the General Statutes.

SECTION 7.(a) On June 30, 2004, the State Controller shall transfer the sum of seven million five hundred thousand dollars (\$7,500,000) from the Information Technology Services Internal Service Fund to the Information Technology Fund.

SECTION 7.(b) For the fiscal year 2004-2005 appropriations are made from the Information Technology Fund as follows:

- (1) The sum of two million seven hundred thousand dollars (\$2,700,000) to the Office of State Controller to implement the recommendations of the statewide Business Infrastructure Study; and
- (2) The sum of four million eight hundred thousand dollars (\$4,800,000) to the Office of Information Technology Services for the following purposes:

<u>Security Assessment and Remediation</u>	\$3,000,000
<u>Project Management Office Expansion</u>	\$600,000
<u>Legacy Systems Study</u>	\$1,000,000
<u>Legal Services</u>	\$100,000
<u>ITS Management Staff</u>	\$100,000

SECTION 7A.(a) The heading for Article 26 of Chapter 120 of the General Statutes reads as rewritten:

"Article 26.

Joint ~~Select~~ Legislative Oversight Committee on Information Technology."

SECTION 7A.(b) G.S. 120-230 reads as rewritten:

"§ 120-230. **Creation and purpose of the Joint ~~Select~~ Legislative Oversight Committee on Information Technology.**

There is established the Joint ~~Select~~ Legislative Oversight Committee on Information Technology. The Committee shall review current information technology that impacts public policy, including electronic data processing and telecommunications, software technology, and information processing. The goals and objectives of the Committee shall be to develop electronic commerce in the State and to coordinate the use of information technology by State agencies in a manner that assures that the citizens of the State receive quality services from all State agencies and that the needs of the citizens are met in an efficient and effective manner. The Committee shall examine, on a continuing basis, systemwide issues affecting State government information technology, including, but not limited to, State information technology operations, infrastructure, development, financing, administration, and service delivery. The Committee may examine State agency or enterprise-specific information technology issues. The Committee shall make ongoing recommendations to the General Assembly on ways to improve the effectiveness, efficiency, and quality of State government information technology."

SECTION 7A.(c) G.S. 120-231 reads as rewritten:

"§ 120-231. Committee duties; reports.

(a) The Joint ~~Select~~ Legislative Oversight Committee on Information Technology may:

- (1) Evaluate the current technological infrastructure of State government and information systems use and needs in State government and determine potential demands for additional information staff, equipment, software, data communications, and consulting services in State government during the next 10 years. The evaluation may include an assessment of ways technological infrastructure and information systems use may be leveraged to improve State efficiency and services to the citizens of the State, including an enterprise-wide infrastructure and data architecture.
- (2) Evaluate information technology governance, policy, and management practices, including policies and practices related to personnel and acquisition issues, on both a statewide and project level.
- (3) Study, evaluate, and recommend changes to the North Carolina General Statutes relating to electronic commerce.
- (4) Study, evaluate, and recommend action regarding reports received by the Committee.
- (5) Study, evaluate, and recommend any changes proposed for future development of the information highway system of the State.

(b) The Committee may consult with the ~~Information Resource Management Commission~~ State Chief Information Officer on statewide technology strategies and initiatives and review all legislative proposals and other recommendations of the ~~Information Resource Management Commission~~ Office of Information Technology Services.

(c) The Committee shall ~~report by March 1 of each year to the Appropriations Committees of the Senate and the House of Representatives concerning the Committee's activities and findings and any recommendations for statutory changes.~~ submit annual reports to the General Assembly on or before the convening of the regular session of the General Assembly each year. The Committee may submit interim reports at any time it deems appropriate."

SECTION 7A.(d) G.S. 120-232 reads as rewritten:

"§ 120-232. Committee membership; terms; organization; vacancies.

(a) The Committee shall consist of 16 members as follows:

- (1) ~~Five-Eight~~ members of the Senate at the time of their appointment, appointed by the President Pro Tempore of the Senate. At least two appointees shall be members of the Senate Appropriations Committee.
- (2) ~~Five-Eight~~ members of the House of Representatives at the time of their appointment, appointed by the Speaker of the House of Representatives. At least two appointees shall be members of the House of Representatives Appropriations Committee.
- (3) ~~Three members of the public, appointed by the President Pro Tempore of the Senate.~~
- (4) ~~Three members of the public, appointed by the Speaker of the House of Representatives.~~

~~The members appointed to the Committee from the public shall be chosen from among individuals who have the ability and commitment to promote and fulfill the purposes of the Committee, including individuals who have expertise in the field of computer technology or commercial transactions.~~

(b) ~~Members of the Committee shall serve terms of two years beginning on August 15 of~~ at the convening of the General Assembly in each odd-numbered year, with no prohibition against being reappointed, except initial appointments shall begin on appointment and end on the day of convening of the 2005 General Assembly. be for terms as follows:

- (1) ~~The public members shall serve terms of three years.~~
- (2) ~~The members who are members of the General Assembly shall serve terms of two years.~~

~~Initial terms shall commence on August 15, 1999.~~

(c) ~~Members who are elected officials~~ may complete a term of service on the Committee even if they do not seek reelection or are not reelected, but resignation or removal from service constitutes resignation or removal from service on the Committee.

(d) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each select a legislative member from their appointees to serve as cochair of the Committee.

(e) The Committee shall meet at least once a quarter and may meet at other times upon the call of the cochairs. A majority of the members of the Committee shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at meetings of the Committee shall be necessary for action to be taken by the Committee.

(f) All members shall serve at the will of their appointing officer. A member continues to serve until the member's successor is appointed. A

vacancy shall be filled within 30 days by the officer who made the original appointment."

PART II. CONFORMING CHANGES IN ARTICLE 3D OF CHAPTER 147.

SECTION 8. The heading of Part 1A of Article 3D of Chapter 147 of the General Statutes, as redesignated under Section 1 of this act, reads as rewritten:

"Part 1A. ~~Transfer and~~ Organization of Office of Information Technology Services."

SECTION 9. G.S. 147-33.75 reads as rewritten:

"§ 147-33.75. ~~Transfer to~~ Office located in the Office of the Governor.

(a) The Office of Information Technology Services ("Office") ~~of the Department of Commerce and the Information Resource Management Commission are hereby transferred to~~ shall be housed in the Office of the Governor.

(b) The Governor has the authority, powers, and duties over the Office that are assigned to the Governor and the head of department pursuant to Article 1 of Chapter 143B of the General Statutes, G.S. 143A-6(b), and the Constitution and other laws of this State."

SECTION 10. G.S. 147-33.82(d)(2) is repealed.

SECTION 11. G.S. 147-33.82(e) is repealed.

SECTION 12. G.S. 147-33.82(c), G.S. 147-33.82(d) as amended by Section 10 of this act, G.S. 147-33.82(e1), and G.S. 147-33.82(f), are recodified as separate sections as Part 5 of Article 3D of Chapter 147 of the General Statutes, G.S. 147-33.110 through G.S. 147-33.113 respectively.

SECTION 13. G.S. 147-33.82(a) reads as rewritten:

"§ 147-33.82. ~~Powers and duties~~ Functions of the State Chief Information Officer and the Office of Information Technology Services.

(a) ~~The~~ In addition to any other functions required by this Article, the Office of Information Technology Services shall:

- (1) Procure all information technology for State agencies, as provided in Part 4 of this Article.
- (2) Submit for approval of the ~~Information Resources Management Commission~~ Office of State Budget and Management all rates and fees for common, shared State government-wide technology services provided by the ~~Office.~~ Office on a fee-for-service basis and not covered by another fund.
- (3) Conduct an annual assessment of State agencies for compliance with statewide policies for information technology and ~~Submit~~ submit for approval ~~review~~ of the Information

- ~~Resources Management Commission~~Technology Advisory Board recommended ~~State government wide, enterprise-level policies statewide policies~~ for information technology.
- (4) Develop standards, procedures, and processes to implement policies approved by the ~~Information Resources Management Commission. State CIO.~~
 - (5) ~~Assure that~~Review State agencies implement and manage ~~agency information technology portfolio based management of State information technology resources, in accordance resources for compliance with the direction set by the State Chief Information Officer, this Article.~~
 - (6) ~~Assure~~Review that State agencies implement and manage ~~agency implementation of statewide information technology enterprise management efforts of State government, in accordance government for compliance with the direction set by the State Chief Information Officer, this Article.~~
 - (7) ~~Provide recommendations to the Information Resources Management Commission for its biennial technology strategy and to develop State government wide technology initiatives to be approved by the Information Resources Management Commission.~~
 - (8) Develop a project management, quality assurance, and architectural review process ~~that adheres to the Information Resources Management Commission's certification program and portfolio based management initiative for projects that require review and approval under G.S. 147-33.72C(a).~~
 - (9) ~~Establish and utilize the Information Technology Management Advisory Council to consist of representatives from other State agencies to advise the Office on information technology business management and technology matters."~~

SECTION 14. Part 5 of Article 3D of Chapter 147 of the General Statutes, as recodified by Section 12 of this act, reads as rewritten:

"Part 5. Security for Information Technology Services.

"§ 147-33.110. Statewide security standards.

The State Chief Information Officer shall establish ~~an enterprise wide a statewide~~ set of standards for information technology security to maximize the functionality, security, and interoperability of the State's distributed information technology assets, including communications and encryption technologies. The State CIO shall review and revise the security standards annually. As part of this function, the State Chief Information Officer shall review periodically existing security standards and practices in place among the various State agencies to determine whether those standards and practices

meet ~~enterprise-wide statewide~~ security and encryption requirements. The State Chief Information Officer may assume the direct responsibility of providing for the information technology security of any State agency that fails to adhere to security standards adopted ~~pursuant to this section, under this Article~~. Any actions taken by the State Chief Information Officer under this ~~subsection-section~~ shall be reported to the ~~Information Resources Management Commission-Information Technology Advisory Board~~ at its next scheduled meeting.

"§ 147-33.111. State CIO approval of security standards and security assessments.

(a) Notwithstanding G.S. 143-48.3 or any other provision of law, and except as otherwise provided by this ~~subsection-section~~, all information technology security purchased using State funds, or for use by a State agency or in a State facility, shall be subject to approval by the State Chief Information Officer in accordance with security standards adopted under this ~~section-Article~~.

~~(b)~~ If the legislative branch, the judicial branch, The University of North Carolina and its constituent institutions, local school administrative units as defined by G.S. 115C-5, or the North Carolina Community Colleges System develop their own security standards, taking into consideration the mission and functions of that entity, that are comparable to or exceed those set by the State Chief Information Officer under this section, then these entities may elect to be governed by their own respective security standards, and approval of the State Chief Information Officer shall not be required before the purchase of information technology security. The State Chief Information Officer shall consult with the legislative branch, the judicial branch, The University of North Carolina and its constituent institutions, local school administrative units, and the North Carolina Community Colleges System in reviewing the security standards adopted by those entities.

(2) Repealed.

~~(c)~~ Before a State agency may enter into any contract with another party for an assessment of network vulnerability, including network penetration or any similar procedure, the State agency shall notify the State Chief Information Officer and obtain approval of the request. The State Chief Information Officer shall refer the request to the State Auditor for a determination of whether the Auditor's office can perform the assessment and testing. If the State Auditor determines that ~~he the Auditor's office~~ can perform the assessment and testing, then the State Chief Information Officer shall authorize the assessment and testing by the Auditor. If the State Auditor determines that ~~his the Auditor's~~ office cannot perform the assessment and testing, then with the approval of the State Chief Information Officer and State Auditor, the State agency may enter into a contract with another

party for the assessment and testing. If the State agency enters into a contract with another party for assessment and testing, the State agency shall issue public reports on the general results of the ~~reviews undertaken pursuant to this subdivision, but the~~ reviews. The contractor must shall provide the State agency with detailed reports of the security issues identified ~~pursuant to this subdivision~~ that shall not be disclosed as provided in G.S. 132-6.1(c). The State agency shall provide the State Chief Information Officer and the State Auditor with copies of the detailed ~~reports, reports that shall not be disclosed as provided in G.S. 132-6.1(c).~~

"§ 147-33.112. Assessment of agency compliance with security standards.

The State Chief Information Officer shall assess the ability of each agency to comply with the current security enterprise-wide set of standards established pursuant to this section. The assessment shall include, at a minimum, the rate of compliance with the standards in each agency and an assessment of each agency's security organization, network security architecture, and current expenditures for information technology security. The assessment shall also estimate the cost to implement the security measures needed for agencies to fully comply with the standards. Each agency subject to the standards shall submit information required by the State Chief Information Officer for purposes of this assessment. ~~Not later than May 4, 2004, the Information Resources Management Commission and the~~ The State Chief Information Officer shall submit a public report that summarizes the status of the assessment, including the available estimates of additional funding needed to bring agencies into compliance, to the Joint Legislative Commission on Governmental Operations and shall provide updated assessment information by January 15 of each subsequent year. include the information obtained from the assessment in the State Information Technology Plan required under G.S. 147-33.72B.

"§ 147-33.113. State agency cooperation.

(a) The head of each State agency shall cooperate with the State Chief Information Officer in the discharge of his or her duties by:

- (1) Providing the full details of the agency's information technology and operational requirements and of all the agency's information technology security incidents within 24 hours of confirmation.
- (2) Providing comprehensive information concerning the information technology security employed to protect the agency's information technology.
- (3) Forecasting the parameters of the agency's projected future information technology security needs and capabilities.
- (4) Designating an agency liaison in the information technology area to coordinate with the State Chief Information Officer.

The liaison shall be subject to a criminal background report from the State Repository of Criminal Histories, which shall be provided by the State Bureau of Investigation upon its receiving fingerprints from the liaison. If the liaison has been a resident of this State for less than five years, the background report shall include a review of criminal information from both the State and National Repositories of Criminal Histories. The criminal background report shall be provided to the State Chief Information Officer and the head of the agency. In addition, all personnel in the Office of State Auditor who are responsible for information technology security reviews pursuant to G.S. 147-64.6(c)(18) shall be subject to a criminal background report from the State Repository of Criminal Histories, which shall be provided by the State Bureau of Investigation upon receiving fingerprints from the personnel designated by the State Auditor. For designated personnel who have been residents of this State for less than five years, the background report shall include a review of criminal information from both the State and National Repositories of Criminal Histories. The criminal background reports shall be provided to the State Auditor.

(b) The information provided by State agencies to the State Chief Information Officer under this ~~subsection~~ section is protected from public disclosure pursuant to G.S. 132-6.1(c)."

SECTION 15. G.S. 147-33.83 reads as rewritten:

"§ 147-33.83. **Information resources centers and services.**

(a) With respect to all executive departments and agencies of State government, except the Department of Justice if they do not elect at their option to participate, the Office of Information Technology Services shall have all of the following powers and duties:

- (1) To establish and operate information resource centers and services to serve two or more departments on a cost-sharing basis, if the ~~Information Resources Management Commission~~ State CIO, after consultation with the Office of State Budget and Management, decides it is advisable from the standpoint of efficiency and economy to establish these centers and services.
- (2) With the approval of the ~~Information Resources Management Commission,~~ Office of State Budget and Management, to charge each department for which services are performed

- its proportionate part of the cost of maintaining and operating the shared centers and services.
- (3) ~~With the approval of the Information Resources Management Commission, to~~ To require any department served to transfer to the Office ownership, custody, or control of information processing equipment, supplies, and positions required by the shared centers and services.
 - (4) ~~With the approval of the Information Resources Management Commission, to~~ To adopt reasonable rules for the efficient and economical management and operation of the shared centers, services, and the integrated State telecommunications network.
 - (5) ~~With the approval of the Information Resources Management Commission, to~~ To adopt plans, policies, procedures, and rules for the acquisition, management, and use of information technology resources in the departments affected by this section to facilitate more efficient and economic use of information technology in these departments.
 - (6) To develop and promote training programs to efficiently implement, use, and manage information technology resources.
 - (7) To provide cities, counties, and other local governmental units with access to the Office of Information Technology Services, information resource centers and services as authorized in this section for State agencies. Access shall be provided on the same cost basis that applies to State agencies.

(b) No data of a confidential nature, as defined in the General Statutes or federal law, may be entered into or processed through any cost-sharing information resource center or network established under this section until safeguards for the data's security satisfactory to the department head and the State Chief Information Officer have been designed and installed and are fully operational. Nothing in this section may be construed to prescribe what programs to satisfy a department's objectives are to be undertaken, nor to remove from the control and administration of the departments the responsibility for program efforts, regardless whether these efforts are specifically required by statute or are administered under the general program authority and responsibility of the department. This section does not affect the provisions of G.S. 147-64.6, 147-64.7, or 147-33.91.

(c) Notwithstanding any other provision of law, the Office of Information Technology Services shall provide information technology

services on a cost-sharing basis to the General Assembly and its agencies as requested by the Legislative Services Commission."

SECTION 16. G.S. 147-33.84 reads as rewritten:

"§ 147-33.84. Deviations authorized for Department of Revenue. Revenue; agency requests for deviations.

(a) The Department of Revenue is authorized to deviate from any provision in G.S. 147-33.83(a) that requires departments or agencies to consolidate information processing functions on equipment owned, controlled, or under custody of the Office of Information Technology Services. All deviations by the Department of Revenue pursuant to this section shall be reported in writing within 15 days by the Department of Revenue to the ~~Information Resources Management Commission~~ State CIO and shall be consistent with available funding. Any State agency may apply in writing to the State CIO for authority to deviate. If granted, any deviation shall be consistent with available funding and shall be subject to such terms and conditions as may be specified by the State CIO. If the agency's request for deviation is denied by the State CIO, the agency may request a review of the decision pursuant to G.S. 147-33.72D.

(b) The Department of Revenue is authorized to adopt and shall adopt plans, policies, procedures, requirements, and rules for the acquisition, management, and use of information processing equipment, information processing programs, data communications capabilities, and information systems personnel in the Department of Revenue. If the plans, policies, procedures, requirements, rules, or standards adopted by the Department of Revenue deviate from the policies, procedures, or guidelines adopted by the Office of Information Technology ~~Services or the Information Resources Management Commission, Services,~~ those deviations shall be allowed and shall be reported in writing within 15 days by the Department of Revenue to the ~~Information Resources Management Commission.~~ State CIO. The Department of Revenue and the Office of Information Technology Services shall develop data communications capabilities between the two computer centers utilizing the North Carolina Integrated Network, subject to a security review by the Secretary of Revenue.

(c) The Department of Revenue shall prepare a plan to allow for substantial recovery and operation of major, critical computer applications. The plan shall include the names of the computer programs, databases, and data communications capabilities, identify the maximum amount of outage that can occur prior to the initiation of the plan and resumption of operation. The plan shall be consistent with commonly accepted practices for disaster recovery in the information processing industry. The plan shall be tested as

soon as practical, but not later than six months, after the establishment of the Department of Revenue information processing capability.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, the Department of Revenue shall review and evaluate any deviations and shall, in consultation with the Office of Information Technology Services, adopt a plan to phase out any deviations that are not determined to be necessary in carrying out functions and responsibilities unique to the Department. The plan adopted by the Department shall include a strategy to coordinate its general information processing functions with the Office of Information Technology Services in the manner prescribed by G.S. 147-33.83(a) and provide for its compliance with policies, procedures, and guidelines adopted by the Office of Information Technology Services. The Department of Revenue shall submit its plan to the Office of State Budget and Management by January 15, 2005."

SECTION 17. G.S. 147-33.85 is repealed.

SECTION 18. G.S. 147-33.86 is repealed.

SECTION 19. G.S. 147-33.87 reads as rewritten:

"§ 147-33.87. Financial reporting and accountability for information technology investments and expenditures.

The Office of Information Technology Services, the Office of State Budget and Management, and the Office of the State Controller shall jointly develop a system for budgeting and accounting of expenditures for information technology operations, services, projects, infrastructure, and assets. The system shall include hardware, software, personnel, training, contractual services, and other items relevant to information technology, and the sources of funding for each. ~~This system must integrate seamlessly with the enterprise portfolio management system.~~ Annual reports regarding information technology shall be coordinated by the Office with the Office of State Budget and Management and the Office of the State Controller, and submitted to the ~~Governor, General Assembly, and the Information Resources Management Commission~~ Governor and the General Assembly on or before October 1 of each year."

SECTION 20. G.S. 147-33.88 reads as rewritten:

"§ 147-33.88. Information technology reports.

(a) The Office shall develop an annual budget for review and approval by the ~~Information Resources Management Commission~~ Office of State Budget and Management prior to April 1 of each year. ~~A copy of the approved budget shall be submitted to the Joint Select Committee on Information Technology and the Fiscal Research Division.~~

(b) The Office shall report to the ~~Joint Select~~ Legislative Oversight Committee on Information Technology and the Fiscal Research Division on the Office's Internal Service Fund on a quarterly basis, no later than the first

day of the second month following the end of the quarter. The report shall include current cash balances, line-item detail on expenditures from the previous quarter, and anticipated expenditures and revenues. The Office shall report to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division on expenditures for the upcoming quarter, projected year-end balance, and the status report on personnel position changes including new positions created and existing positions eliminated. The Office spending reports shall comply with the State Accounting System object codes."

SECTION 21. G.S. 147-33.89(b) reads as rewritten:

"(b) Each State agency shall submit its disaster recovery plan on an annual basis to the ~~Information Resource Management Commission and the~~ State Chief Information Officer."

SECTION 22. G.S. 147-33.90 reads as rewritten:

"§ 147-33.90. Analysis of State agency legacy systems.

(a) ~~The Office of Information Technology Services, in conjunction with the Information Resources Management Commission, Services~~ shall analyze the State's legacy information technology systems and develop a plan to ascertain the needs, costs, and time frame required for State agencies to progress to more modern information technology systems.

(b) In conducting the legacy system assessment phase of the analysis, the Office shall:

- (1) Examine the hierarchical structure and interrelated relationships within and between State agency legacy systems.
- (2) Catalog and analyze the portfolio of legacy applications in use in State agencies and consider the extent to which new applications could be used concurrently with, or should replace, legacy systems.
- (3) Consider issues related to migration from legacy environments to Internet-based and client/server environments, and related to the availability of programmers and other information technology professionals with the skills to migrate legacy applications to other environments.
- (4) Study any other issue relative to the assessment of legacy information technology systems in State agencies.

~~By March 1, 2004, the Office shall complete the assessment phase of the analysis and shall make a report of the assessment to the Joint Legislative Commission on Governmental Operations (Commission). Thereafter, the Office shall make an ongoing annual report on these matters to the Commission by March 1 of each year.~~

(c) Upon completion of the legacy system assessment phase of the analysis, the Office shall ascertain the needs, costs, and time frame required to modernize State agency information technology. The Office shall complete

this phase of the assessment by January 31, 2005, and shall report its findings and recommendations to the 2005 General Assembly. The findings and recommendations shall include a cost estimate and time line for modernization of legacy information technology systems in State agencies. The Office shall submit an ongoing, updated report on modernization needs, costs, and time lines to the General Assembly on the opening day of each biennial session."

SECTION 23. G.S. 147-33.91 reads as rewritten:

"§ 147-33.91. Telecommunications services; duties of State Chief Information Officer with respect to State agencies.

(a) With respect to State agencies, the State Chief Information Officer shall exercise general coordinating authority for all telecommunications matters relating to the internal management and operations of those agencies. In discharging that responsibility, the State Chief Information ~~Officer may~~ Officer, in cooperation with affected State agency heads, ~~do such of the following things as the State Chief Information Officer deems necessary and advisable; may:~~

- (1) Provide for the establishment, management, and operation, through either State ~~ownership~~ ownership, contract, or commercial leasing, of the following systems and services as they affect the internal management and operation of State agencies:
 - a. Central telephone systems and telephone ~~networks;~~ networks.
 - b. ~~Teleprocessing systems;~~
 - e. ~~Teletype and facsimile services;~~
 - d. Satellite ~~services;~~services.
 - e. Closed-circuit TV ~~systems;~~ systems.
 - f. Two-way radio ~~systems;~~ systems.
 - g. Microwave ~~systems; and~~ systems.
 - h. Related systems based on telecommunication technologies.
 - i. The 'State Network', managed by the Office, which means any connectivity designed for the purpose of providing Internet Protocol transport of information to any building.
- (2) ~~With the approval of the Information Resources Management Commission, coordinate~~ Coordinate the development of cost-sharing systems for respective user agencies for their proportionate parts of the cost of maintenance and operation of the systems and services listed in subdivision (1) of this ~~section.~~ subsection.

- (3) Assist in the development of coordinated telecommunications services or systems within and among all State agencies and recommend, where appropriate, cooperative utilization of telecommunication facilities by aggregating users.
- (4) Perform traffic analysis and engineering for all telecommunications services and systems listed in subdivision (1) of this subsection.
- (5) Pursuant to G.S. 143-49, establish telecommunications specifications and designs so as to promote and support compatibility of the systems within State agencies.
- (6) Pursuant to G.S. 143-49 and G.S. 143-50, coordinate the review of requests by State agencies for the procurement of telecommunications systems or services.
- (7) Pursuant to G.S. 143-341 and Chapter 146 of the General Statutes, coordinate the review of requests by State agencies for State government property acquisition, disposition, or construction for telecommunications systems requirements.
- (8) Provide a periodic inventory of telecommunications costs, facilities, systems, and personnel within State agencies.
- (9) Promote, coordinate, and assist in the design and engineering of emergency telecommunications systems, including, but not limited to, the 911 emergency telephone number program, Emergency Medical Services, and other emergency telecommunications services.
- (10) Perform frequency coordination and management for State agencies and local governments, including all public safety radio service frequencies, in accordance with the rules and regulations of the Federal Communications Commission or any successor federal agency.
- (11) Advise all State agencies on telecommunications management planning and related matters and provide through the State Personnel Training Center or the Office of Information Technology Services training to users within State agencies in telecommunications technology and systems.
- (12) Assist and coordinate the development of policies and long-range plans, consistent with the protection of citizens' rights to privacy and access to information, for the acquisition and use of telecommunications systems, and base such policies and plans on current information about State telecommunications activities in relation to the full range of emerging technologies.

- (13) Work cooperatively with the North Carolina Agency for Public Telecommunications in furthering the purpose of this section.

(b) The provisions of this section shall not apply to the Criminal Information Division of the Department of Justice or to the Judicial Information System in the Judicial Department."

SECTION 24. G.S. 147-33.95 reads as rewritten:

"(a) Notwithstanding any other provision of law, the Office of Information Technology Services shall procure all information technology for State agencies. ~~For purposes of this section, agency means any department, institution, commission, committee, board, division, bureau, office, officer, or official of the State, unless specifically exempted in this Article.~~ The Office shall integrate technological review, cost analysis, and procurement for all information technology needs of those State agencies in order to make procurement and implementation of technology more responsive, efficient, and cost-effective. All contract information shall be made a matter of public record after the award of contract. ~~Provided, that trade~~ Trade secrets, test data, similar proprietary information, and security information protected under G.S. 132-6.1(c) may remain confidential.

(b) The Office shall have the authority and responsibility, subject to the provisions of this Part, to:

- (1) ~~Purchase or to contract for, by suitable means, including, but not limited to, negotiations, reverse auctions, and the solicitation, offer, and acceptance of electronic bids, and in conformity with G.S. 143-135.9, for all information technology in the State government, or any of its departments, institutions, or agencies covered by this Part, or to Part.~~ The Office may authorize any department, institution, or State agency covered by this Part to purchase or contract for such information technology. The Office or a State agency may use any authorized means, including negotiations, reverse auctions, and the solicitation, offer, and acceptance of electronic bids. G.S. 143-135.9 shall apply to these procedures.
- (2) Establish processes, specifications, and standards ~~which~~ that shall apply to all information technology to be purchased, licensed, or leased in the State government or any of its departments, institutions, or agencies covered by this Part.
- (3) Comply with the State government-wide technical architecture, as required by the ~~Information Resources Management Commission~~ State CIO.

(c) For purposes of this section, "reverse auction" means a real-time purchasing process in which vendors compete to provide goods or services at the lowest selling price in an open and interactive electronic environment. The vendor's price may be revealed during the reverse auction. The Office may contract with a third-party vendor to conduct the reverse auction.

(d) For purposes of this section, "electronic bidding" means the electronic solicitation and receipt of offers to contract. Offers may be accepted and contracts may be entered by use of electronic bidding.

(e) The Office may use the electronic procurement system established by G.S. 143-48.3 to conduct reverse auctions and electronic bidding. All requirements relating to formal and competitive bids, including advertisement, seal, and signature, are satisfied when a procurement is conducted or a contract is entered in compliance with the reverse auction or electronic bidding requirements established by the Office.

(f) The Office ~~may~~ shall adopt rules consistent with this section."

SECTION 25. G.S. 147-33.101(b) reads as rewritten:

"(b) Prior to submission of any contract for review by the Board of Awards pursuant to this section for any contract for information technology being acquired for the benefit of the Office and not on behalf of any other State agency, the Director of the Budget shall review and approve the procurement to ensure compliance with the established processes, specifications, and standards applicable to all information technology purchased, licensed, or leased in State government, including established procurement processes, and compliance with the State government-wide technical architecture as established by the ~~Information Resources Management Commission~~. State CIO."

SECTION 26. G.S. 147-33.103(b) is repealed.

PART III. OTHER CONFORMING CHANGES.

SECTION 27. G.S. 66-58.12(c) reads as rewritten:

"(c) The fee imposed under subsection (b) of this section must be approved by the ~~Information Resource Management Commission, State Chief Information Officer~~, in consultation with the Joint Legislative Commission on Governmental Operations. The revenue derived from the fee must be credited to a nonreverting agency reserve account. The funds in the account may be expended only for e-commerce initiatives and projects approved by the ~~Information Resource Management Commission, State Chief Information Officer~~, in consultation with the Joint ~~Select~~ Legislative Oversight Committee on Information Technology. For purposes of this subsection, the term 'public agencies' does not include a county, unit, special district, or other political subdivision of government."

SECTION 28. G.S. 66-58.20 reads as rewritten:

"§ 66-58.20. Development and implementation of Web portals; public agency links.

(a) The Office of Information Technology Services (ITS) shall develop the architecture, requirements, and standards for the development, implementation and operation of one or more centralized Web portals that will allow persons to access State government services on a 24-hour basis. ITS shall submit its plan for the implementation of the Web portals to the ~~Information Resource Management Commission (IRMC)~~ State Chief Information Officer for its review and approval. When the plan is approved by the ~~IRMC~~, State Chief Information Officer, ITS shall move forward with development and implementation of the statewide Web Portal system.

(b) Each State department, agency, and institution under the review of the ~~IRMC~~ State Chief Information Officer shall functionally link its Internet or electronic services to a centralized Web portal system established pursuant to subsection (a) of this section."

SECTION 29. G.S. 115C-102.6B reads as rewritten:

"§ 115C-102.6B. Approval of State school technology plan.

(a) The Commission shall present the State school technology plan it develops to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee for their comments prior to January 1, 1995. At least every two years thereafter, the Commission shall develop any necessary modifications to the State school technology plan and present them to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee.

(b) After presenting the plan or any proposed modifications to the plan to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee, the Commission shall submit the plan or any proposed modifications to (i) the ~~Information Resources Management Commission~~ for its State Chief Information Officer for approval of the technical components of the plan set out in G.S. 115C-102.6A(1) through (4), and (ii) the State Board of Education for information purposes only. The State Board shall adopt a plan that includes the components of a plan set out in G.S. 115C-103.6A(1) through (16).

At least one-fourth of the members of any technical committee that reviews the plan for the ~~Information Resources Management Commission~~ State Chief Information Officer shall be people actively involved in primary or secondary education.

(c) If no changes are made to the plan or the proposed modifications to the plan after the submission to the ~~Information Resources Management Commission~~ State Chief Information Officer and the State Board of Education, the plan or the proposed modifications shall take effect upon approval by

the ~~Information Resources Management Commission~~ State Chief Information Officer and the State Board of Education."

SECTION 30. G.S. 115C-102.6C(a) reads as rewritten:

"§ 115C-102.6C. **Approval of local school system technology plans.**

(a) Each local board of education shall develop a local school system technology plan that meets the requirements of the State school technology plan. In developing a local school system technology plan, a local board of education is encouraged to coordinate its planning with other agencies of State and local government, including other local school administrative units.

The ~~Information Resources Management Commission~~ Office of Information Technology Services shall assist the local boards of education in developing the parts of the plan related to its technological aspects, to the extent that resources are available to do so. The Department of Public Instruction shall assist the local boards of education in developing the instructional and technological aspects of the plan.

Each local board of education shall submit the local plan it develops to the ~~Information Resources Management Commission~~ Office of Information Technology Services for its evaluation of the parts of the plan related to its technological aspects and to the Department of Public Instruction for its evaluation of the instructional aspects of the plan. The State Board of Education, after consideration of the evaluations of the ~~Information Resources Management Commission~~ Office of Information Technology Services and the Department of Public Instruction, shall approve all local plans that comply with the requirements of the State school technology plan."

SECTION 31. G.S. 115C-102.7(b) reads as rewritten:

"(b) The Commission shall provide notice of meetings, copies of minutes, and periodic briefings to the ~~chair of the Information Resources Management Commission and the chair of the Technical Committee of the Information Resources Management Commission~~ Office of Information Technology Services."

SECTION 32. G.S. 115C-102.15(b)(16) reads as rewritten:

"(b) The Business and Education Technology Alliance shall be composed of 27 members who have knowledge and interest in ensuring that the effective use of technology is built into the North Carolina School System for the purpose of preparing a globally competitive workforce and citizenry for the 21st century. These members shall be appointed as follows:

...

- (16) One representative of the ~~Information Resource Management Commission~~ appointed by the Commission's Chair Office

of Information Technology Services appointed by the State Chief Information Officer."

SECTION 33. G.S. 115C-472.5(d) reads as rewritten:

"(d) The Department of Public Instruction shall report to the ~~Information Resource Management Commission~~ State Chief Information Officer on an annual basis on all loans made from the fund."

SECTION 34. G.S. 115C-529 reads as rewritten:

"§ 115C-529. Useful life guidelines.

The ~~Information Resource Management Commission~~ State Office of Information Technology Services shall develop and annually revise guidelines for determining the useful life of computers purchased under G.S. 115C-528. The Division of Purchase and Contract shall develop and periodically revise guidelines for determining the useful life of automobiles, school buses, and photocopiers purchased under G.S. 115C-528. The Local Government Commission shall develop and periodically revise guidelines for determining the useful life of mobile classroom units purchased under G.S. 115C-528. Guidelines for computers and photocopiers shall include provisions for upgrades during the term of the contract. The ~~Information Resource Management Commission~~, State Office of Information Technology Services, the Division of Purchase and Contract, and the Local Government Commission shall provide their respective guidelines to the State Board of Education by November 1, 1996. The State Board of Education shall provide the guidelines to local boards of education by January 1, 1997."

SECTION 35. G.S. 120-123(57) is repealed.

SECTION 36. G.S. 120-231(b) reads as rewritten:

"(b) The Committee may consult with the ~~Information Resource Management Commission~~ State Chief Information Officer on statewide technology strategies and initiatives and review all legislative proposals and other recommendations of the ~~Information Resource Management Commission~~. State Chief Information Officer."

SECTION 37. G.S. 126-5(c1)(17) is repealed.

SECTION 38. G.S. 132-6.2(b) reads as rewritten:

"(b) Persons requesting copies of public records may request that the copies be certified or uncertified. The fees for certifying copies of public records shall be as provided by law. Except as otherwise provided by law, no public agency shall charge a fee for an uncertified copy of a public record that exceeds the actual cost to the public agency of making the copy. For purposes of this subsection, "actual cost" is limited to direct, chargeable costs related to the reproduction of a public record as determined by generally accepted accounting principles and does not include costs that would have been incurred by the public agency if a request to reproduce a public record had not been made. Notwithstanding the provisions of this

subsection, if the request is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or if producing the record in the medium requested results in a greater use of information technology resources than that established by the agency for reproduction of the volume of information requested, then the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual cost incurred for such extensive use of information technology resources or the labor costs of the personnel providing the services, or for a greater use of information technology resources that is actually incurred by the agency or attributable to the agency. If anyone requesting public information from any public agency is charged a fee that the requester believes to be unfair or unreasonable, the requester may ask the ~~Information Resource Management Commission~~ State Chief Information Officer or his designee to mediate the dispute."

SECTION 39. G.S. 143-6 reads as rewritten:

"(b2) Any department, bureau, division, officer, board, commission, institution, or other State agency or undertaking desiring to request financial aid from the State for the purpose of acquiring or maintaining information technology as defined by G.S. 147-33.81(2) shall, before making the request for State financial aid, submit to the State Chief Information Officer (~~CIO~~) (State CIO) a statement of its needs in terms of information technology and other related requirements and shall furnish the State CIO with any additional information requested by the State CIO. The CIO shall then review the statement of needs ~~submitted by the requesting department, bureau, division, officer, board, commission, institution, or other State agency or undertaking~~ and perform additional analysis, as necessary, to comply with ~~G.S. 147-33.82.~~ Article 3D of Chapter 147 of the General Statutes. All requests for financial aid for the purpose of acquiring or maintaining information technology shall be accompanied by a certification from the State CIO deeming the request for financial aid to be consistent with Article 3D of Chapter 147 of the General Statutes. The State CIO shall make recommendations to the Governor regarding the merits of requests for financial aid for the purpose of acquiring or maintaining information technology. This subsection shall not apply to requests for appropriations of less than one hundred thousand dollars (\$100,000)."

SECTION 40. G.S. 143-48.3(a1) reads as rewritten:

"(a1) The Department of Administration shall comply with the State government-wide technical architecture for information technology, as required by the ~~Information Resources Management Commission~~ State Chief Information Officer."

SECTION 40A. G.S. 143-48.3(e) reads as rewritten:

"(e) The Board of Governors of The University of North Carolina 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. 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~~ Legislative Oversight 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."

SECTION 41. G.S. 143-48.3(f) reads as rewritten:

"(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 Office of Information Technology Services ~~Information Resources Management Commission~~ by ~~January 1, 2002, and annually thereafter, of~~ by January 1 of each year of its intent to participate in the North Carolina E-Procurement Service."

SECTION 41A. G.S. 143-52.1(e) reads as rewritten:

"(e) Reports on recommendations made by the Board on matters presented by the State Chief Information Officer to the Board shall be reported monthly by the Board to the chairs of the Joint ~~Select~~ Legislative Oversight Committee on Information Technology."

SECTION 42. G.S. 143-661(b)(5) reads as rewritten:

"(b) The Board shall consist of 21 members, appointed as follows:

...

- (5) One member appointed by the ~~Chair of the Information Resource Management Commission, who is the Chair or a member of that Commission, for a term to begin on September 1, 1996 and to expire on June 30, 1999.~~ State Chief Information Officer."

SECTION 43. G.S. 143-663(a)(2) reads as rewritten:**"§ 143-663. Powers and duties.**

(a) The Board shall have the following powers and duties:

...

- (2) To develop and adopt uniform standards and cost-effective information technology, after thorough evaluation of the capacity of information technology to meet the present and future needs of the State and, in consultation with the ~~Information Resource Management Commission, Office of Information Technology Services~~, to develop and adopt standards for entering, storing, and transmitting information in criminal justice databases and for achieving maximum compatibility among user technologies."

SECTION 44. G.S. 143-725(a) reads as rewritten:

"§ 143-725. Council established; role of the Center for Geographic Information and Analysis.

(a) Council Established. - The North Carolina Geographic Information Coordinating Council ("Council") is established to develop policies regarding the utilization of geographic information, GIS systems, and other related technologies. The Council shall be responsible for the following:

- (1) Strategic planning.
- (2) Resolution of policy and technology issues.
- (3) Coordination, direction, and oversight of State, local, and private GIS efforts.
- (4) Advising the Governor, the General Assembly, and the ~~Information Resource Management Commission (IRMC)~~ State Chief Information Officer as to needed directions, responsibilities, and funding regarding geographic information.

The purpose of this statewide geographic information coordination effort shall be to further cooperation among State, federal, and local government agencies; academic institutions; and the private sector to improve the quality, access, cost-effectiveness, and utility of North Carolina's geographic information and to promote geographic information as a strategic resource in the State. The Council shall be located in the Office of the Governor for organizational, budgetary, and administrative purposes."

SECTION 45. G.S. 143B-146.13 reads as rewritten:

"§ 143B-146.13. School technology plan.

(a) No later than December 15, 1998, the Secretary shall develop a school technology plan for the residential schools that meets the requirements of the State school technology plan. In developing a school technology plan, the Secretary is encouraged to coordinate its planning with other agencies of State and local government, including local school administrative units.

The ~~Information Resources Management Commission~~ Office of Information Technology Services shall assist the Secretary in developing the parts of the

plan related to its technological aspects, to the extent that resources are available to do so. The Department of Public Instruction shall assist the Secretary in developing the instructional and technological aspects of the plan.

The Secretary shall submit the plan that is developed to the ~~Information Resources Management Commission~~ Office of Information Technology Services for its evaluation of the parts of the plan related to its technological aspects and to the Department of Public Instruction for its evaluation of the instructional aspects of the plan. The State Board of Education, after consideration of the evaluations of the ~~Information Resources Management Commission~~ Office of Information Technology Services and the Department of Public Instruction, shall approve all plans that comply with the requirements of the State school technology plan."

SECTION 45A. G.S. 143B-437.47(e) reads as rewritten:

"(e) Reports. - The Authority shall submit quarterly reports to the Governor, the Joint ~~Select~~ Legislative Oversight Committee on Information Technology, and the Joint Legislative Commission on Governmental Operations. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Governor, the Committee, or the Commission."

SECTION 46. G.S. 147-64.6(b)(18) reads as rewritten:

"(b) The Auditor shall be responsible for the following acts and activities:

...

- (18) The Auditor shall, after consultation and in coordination with the State Chief Information Officer, assess, confirm, and report on the security practices of information technology systems. If an agency has adopted standards pursuant to ~~G.S. 147-33.82(d)(1) or (2)~~, G.S. 147-33.111(a), the audit shall be in accordance with those standards. The Auditor's assessment of information security practices shall include an assessment of network vulnerability. The Auditor may conduct network penetration or any similar procedure as the Auditor may deem necessary. The Auditor may enter into a contract with a State agency under ~~G.S. 147-33.82(d)(3)~~ G.S. 147-33.111(c) for an assessment of network vulnerability, including network penetration or any similar procedure. Any contract with the Auditor for the assessment and testing shall be on a cost-reimbursement basis. The Auditor may investigate reported information technology security breaches, cyber attacks, and cyber fraud in State government. The Auditor

shall issue public reports on the general results of the reviews undertaken pursuant to this subdivision but may provide agencies with detailed reports of the security issues identified pursuant to this subdivision which shall not be disclosed as provided in G.S. 132-6.1(c). The Auditor shall provide the State Chief Information Officer with detailed reports of the security issues identified pursuant to this subdivision. For the purposes of this subdivision only, the Auditor is exempt from the provisions of Article 3 of Chapter 143 of the General Statutes in retaining contractors."

SECTION 46A. G.S. 147-68(d2) reads as rewritten:

"(d2) After consulting with the Select Committee on Information Technology and the Joint Legislative Commission on Governmental Operations and after consultation with and approval of the Information Resources Management Commission, the Department of State Treasurer may spend departmental receipts for the 2000-2001 fiscal year to continue improvement of the Department's investment banking operations system, retirement payroll systems, and other information technology infrastructure needs. The Department of State Treasurer shall report by January 1, 2001, and annually thereafter to the following regarding the amount and use of the departmental receipts: the Joint Legislative Commission on Governmental Operations, the Chairs of the General Government Appropriations Subcommittees of both the House of Representatives and the Senate, and the ~~Select~~Joint Legislative Committee on Information Technology."

PART IV. STUDIES.

SECTION 47.(a) Each State agency, with the exception of The University of North Carolina and its constituent institutions, the Administrative Office of the Courts, and the General Assembly shall conduct a thorough, agencywide examination and analysis of its Information Technology (IT) infrastructure, including IT expenditures and management functions. The purpose of the examination is to enable the General Assembly, the State CIO, the Office of State Budget and Management, and the State Controller to readily determine the amount of State funds being expended annually on each and all IT functions. As part of this examination, each agency shall review IT contracts with outside vendors, including the adequacy of contract management, and shall consider the implementation of performance measures in the development of future IT contracts. Each agency shall also identify IT functions that could be performed more economically through statewide approach across all agencies. Each agency shall report its plan in a format developed and approved by the State CIO and the Office of State

Budget and Management. Reports shall be submitted to the Office of State Budget and Management and the State CIO on or before March 1, 2005.

SECTION 47.(b) The Office of State Budget and Management, in conjunction with the State CIO, the Information Technology Advisory Board, and the State Controller, shall develop a plan to consolidate information technology infrastructure, staffing, and expenditures where a statewide approach would be more economical. The plan shall not include The University of North Carolina and its constituent institutions, the Administrative Office of the Courts, and the General Assembly. The plan shall consider agency-specific program needs. The plan shall include specific recommendations to convert contractor FTE to State positions for recurring activities where the contractor positions have been filled for 12 months, beginning July 1, 2003. In developing the recommendations for converting contractor positions, the OSBM shall consider the nature of the work being performed by the contractors, the level of technical expertise required for the work, and whether the use of State positions would be more economical. The plan also shall identify agencies that lack the budgetary and technical resources to operate modern, secure information technology systems, and propose a method of consolidating those information technology systems under a centralized authority, with the approval of the agency. The OSBM shall use reports compiled by each State agency, as required by subsection (a) of this section, in the development of the plan. The office shall report the plan to the Joint Legislative Commission on Governmental Operations on or before January 1, 2006.

PART V. APPLICABILITY AND EFFECTIVE DATE.

SECTION 48. Nothing in this act shall be construed to require a State agency that has issued a request for proposals for an information technology project approved by the Information Resources Management Commission to seek approval of the information technology project by the State Chief Information Officer under G.S. 147-33.72C or otherwise revise the request for proposals.

SECTION 49. This act becomes effective July 1, 2004.

**CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE BILL 1063**

**S1063-PCCS55314-RB-5, AN ACT TO ELIMINATE THE WAGE
STANDARD FOR INDUSTRIAL REVENUE BONDS.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 159C-7(b) reads as rewritten:

"(b) Findings. - The Secretary shall not approve any proposed industrial project or pollution control project unless the Secretary makes all of the following, applicable findings:

- (1) In the case of a proposed industrial project,
 - a. ~~That the operator of the proposed project pays, or has agreed to pay thereafter, an average weekly manufacturing wage that (i) is above the average weekly manufacturing wage paid in the county, or (ii) is not less than ten percent (10%) above the average weekly manufacturing wage paid in the State, and~~
 - b. ~~That~~that the proposed project will not have a materially adverse effect on the environment.
- (2) In the case of a proposed pollution control project, that the project will have a materially favorable impact on the environment or will prevent or diminish materially the impact of pollution which would otherwise occur.
- (2a) In the case of a hazardous waste facility or low-level radioactive waste facility that is used as a reduction, recovery or recycling facility, that such project will further the waste management goals of North Carolina and will not have an adverse effect upon public health or a significant adverse effect on the environment.
- (3) In the case of an industrial project or a pollution control project, except a pollution control project for a public utility,
 - a. That the jobs to be generated or saved, directly or indirectly, by the proposed project will be large enough in number to have a measurable impact on the area immediately surrounding the proposed project and will be commensurate with the size and cost of the proposed project,
 - b. That the proposed operator of the proposed project has demonstrated or can demonstrate the capability to operate the project, and
 - c. That the financing of the project by the authority will not cause or result in the abandonment of an existing industrial or manufacturing facility of the proposed operator or an affiliate elsewhere within the State unless the facility is to be abandoned because of

obsolescence, lack of available labor in the area, or site limitations."

SECTION 2. G.S. 159D-7(b) reads as rewritten:

"(b) Findings. - The Secretary shall not approve any proposed project unless the Secretary makes all of the following, applicable findings:

- (1) In the case of a proposed industrial project,
 - a. ~~That the operator of the proposed project pays, or has agreed to pay thereafter, an average weekly manufacturing wage that (i) is above the average weekly manufacturing wage paid in the county in which the project is to be located or (ii) is not less than ten percent (10%) above the average weekly manufacturing wage paid in the State; and~~
 - b. ~~That~~ that the proposed project will not have a materially adverse effect on the environment.
- (2) In the case of a proposed pollution control project, that such project will have a materially favorable impact on the environment or will prevent or diminish materially the impact of pollution which would otherwise occur.
- (2a) In the case of a hazardous waste facility or low-level radioactive waste facility that is used as a reduction, recovery or recycling facility, that such project will further the waste management goals of North Carolina and will not have an adverse effect upon public health or a significant adverse effect on the environment.
- (3) In any case (whether the proposed project is an industrial or a pollution control project),
 - a. That the jobs to be generated or saved, directly or indirectly, by the proposed project will be large enough in number to have a measurable impact on the area immediately surrounding the proposed project and will be commensurate with the size and cost of the proposed project,
 - b. That the proposed operator of the proposed project has demonstrated or can demonstrate the capability to operate such project, and
 - c. That the financing of such project by the agency will not cause or result in the abandonment of an existing industrial or manufacturing facility of the proposed operator or an affiliate elsewhere within the State unless the facility is to be abandoned because of obsolescence, lack of available labor in the area, or site limitations."

SECTION 3. The Department of Commerce shall encourage projects applying for industrial revenue bonds under Chapter 159C or Chapter 159D of the General Statutes to locate the projects in development zones.

SECTION 4. This act is effective when it becomes law.

**EXECUTIVE ORDERS BY
GOVERNOR MICHAEL F. EASLEY
By Title
January 2004 - November 2004**

Number	Title
55	Extending the North Carolina State Health Coordinating Council
56	North Carolina Interagency Council for Coordinating Homeless Programs
57	Amending Executive Order No. 54 Governor's Task Force on Driving While Impaired
58	Extending Executive Order Nos. 48 and 12
59	Proclamation of State of Disaster for the Towns of Bolton, Lake Waccamaw, Chadbourn, Tabor City and Fair Bluff and the City of Whiteville
60	Service Contracts Shall Be Awarded in the Best Interest of the State
61	Public School Funding
62	Proclamation of State of Disaster for Dare and Hyde Counties
63	Proclamation of State of Disaster by the Governor of the State of North Carolina
64	Emergency Relief for Damage Caused by Hurricane Charley

- 65 Proclamation of State of Emergency by the Governor of the State of North Carolina
- 66 Proclamation of State of Disaster by the Governor of the State of North Carolina
- 67 Emergency Relief for Damage Caused by Hurricanes Charley and Frances
- 68 Proclamation of a State of Emergency and State of Disaster by the Governor of the State of North Carolina
- 69 Emergency Relief for Damage Caused By Hurricane Ivan
- 70 Proclamation of State of Emergency by the Governor of the State of North Carolina

**FINAL DISPOSITION OF BILLS
IN HOUSE COMMITTEES**

(House Bills remained in committees by suspension of Rule 36(a))

AGRICULTURE

- HB 409 CONTAGIOUS ANIMAL DISEASES/
REMOVE SUNSET.
- HB 741 BRUNSWICK/COLUMBUS AGRICULTURAL
DISTRICT SIGNS.
- HB 922 WORKERS' COMPENSATION/AGRICULTURAL
EMPLOYMENT.
- HB 939 DEPARTMENT OF AGRICULTURE AND CONSUMER
SERVICES TO REGULATE FARMED CERVIDS.
- HB 966 FERTILIZERS WITH MINIMUM PLANT FOOD
CONTENT.
- HB 1007 NO MOTOR FUEL SALES LIMITS.

ALCOHOLIC BEVERAGE CONTROL

- HB 16 ABC PERMITS IN STATE DEVELOPMENT ZONES.
- HB 250 18TH HOUSE DISTRICT LOCAL ACT.
- HB 603 ABC-LOCAL AUTHORITY.
- HB 604 LOCAL/STATE CONTROL OF ABC REGULATION.

- HB 920 ABC AVAILABILITY IN NORTH CAROLINA.
HB 1008 NEW ABC PERMITS BASED ON EXISTING PERMITS.

APPROPRIATIONS

- HB 12 LIMIT GENERAL FUND SPENDING/PRIOR
YEAR'S SPENDING.
- HB 14 BUDGET DEADLINES ENHANCED.
- HB 15 INCREASE FIRE AND RESCUE SQUAD PENSION.
- HB 52 NC FARMLAND PRESERVATION FUNDS.
- HB 56 INCREASE FIRE AND RESCUE SQUAD PENSION.
- HB 81 UNC-CH SCHOOL OF MEDICINE/FUNDS.
- HB 108 HABITUAL MISDEMEANOR LARCENY/FELONY.
- HB 117 LOW-WEALTH SCHOOL SUPPLEMENTAL FUNDING.
- HB 151 LAW OFFICERS' 25-YEAR RETIREMENT.
- HB 155 LONG-TERM CARE WORKFORCE IMPROVEMENT
PROGRAM.
- HB 170 SPECIAL ASSISTANCE IN-HOME OPTION.
- HB 172 LOCAL LONG-TERM CARE PLANNING PILOT
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- HB 186 TIMELY STATE BUDGET ACT.
- HB 215 MADISON COUNTY ADULT DAY CARE FUNDS.
- HB 274 EXPAND THE TEACHING FELLOWS PROGRAM.
- HB 305 RETIREMENT CONTRIBUTION RATES.
- HB 306 ENHANCE RETIREMENT BENEFITS.
- HB 307 FOOD BANKS FUNDS.
- HB 308 LONG-TERM CARE/ENHANCEMENT FUNDS.
- HB 327 INCREASE PENALTY FOR CERTAIN BOMB OFFENSES.
- HB 388 ASSOCIATION OF SELF-ADVOCATES FUNDS.
- HB 398 2003 APPROPRIATIONS ACT.
- HB 399 2003 APPROPRIATIONS ACT.
- HB 400 2003 APPROPRIATIONS ACT.
- HB 451 MEDICAID COUNTY SHARE.
- HB 452 FARM AND RURAL FAMILIES/FUNDS.
- HB 476 MECKLENBURG JUVENILE/ADULT OFFENDER
FUNDS.
- HB 492 NORTH CAROLINA AGRICULTURAL AND
TECHNICAL STATE UNIVERSITY MATCHING FUNDS.
- HB 494 PROJECT COMPLIANCE.
- HB 507 BLANK APPROPRIATIONS BILL.
- HB 508 COURTHOUSE CHILD CARE CENTERS/FUNDS.
- HB 529 ROANOKE-CHOWAN DRUG TASK FORCE FUNDS.

- HB 530 INTERPRETER SERVICES/LOCAL HEALTH DEPARTMENT/FUNDS.
- HB 547 INTERNATIONAL CIVIL RIGHTS MUSEUM FUNDS.
- HB 548 FEDERAL ELECTION FUNDS APPROPRIATION HELP AMERICA VOTE ACT.
- HB 557 STATE HEALTH PLAN: INCREASE WELLNESS BENEFIT.
- HB 638 NASH FARMERS MARKET FUNDS.
- HB 639 NASH COURTHOUSE SECURITY FUNDS.
- HB 644 HALIFAX-NORTHAMPTON REGIONAL AIRPORT FUNDS.
- HB 649 INTERNATIONAL HOME FURNISHINGS MARKET.
- HB 658 TARHEEL CHALLENGE PROGRAM/FUNDS.
- HB 666 CONTRACT AGENCY COMPENSATION.
- HB 726 ESTABLISH MOUNTAIN ISLAND STATE FOREST.
- HB 732 STREET GANG TERRORISM PREVENTION ACT.
- HB 739 MECKLENBURG COUNTY SCHOOL NURSES/FUNDS.
- HB 795 DOWNTOWN AREA REVITALIZATION PROGRAM.
- HB 800 TEACHER ASSISTANT SALARY SCHEDULE.
- HB 803 COALITION 2001 FUNDS.
- HB 806 REBATE AND GRANT PROGRAM FOR ALTERNATIVE FUEL VEHICLES.
- HB 808 NURSING FACULTY FELLOWS PROGRAM.
- HB 812 AMEND RETIREES' EARNINGS RESTRICTION.
- HB 820 TRAVELING SCIENCE AND TECHNOLOGY FUNDS.
- HB 822 HEALTH INSURANCE COVERAGE/EARLY INTERVENTION.
- HB 828 HISTORY EDUCATION CENTER/TRYON PALACE FUNDS.
- HB 832 KIDS VOTING NC FUNDS.
- HB 834 PITT COUNTY SENIOR CENTER FUNDS.
- HB 836 COMMUNITY COLLEGE EQUIPMENT FUNDS/ CARRY FORWARD.
- HB 843 NATIONAL GUARD READINESS CENTER FUNDS.
- HB 845 TEMPORARY ASSISTANCE TO NEEDY FAMILIES BLOCK GRANT FUNDS/BOYS AND GIRLS CLUB.
- HB 850 COMMUNITY COLLEGE FACULTY/ PROFESSIONAL STAFF SALARIES.
- HB 851 INTEREST ON RETURN OF RETIREMENT CONTRIBUTIONS.
- HB 852 INCREASE "RAINY DAY" FUNDS.
- HB 853 GOVERNOR'S BUDGET BILL.

HB 858 OCCUPATIONAL CONTINUING EDUCATION/FUNDS.
HB 862 MINORITY JUVENILE COMMITMENT/STUDY.
HB 874 STATE EMPLOYEES' HEALTH PLAN/
EMERGENCY SERVICES.
HB 875 TUITION REMISSION/OVERHEAD RECEIPTS.
HB 881 CHILD NUTRITION PERSONNEL BONUS FUNDS.
HB 893 FIREMEN'S RELIEF FUND REPORTING.
HB 901 SEXUAL ASSAULT FUNDS.
HB 906 DISTRICT 26 ASSISTANT DISTRICT
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HB 908 FRESHWATER AQUARIUM FUNDS.
HB 909 UNC SCHOOL OF MEDICINE/REHABILITATION
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HB 919 WORKPLACE SAFETY GRANTS AND TRAINING
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HR 921 EXPEDITE CERTAIN HIGHWAY CORRIDORS.
HB 931 FARM FUTURES PILOT PROGRAM.
HB 938 CLOSE ACHIEVEMENT GAP FUNDS.
HB 968 FARM FUTURES PILOT PROGRAM.
HB 973 CARDIOVASCULAR INSTITUTE.
HB 992 DEBT SETOFF FOR HOSPITAL SERVICES.
HB 993 RECIPROCITY/OPTIONAL RETIREMENT SYSTEM.
HB 1014 MEDICAID FRAUD DETECTION PILOT FUNDS.
HB 1019 I-40 U.S.VETERANS MEMORIAL HIGHWAY.
HB 1071 UNC FLEXIBLE BENEFITS CLARIFICATION.
HB 1084 UNCOMPENSATED PRENATAL CARE/FUNDS.
HB 1091 PENALTY FOR ILLEGAL INDOOR PYROTECHNICS.
HB 1110 WORLD TRADE CENTER FUNDS.
HB 1117 ASSISTANT REQUIRED/LARGE KINDERGARTEN
CLASS.
HB 1141 VERIFY RESIDENCY FOR DRIVERS LICENSE.
HB 1154 SCHOOL COUNSELORS' SALARY SCHEDULE.
HB 1174 SAFE TRANSPORTATION FOR SCHOOL STUDENTS.
HB 1176 INFORMATION TECHNOLOGY FUNDS FLEXIBILITY.
HB 1178 RAISE AIDS DRUG ASSISTANCE PROGRAM
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HB 1189 LAPSED SALARY FUNDS REVERT.
HB 1222 AGRIBUSINESS AND TOURISM JOB TRAINING.
HB 1223 MINORITY CREDIT UNION FUNDS.
HB 1224 UNC - NONAPPROPRIATED CAPITAL PROJECTS.
HB 1225 FORSYTH TECHNICAL FUNDS.
HB 1226 ADOLESCENT PARENTING/FUNDS.
HB 1227 FINANCE PARKS AND HERITAGE.

- HB 1231 MEDICAID WAIVER/EXPAND PRESCRIPTION DRUG COVERAGE.
- HB 1232 FOOD SAFETY AND SECURITY FUNDS.
- HB 1245 PROVIDE AN ANNUAL INCREMENT TO ALL TEACHERS.
- HB 1246 LOCAL JUVENILE CRIME PREVENTION COUNCIL FUNDS.
- HB 1248 WORLD TRADE CENTER FUNDS.
- HB 1250 APPROPRIATE FUNDS FOR AT-RISK STUDENTS.
- HB 1251 LINK PRINCIPAL'S BONUS TO 4-YEAR GRADUATION RATE.
- HB 1258 SCHOOLS MUST EMPLOY TESTING COORDINATORS.
- HB 1259 IMPROVE QUALITY OF CARE/FUNDS.
- HB 1261 BLANK APPROPRIATIONS BILL.
- HB 1318 MODERNIZE BILL LEE ACT.
- HB 1347 PENDER COURT PERSONNEL FUNDS.
- HB 1353 CARDIOVASCULAR DISEASES INSTITUTE.
- HB 1357 FIRE AND RESCUE PENSION INCREASE.
- HB 1361 SMALL SCHOOL SYSTEM SUPPLEMENTAL FUNDING.
- HB 1362 SOUTHERN APPALACHIAN SCIENCE AND TECH FUNDS.
- HB 1368 COST-EFFICIENT HEALTH CARE/FUNDS.
- HB 1376 AUTISM SOCIETY/FUNDS.
- HB 1377 AUTISM SUPPORTED EMPLOYMENT/FUNDS.
- HB 1384 STATE EMPLOYEES/TEACHERS PAY INCREASES.
- HB 1387 EXPAND THE TEACHING FELLOWS PROGRAM.
- HB 1388 APPROPRIATE FUNDS FOR ABC BONUSES.
- HB 1389 GRANT ANTICIPATION REVENUE VEHICLES BONDS.
- HB 1390 2004 APPROPRIATIONS ACT.
- HB 1392 TEMPORARY ASSISTANCE TO NEEDY FAMILIES BLOCK GRANT FUNDS/BOYS AND GIRLS CLUB.
- HB 1396 SENIOR CENTER FUNDS.
- HB 1400 ONE NC FUND APPROPRIATIONS/CODIFICATION.
- HB 1402 2004 APPROPRIATIONS ACT.
- HB 1403 2004 APPROPRIATIONS ACT.
- HB 1404 COMMUNITY COLLEGE FACULTY/PROFESSIONAL STAFF SALARIES.
- HB 1405 INVESTIGATORIAL ASSISTANT FUNDS/DISTRICT 16A.
- HB 1407 CAROLINA CHILDREN COMMUNICATIVE DISORDERS PROGRAM FUNDS.
- HB 1408 HOME AND COMMUNITY CARE BLOCK GRANT FUNDS.

- HB 1416 EXTEND AND AMEND JOB DEVELOPMENT INVESTMENT GRANT PROGRAM.
- HB 1421 PROGRAM FOR ALL-INCLUSIVE CARE FOR THE ELDERLY PILOT/FUNDS - DEPARTMENT OF HEALTH AND HUMAN SERVICES.
- HB 1432 FILM INDUSTRY DEVELOPMENT ACCOUNT.
- HB 1434 WAKE COUNTY FAMILY COURT FUNDS.
- HB 1440 CHILD PROTECTIVE SERVICES SPECIAL PROVISIONS.
- HB 1441 CHILD WELFARE APPROPRIATION MATTERS.
- HB 1446 ECONOMIC INFRASTRUCTURE PROGRAM AT RURAL CENTER.
- HB 1458 COUNSELORS IN ALTERNATIVE AND MIDDLE SCHOOLS.
- HB 1466 REPEAL MEDICAL COVERAGE POLICY ADMINISTRATIVE PROCEDURE ACT EXEMPTION.
- HB 1479 AMEND SEX OFFENDER REGISTRATION.
- HB 1482 INDIAN CULTURAL CENTER PAVING FUNDS.
- HB 1483 "STRIKE AT THE WIND" FUNDS.
- HB 1485 COMMUNITY CARE OF NORTH CAROLINA FUNDS.
- HB 1486 ADULT DAY CARE RATE INCREASE.
- HB 1487 DHHS STUDY/MEDICAID INSTITUTIONAL BIAS.
- HB 1488 SENIOR ADULT HOUSING FUNDS.
- HB 1490 MENTALLY ILL LONG TERM RESIDENT ISSUES/STUDY.
- HB 1493 KIDS VOTING FUNDS.
- HB 1501 FAMILIES OF DEAF/HARD OF HEARING/FUNDS.
- HB 1502 CHARLOTTE TREATMENT AND EDUCATION OF AUTISTIC AND OTHER COMMUNICATIONS HANDICAPPED CHILDREN AND ADULTS CENTER FUNDS.
- HB 1503 CONFORMING CHANGES TO EMERGENCY MEDICAL SERVICES ACT.
- HB 1506 ROWLAND RURAL FIRE DEPARTMENT FUNDS.
- HB 1507 ROBESON AFRICAN-AMERICAN CULTURAL CENTER FUNDS.
- HB 1514 STATE RETIREMENT COST-OF-LIVING ADJUSTMENT.
- HB 1516 SECURITY OF STATE RETIREMENT SYSTEM.
- HB 1524 CHILD WELFARE COLLABORATIVE FUNDS.
- HB 1525 CHILD CARE SUBSIDY FUNDS.
- HB 1528 LATIN AMERICAN RESOURCE CENTER FUNDS.

HB 1533 CLOSING THE EQUITY GAP/INCREASE
HOMEOWNERSHIP.

HB 1535 MARINE CORPS MUSEUM FUNDS.

HB 1542 SHELBY ECONOMIC DEVELOPMENT FUNDS.

HB 1549 IN-STATE TUITION FOR MILITARY RESERVISTS.

HB 1552 PITT COUNTY SENIOR CENTER FUNDS.

HB 1557 MILITARY BASE SUPPORT.

HB 1559 MILITARY BASE LAND PRESERVATION FUND.

HB 1561 OSTEOPOROSIS EDUCATION FUNDS.

HB 1562 WINSTON-SALEM DELTA FINE ARTS/FUNDS.

HB 1563 NEUSE REGIONAL WATER AND SEWER FUNDS.

HB 1571 WINDOWS ON THE WORLD TECHNOLOGY CENTER
FUNDS.

HB 1579 FILM INDUSTRY DEVELOPMENT ACCOUNTS FUND.

HB 1580 OFFICE OF MINORITY HEALTH/FUNDS.

HB 1591 MURDOCH CENTER/FUNDS.

HB 1592 COALITION 2001 FUNDS.

HB 1600 ASTHMA PROGRAMS/FUNDS.

HB 1601 DIABETES PROGRAMS/FUNDS.

HB 1610 INTERNATIONAL CIVIL RIGHTS MUSEUM FUNDS.

HB 1611 NC AGRICULTURAL AND TECHNICAL STATE
UNIVERSITY MATCHING FUNDS.

HB 1612 EAST MARKET STREET REVITALIZATION FUNDS.

HB 1617 BURLEY TOBACCO MARKETING CENTER FUNDS.

HB 1618 MENTAL HEALTH TREATMENT COURT PILOT.

HB 1620 NC DRUG ABUSE RESISTANCE EDUCATION FUNDS.

HB 1621 HAVELOCK SENIOR CENTER FUNDS.

HB 1623 COMMUNITY HEALTH CENTERS/FUNDS.

HB 1625 SECURITY TECHNOLOGY AND TRAINING CENTER
FUNDS.

HB 1627 NON-ENGLISH WORKER SAFETY PILOT/FUNDS.

HB 1629 STATE EMPLOYEES/TEACHERS PAY.

HB 1632 MULTICAMPUS COMMUNITY COLLEGE
FUNDING FORMULA.

HB 1633 LOW-WEALTH SCHOOL SUPPLEMENTAL FUNDING.

HB 1634 RESTORE VOCATIONAL EDUCATION FUNDING
FOR 7TH GRADE.

HB 1639 HISTORY EDUCATION CENTER/TRYON
PALACE FUNDS.

HB 1641 PROMOTE TOURISM/FUNDS.

HB 1643 5-YEAR PHASE OUT COUNTY MEDICAID SHARE.

HB 1644 INTERPRETER SERVICES/FUNDS.

HB 1645 MENTAL HEALTH SERVICES/FUNDS.
HB 1646 EQUALIZE STATE FUNDING/MENTAL HEALTH PROGRAMS/FUNDS.
HB 1650 TRANSYLVANIA COMMUNITY COLLEGE CAMPUS/EQUIPMENT FUNDS.
HB 1653 NIA, INC., YOUTH PROGRAMS FUNDS.
HB 1654 NC DRUG ABUSE RESISTANCE EDUCATION FUNDS.
HB 1660 TOURISM EXPANSION ACT.
HB 1664 CREATE JOBS/BUSINESS AND TECHNOLOGY TELECENTERS.
HB 1676 SPECIAL OLYMPICS/FUNDS.
HB 1685 FOOD BANKS FUNDS.
HB 1686 DAVIE COMMUNITY COLLEGE CAMPUS/FUNDS.
HB 1689 UNC-CHARLOTTE BIOINFORMATICS CENTER/TUITION REMISSION.
HB 1692 HISTORIC VEHICLES - EXEMPT FROM INSPECTION.
HB 1696 EQUIPMENT FOR GROVE ARCADE ARTISANS/FUNDS.
HB 1697 HEALTH ADVENTURE FUNDS.
HB 1704 ROANOKE-CHOWAN DRUG TASK FORCE FUNDS.
HB 1708 SENIOR CENTER PILOT PROGRAM/FUNDS.
HB 1709 TRADE JOBS FOR SUCCESS/FUNDS.
HB 1715 TRACK GREENHOUSE GASES EMISSIONS/FUNDS.
HB 1729 AMYOTROPHIC LATERAL SCLEROSIS ASSOCIATION/FUNDS.
HB 1738 PROMOTE TOURISM AND ECONOMIC DEVELOPMENT/FUNDS.
HB 1740 TELECONFERENCING LAB ANALYST TESTIMONY/FUNDS.
HB 1741 WAKEMED EMERGENCY SERVICES INSTITUTE/FUNDS.
HB 1742 WAKEMED BIOMEDICAL ALLIANCE/FUNDS.
HB 1745 STATE GOVERNMENT INTERN PAY INCREASE.
HB 1747 CHILDREN'S ADVOCACY CENTERS' FUNDS.
HB 1750 HEALTHFUL SCHOOL FOOD CHOICES/ PILOT PROGRAM.
HB 1753 HEALTHY CAROLINIANS/FUNDS.
HB 1754 WILSON COUNTY RESIDENTIAL SERVICES/FUNDS.
HB 1756 VETERANS FREEDOM PARK FUNDS.
HB 1757 TEACHING FELLOWS ON FOCUSED GROWTH CAMPUSES.
HB 1762 AGRIBUSINESS AND AGRICULTURE FELLOWS PROGRAM.

- HB 1767 ROCKINGHAM COUNTY LIBRARY FUNDING.
- HB 1770 CHARTER SCHOOL GRANTS/MATCHING FUNDS.
- HB 1771 ADEQUATE FUNDS FOR COMMUNITY COLLEGE ENROLLMENT.
- HB 1779 RELOCATE DISTRICT 9 FORESTRY OFFICE/FUNDS.
- HB 1784 WESTERN NC COMMUNITIES FUNDS.
- HB 1791 MILITARY BUSINESS CENTER.
- HB 1793 DURHAM COUNTY FAMILY COURT FUNDS.
- HB 1794 YOUTH DEVELOPMENT CENTERS/FUNDS.
- HB 1796 COMMUNITY-BASED CORRECTIONS PROGRAMS/FUND.
- HB 1797 IMPROVE ENVIRONMENTAL QUALITY FUNDS.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

- HB 991 TEACHER ASSISTANT SALARY/TUITION FUNDS.
- HB 1168 REVISE FUNDING FORMULA FOR LIMITED ENGLISH PROFICIENCY STUDENTS.

APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT

- HB 799 MARTIN LUTHER KING RESOURCE CENTER FUNDS.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

- HB 310 COMMUNITY ALTERNATIVES PROGRAM/ DISABLED ADULTS AUDIT/DHHS REPORT.
- HB 405 FOLIC ACID CAMPAIGN FUNDS.
- HB 631 EXPAND THE SCHOOL BREAKFAST PROGRAM.
- HB 634 PUBLIC HEALTH SERVICES DEMO PROJECT/FUNDS.
- HB 640 PHASE OUT COUNTY SHARE OF MEDICAID.
- HB 641 PHASE OUT COUNTY SHARE/STATE-COUNTY SPECIAL ASSISTANCE.
- HB 659 INCREASE ADULT CARE HOME RATES/FUNDS.
- HB 660 AUTISM SERVICES/FUNDS.
- HB 1220 OSTEOPOROSIS EDUCATION FUNDS.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

- HB 244 ARSON OFFENSES-SENTENCING COMMISSION.
- HB 935 ESTABLISH MOUNTED HORSE/CAISSON PATROL UNIT.
- HB 936 ADDITIONAL DISTRICT COURT JUDGES/ DISTRICT 14/FUNDS.

- HB 1218 JUDICIAL BRANCH BUDGET REFORM.
- HB 1597 FIRST DEFENDER DISTRICT/FUNDS.
- HB 1605 FAMILY COURT FUNDS.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION

- HB 1230 RAIL CORRIDOR USES.

CHILDREN, YOUTH AND FAMILIES

- HB 203 AMEND CHILD WELFARE LAWS.

COMMERCE

- HB 37 LIVABLE STATE MINIMUM WAGE.
- HB 863 SCHOOLS START AFTER LABOR DAY.

EDUCATION

- HB 102 SCHOOL CALENDAR FLEXIBILITY/
ALAMANCE COUNTY.
- HB 567 INCREASE OUT-OF-STATE TUITION/UNC SYSTEM.
- HB 605 SCHOOL ASSIGNMENT UNAFFECTED BY
CONTRIBUTIONS.
- HB 709 MENTOR PILOT PROGRAM.
- HB 1015 K-8 TESTING REFORM ACT OF 2003.
- HB 1115 SCHOOL BUS FIRE SUPPRESSION EQUIPMENT.
- HB 1130 SUPERINTENDENT RENAMED SECRETARY OF
EDUCATION.
- HB 1183 COMMUNITY COLLEGES OFFER 4-YEAR DEGREES
- HB 1184 ESTABLISH A VIRTUAL ACADEMY PROGRAM.
- HB 1212 FLEXIBILITY IN USE OF MENTOR TEACHER FUNDS.
- HB 1500 TEACHER TEST FLEXIBILITY.

**EDUCATION SUBCOMMITTEE ON PRE-SCHOOL,
ELEMENTARY AND SECONDARY EDUCATION**

- HB 32 REMOVE CAP ON CHARTER SCHOOLS.
- HB 60 SCHOOL CALENDAR FLEXIBILITY/
IREDELL AND CATAWBA.
- HB 194 CALENDAR FLEXIBILITY/CLEVELAND COUNTY
SCHOOL SYSTEMS.
- HB 805 INITIATIVES TO ADDRESS TEACHER SHORTAGES.
- HB 873 HEALTH EDUCATION COURSES/ACCURATE
INFORMATION.

EDUCATION SUBCOMMITTEE ON UNIVERSITIES

HB 1195 CAMPUS INITIATED TUITION AND FEE INCREASE.

ELECTION LAW AND CAMPAIGN FINANCE REFORM

HB 67 VOTER SIGNATURES REQUIRED.
HB 100 VOTER IDENTIFICATION.
HB 427 STATEWIDE ELECTIONS/FUNDING.
HB 518 MILITARY INTERNET VOTING.
HB 756 SAME DAY REGISTRATION.
HB 1164 LATER PRIMARY.
HB 1235 VOTER-OWNED ELECTIONS.
HB 1545 CHAPEL HILL CAMPAIGN FINANCE OPTIONS.

ENVIRONMENT AND NATURAL RESOURCES

HB 738 CLEAN WATER MANAGEMENT TRUST FUND.
HB 866 CLEAN AIR TRUST FUND.
HB 878 ESTABLISH ELECTRONICS RECYCLING PROGRAM.
HB 933 NC CLEAN VEHICLES.
HB 953 SEDIMENTATION ACT AMENDMENTS.
HB 988 PROHIBIT NEW SHELLFISH LEASES IN CORE SOUND.
HB 990 AMEND SHELLFISH STATUTES.
HB 1045 NC CLIMATE ACTION REGISTRY.
HB 1076 AMEND ENVIRONMENTAL HEALTH LAWS.
HB 1077 AMEND ENVIRONMENTAL HEALTH LAWS.
HB 1079 AMEND NATURAL RESOURCE LAWS.
HB 1080 AMEND ENVIRONMENTAL LAWS.
HB 1081 AMEND ENVIRONMENTAL LAWS.
HB 1113 EXTEND SWINE MORATORIA.
HB 1132 AMEND FISHERIES PROCLAMATION PROCESS.
HB 1133 AMEND SHELLFISH STATUTES.
HB 1144 SMALL AND MEDIUM ANIMAL OPERATIONS PERMITS.
HB 1145 CLOSURE OF INDUSTRIAL LAGOONS.
HB 1179 GROUNDWATER PROTECTION ACT.
HB 1180 GROUNDWATER PROTECTION ACT.
HB 1188 PHASE OUT SWINE WASTE LAGOONS AND SPRAYFIELDS.
HB 1192 LEAKING UNDERGROUND STORAGE TANKS CLEANUPS.
HB 1206 CONSOLIDATE ENVIRONMENTAL REGULATORY COMMISSIONS.
HB 1208 EXTEND SWINE MORATORIA.
HB 1287 NC CLEAN VEHICLES/INFRASTRUCTURE FUND.

- HB 1311 ADJUST MOTOR FUEL INSPECTION TAX.
- HB 1312 HAZARDOUS WASTE FEES.
- HB 1324 ENVIRONMENT FEES/TRUE COST OF SERVICE.
- HB 1428 ESTABLISH MARINE FISHERIES VIOLATION POINTS SYSTEM.
- HB 1451 EXPRESS REVIEW PROGRAM.
- HB 1521 PHASE II STORMWATER FOR SMALL MUNICIPALITIES.
- HB 1575 ABC LICENSEES TO RECYCLE BEVERAGE CONTAINERS.
- HB 1581 PHASE II STORMWATER MANAGEMENT.
- HB 1582 WATER CONSERVATION/SUBMETERS.
- HB 1583 DRY CLEANING SOLVENT CLEANUP ACT AMENDMENTS.
- HB 1584 LEAKING UNDERGROUND STORAGE TANK FUND LIQUIDITY.
- HB 1585 PHASE II STORMWATER MANAGEMENT.
- HB 1603 LIMIT LIABILITY FOR ENVIRONMENTAL CLEANUPS.
- HB 1615 ENVIRONMENTAL REPORTS AMENDMENTS.
- HB 1616 ENVIRONMENTAL TECHNICAL CORRECTIONS.

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- HB 41 REVENUE LAWS TECHNICAL CHANGES.
- HB 43 NEW PARTY FILING FEE.
- HB 44 STREAMLINED SALES TAX CHANGES.
- HB 45 EXEMPT TOBACCO PAYMENTS FROM INCOME TAX.
- HB 51 UNC TUITION/MILITARY STUDENTS.
- HB 61 REVENUE ADMINISTRATIVE CHANGES.
- HB 62 STATE GOVERNMENT SALES TAX EXEMPT.
- HB 64 "CHOOSE LIFE" LICENSE PLATE.
- HB 154 DNA ANALYSIS/SEX ASSAULT KITS.
- HB 157 REPEAL LONG-TERM CARE INSURANCE TAX CREDIT SUNSET.
- HB 164 KINGS MOUNTAIN ANNEXATION CLARIFICATION.
- HB 168 ONE-TIME RENTAL CAR TAX ELECTION EXCEPTION.
- HB 204 UNION COUNTY LOCAL ACT.
- HB 222 SURRY COUNTY LOCAL ACT.
- HB 254 REDUCE YOUTH SMOKING: RAISE TOBACCO TAXES.
- HB 255 BLUE RIDGE PARKWAY FOUNDATION LICENSE PLATE.
- HB 337 FRANKLIN COUNTY AIRPORT QUICK TAKE.

HB 343 MITCHELL RIVER-RAFTING USER TAX.
HB 359 EXEMPT VOLUNTEER FIRE VEHICLES FROM USE TAX.
HB 378 CIGARETTE TAX INCREASE FOR PUBLIC SCHOOLS.
HB 457 CITY OF JACKSONVILLE LOCAL ACT.
HB 477 NC COASTAL FEDERATION SPECIAL PLATE.
HB 479 REDUCE CONSTRUCTION EQUIPMENT TAX.
HB 484 PERSON COUNTY LOCAL ACT.
HB 515 CHADBOURN ANNEXATION.
HB 519 CANAL DREDGING TAX DISTRICTS.
HB 531 STATE HIGHWAY PATROL REIMBURSEMENT FOR SPECIAL EVENTS.
HB 563 SURVEYOR SPECIAL LICENSE PLATE.
HB 572 AIRPORT AUTHORITY INSTALLMENT PURCHASE.
HB 577 RETIRED LAW ENFORCEMENT SPECIAL PLATES.
HB 583 WETLANDS REIMBURSEMENT/LOCAL TAX BASE.
HB 632 DURHAM IMPACT FEE FOR SCHOOLS.
HB 633 DURHAM COUNTY SCHOOL CAPITAL TAX.
HB 650 DURHAM ANNEXATIONS.
HB 653 COURT FEE CHANGES.
HB 661 ALTERNATIVE FUEL VEHICLE SPECIAL PLATE.
HB 662 CHAPEL HILL UTILITY TAX DISTRICT.
HB 664 LOCAL OPTION TAX MENU.
HB 688 REVISE AND CONSOLIDATE MT. AIRY CHARTER.
HB 690 LELAND OCCUPANCY TAX.
HB 700 CREMATORY ACT CHANGES.
HB 728 THOMASVILLE SATELLITE ANNEXATION.
HB 731 STALLINGS SATELLITE ANNEXATION.
HB 749 LOCAL OPTION TAX MENU.
HB 758 BAN SHRIMP NETS/CERTAIN INLAND WATERS.
HB 769 TROY DRUG DEALER LICENSING TAX.
HB 777 INCORPORATE NORTHBROOK.
HB 782 SATELLITE ANNEXATION/NORTH BRUNSWICK.
HB 804 EARNED INCOME TAX CREDIT.
HB 814 INCREASE ALCOHOL EXCISE TAXES.
HB 823 ZETA PHI BETA SPECIAL REGISTRATION PLATE.
HB 827 CONFORM BANK EXPENSE DEDUCTION.
HB 847 FIREFIGHTER/RESCUE SQUAD TAX DEDUCTION.
HB 848 MEDICAL BOARD MEMBERSHIP.
HB 884 VERIFY EXCESS WITHHOLDING ALLOWANCES.
HB 885 ADJUST TIER FORMULA.
HB 887 OPEN SPACES PRESERVATION INCENTIVES.
HB 896 INCREASE COSMETIC ART FEES.
HB 902 REPEAL PROPERTY TAX LISTING EXCEPTION.

HB 912 CERTIFICATION OF WASTEWATER SITE
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HB 914 BROADBAND DEPLOYMENT ACT.

HB 947 LANDSCAPE/IRRIGATION CONTRACTORS.

HB 949 PSYCHIATRIC HOSPITAL BONDS.

HB 961 PSYCHIATRIC HOSPITAL FINANCING.

HB 967 PROTECT MASTER SETTLEMENT MONEY.

HB 976 EXEMPT UNIVERSITY TRUST PROPERTY.

HB 1001 SUPPLEMENTAL INSURANCE FOR RETIREES.

HB 1022 CONCEALED HANDGUN RENEWAL PERMIT/
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HB 1034 MOTHERS AGAINST DRUNK DRIVING
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HB 1072 REGULATE TICKET BROKERS.

HB 1092 AN ACT TO SAFEGUARD CHILDREN.

HB 1108 WINE SHIPPERS PERMITS.

HB 1111 VOLUNTARY STORMWATER EXPENSES CREDIT.

HB 1116 TEACHER TAX CREDIT.

HB 1127 CERTIFY ON-SITE WASTEWATER CONTRACTORS.

HB 1142 NATUROPATHIC PHYSICIANS LICENSURE.

HB 1160 STOCK CAR RACING THEME SPECIAL PLATES.

HB 1197 UTILITY EQUIPMENT TRADE-IN ALLOWANCE.

HB 1228 SPECIAL REGISTRATION PLATE FEES.

HB 1237 RAISE CEILING/DENTAL EXAMINERS' FEES.

HB 1238 FINANCE CANCER CENTER/CIGARETTE TAX.

HB 1240 REFORM BILL LEE ACT.

HB 1253 MODIFY FINANCE LAWS.

HB 1265 MODIFY FINANCE LAWS.

HB 1266 MODIFY FINANCE LAWS.

HB 1267 MODIFY FINANCE LAWS.

HB 1268 STIMULATE ECONOMY MANUFACTURING.

HB 1269 INSURANCE GUARANTY BONDS.

HB 1270 CAMPUS POLICE EQUITY.

HB 1271 TRAVEL AND TOURISM INCENTIVE GRANTS.

HB 1277 REPEAL GIFT TAX IN 2006.

HB 1279 FARM FACILITY TAX REFUND.

HB 1280 PRESENT-USE VALUE CHANGES.

HB 1281 AMEND FINANCE LAWS.

HB 1283 AMEND LEGISLATIVE TUITION GRANT/FEE.

HB 1284 21ST CENTURY JOBS ACT.

HB 1288 EXPAND HISTORIC PRESERVATION CREDIT.

HB 1290 CONFORM BANK EXPENSE DEDUCTION.

HB 1291 SUBSIDIARY DIVIDEND TAX CHANGES.

- HB 1293 LOCAL OPTION PROJECT DEVELOPMENT FINANCING.
- HB 1295 MODIFY AUTO REPAIR SALES TAX.
- HB 1296 ABC FEE FOR URBAN REDEVELOPMENT ZONE FEE.
- HB 1298 GLASS GLAZING LICENSURE.
- HB 1299 ABANDONED/JUNKED VEHICLE FUND.
- HB 1304 ADVANCE DISPOSAL FEE FOR MOBILE HOMES.
- HB 1306 AMEND FINANCE LAWS.
- HB 1307 AMEND FINANCE LAWS.
- HB 1308 CHARITABLE ENTITY EXEMPTION STANDARD.
- HB 1309 INCREASE ALCOHOL EXCISE TAXES.
- HB 1310 DRUG PRIVILEGE TAX.
- HB 1313 LOCAL OPTION CIGARETTE EXCISE TAX.
- HB 1315 LARGE COUNTY LAW ENFORCEMENT SERVICES.
- HB 1317 MODIFIED THROWBACK RULE.
- HB 1319 TEMPORARY INCOME TAX SURTAX.
- HB 1355 IMPROVE ECONOMIC DEVELOPMENT PROGRAMS.
- HB 1358 RETIRED HIGHWAY PATROL SPOUSES SPECIAL PLATE.
- HB 1375 SMALL BUSINESS HEALTH INSURANCE CREDIT.
- HB 1380 OTHERWISE UNSALABLE TOBACCO PRODUCTS EXCISE TAX REFUND.
- HB 1412 MILITARY POWER OF ATTORNEY FILING FEES ELIMINATED.
- HB 1417 MODIFY BILL LEE TIERS.
- HB 1418 ELIMINATE INDUSTRIAL REVENUE BONDS WAGE STANDARD.
- HB 1436 SMALL BUSINESS HEALTH INSURANCE CREDIT.
- HB 1437 CREDIT FOR HIRING APPRENTICES.
- HB 1442 REDUCE CORPORATE INCOME TAXES.
- HB 1445 CORPORATE INCOME TAX EXEMPTION.
- HB 1450 STOLEN REGISTRATION PLATES REPLACED - NO FEE.
- HB 1452 REDUCE PERSONAL INCOME TAXES.
- HB 1470 REPEAL SUNSET/LONG-TERM CARE INSURANCE TAX CREDIT.
- HB 1480 "IN GOD WE TRUST" SPECIAL PLATES.
- HB 1489 REPEAL SUNSET/LONG-TERM CARE INSURANCE TAX CREDIT.
- HB 1492 INTERNAL REVENUE CODE UPDATE.
- HB 1508 CONCORD/KANNAPOLIS BOUNDARIES ADJUSTED.
- HB 1577 INCREASE CIGARETTE EXCISE TAX TO 75 CENTS.

- HB 1586 CLARIFY FEE AUTHORITY OF MASSAGE THERAPY BOARD.
- HB 1587 LOCKSMITH CRIMINAL HISTORY RECORD CHECK FEE.
- HB 1590 REDUCE FRANCHISE TAX.
- HB 1595 SUSPEND ADVANCE DIRECTIVE REGISTRY FEE.
- HB 1598 CHARITABLE BINGO FEE/PRIZE LIMITS INCREASED.
- HB 1599 LABOR AUDIT SYSTEMS/INCENTIVES.
- HB 1622 AMEND BARBERING LAWS/INCREASE FEES.
- HB 1626 REDUCE WORKERS' COMPENSATION PREMIUMS.
- HB 1630 INCENTIVES FOR BORDER/LOW-TIER COUNTIES.
- HB 1631 CREATE NEW JOBS/RECRUIT NEW BUSINESS.
- HB 1637 BEACH BINGO LICENSING.
- HB 1638 REPEAL SALES TAX.
- HB 1655 INCENTIVE FOR HIGHER WAGES.
- HB 1656 REDUCE AND ELIMINATE CIGARETTE CREDITS.
- HB 1657 NO NONPROFIT REFUNDS FOR ALCOHOL AND TOBACCO.
- HB 1661 CAP GAS TAX VARIABLE RATE.
- HB 1663 GRAHAM RIVER-RAFTING USER TAX.
- HB 1673 EXEMPT PARENTAL SAVINGS TRUST CONTRIBUTIONS.
- HB 1679 REDUCE GASOLINE AND DIESEL TAX.
- HB 1680 EXPAND HOMESTEAD TAX REDUCTION.
- HB 1701 ONSHORE OPPORTUNITIES.
- HB 1705 EXEMPT BIODIESEL FROM MOTOR FUELS TAXES.
- HB 1710 MOUNT PLEASANT ANNEXATION.
- HB 1716 4-H SPECIAL REGISTRATION PLATE.
- HB 1717 HOMES4NC SPECIAL LICENSE PLATE.
- HB 1718 SPORT FISHING SPECIAL REGISTRATION PLATE.
- HB 1719 FIRST IN FORESTRY PLATE DISTRIBUTION.
- HB 1720 DAUGHTERS OF AMERICAN REVOLUTION PLATE.
- HB 1727 2004 EMPLOYMENT SECURITY COMMISSION OMNIBUS ACT.
- HB 1731 LELAND SATELLITE ANNEXATION.
- HB 1739 CREDIT FOR SKILLED NURSING FACILITY FEE.
- HB 1743 CREDIT TO REVITALIZE CERTAIN MANUFACTURING SITES.
- HB 1744 EXEMPT UNEMPLOYMENT BENEFITS.
- HB 1749 REDUCE CORPORATE INCOME TAX.
- HB 1755 TAX PERSONAL BUSINESS INCOME AT CORPORATE RATE.

- HB 1758 TAX CUT ACT OF 2004.
- HB 1761 INCREASE WINE TAXES.
- HB 1769 CLARIFY SPECIAL MOBILE EQUIPMENT.
- HB 1775 MODIFY UNC SPECIAL OBLIGATION BONDS.
- HB 1781 COURT FEE CHANGES.
- HB 1790 HISTORIC VEHICLES-REDUCED REGISTRATION FEE.
- HB 1801 EL PUEBLO SPECIAL REGISTRATION PLATE.

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- HB 171 DHHS/ENSURE NO FELONS EMPLOYED IN LONG-TERM CARE.
- HB 180 STATE HEALTH PLAN/DEPENDENT CHILD COVERAGE.
- HB 500 LEGISLATIVE FITNESS CENTER.
- HB 642 CONSCIENCE PROTECTION/CONTRACEPTIVES.
- HB 835 PRESCRIPTION DRUG DISCOUNTS/ UNINSURED ELDERLY.
- HB 870 COMMUNITY BUILDINGS/EXEMPT FROM FOOD RULES.
- HB 882 MEDICAID PRIOR AUTHORIZATION.
- HB 894 CLARIFY ADULT CARE HOME MORATORIUM.
- HB 923 EXEMPT ALTERNATIVE MEDICINE/ PRACTICE OF MEDICINE.
- HB 954 DISCHARGE FROM ADULT CARE HOMES.
- HB 983 PRESCRIPTION CO-PAYMENTS/COUNTY PRISONERS.
- HB 1004 STRENGTHEN PUBLIC HEALTH INFRASTRUCTURE.
- HB 1094 LOCAL HEALTH DEPARTMENTS.
- HB 1098 HEALTH CARE FUNDAMENTAL RIGHT.
- HB 1191 STATE HEALTH PLAN UNDER STATE TREASURER.
- HB 1468 DISEASE MANAGEMENT ACTIVITIES STATE HEALTH PLAN.
- HB 1560 OSTEOPOROSIS EDUCATION PROGRAM.
- HB 1568 SEPTIC SYSTEM SETBACKS FOR PRE-1977 LOTS.
- HB 1572 HORACE WILLIAMS AIRPORT.

INSURANCE

- HB 596 MOTOR VEHICLE INSURANCE RATES.
- HB 654 MENTAL HEALTH/CHEMICAL DEPENDENCY PARITY.
- HB 1121 HEALTH CARE PROVIDER PROFESSIONAL LIABILITY INSURERS CHANGES.

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- HB 27 EXPAND DNA DATABANK/ALL FELONIES.

- HB 33 PRIVATE PROSECUTION/FELONY OFFENSES.
- HB 509 FAILURE TO APPEAR/CITATION.
- HB 676 DURHAM BENEFITS.
- HB 840 CLARIFY DEFINITION OF PROTECTIVE ORDER.
- HB 846 ILLEGAL CHILD CARE FACILITIES.
- HB 877 CLARIFY POSTSEPARATION SUPPORT LAWS.
- HB 879 STATE PERSONNEL ACT CHANGES.
- HB 880 DWI BLOOD TEST RESULT-DIRECTLY TO CLERK.
- HB 899 SOLICITING STATE UNEMPLOYMENT TAX
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- HB 1018 DEFENDANTS COSTS IN CONDEMNATION AWARDS.
- HB 1040 TONER/INKJET CARTRIDGES.
- HB 1044 SEXUAL BATTERY.
- HB 1106 FETAL HOMICIDE.
- HB 1125 UNIFORM TERMS FOR JUDGES.
- HB 1186 SPEEDING BY LAW ENFORCEMENT OFFICERS.
- HB 1199 MORATORIUM ON EXECUTIONS FOR TWO YEARS.
- HB 1325 LINE-ITEM VETO.
- HB 1522 ADULT CARE HOMES CRIMINAL RECORDS
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- HB 1523 CRIMINAL BACKGROUND CHECKS -
LONG-TERM CARE.
- HB 1530 CONDO AND PLANNED COMMUNITY
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- HB 1766 STATEWIDE CRIMINAL JUSTICE TRUTH
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- HB 109 UNAUTHORIZED ADMINISTRATION OF MEDICATION
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- HB 147 LEFT TURN ON RED.
- HB 402 DSS WORKER/RIGHT OF ENTRY.
- HB 403 RELIGIOUS FREEDOM RESTORATION ACT.
- HB 404 FLAG FREEDOM BILL.
- HB 527 ADJUST WORKERS' COMPENSATION AWARD
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- HB 578 ELIMINATE MANDATORY RETIREMENT FOR JUDGES.
- HB 915 MANUFACTURED HOME LEASEHOLD ESTATE
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- HB 1017 BURGLARY/DELETE NIGHTTIME REQUIREMENT.
- HB 1041 ADMINISTRATIVE PROCEDURE ACT RULES/
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- HB 1096 MEDICAL MALPRACTICE WITNESSES/DISCOVERY.
- HB 1109 PROHIBIT WORKERS' COMPENSATION
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- HB 1122 GUARDIANSHIP TRAINING REQUIREMENTS.
- HB 1148 NO SECRET MEDICAL MALPRACTICE SETTLEMENTS.
- HB 1172 MEDICAL MALPRACTICE WITNESSES/DISCOVERY.
- HB 1190 FIRST OFFENDER/EXPUNGE CRIMINAL RECORD.

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- HB 502 SOLICITING STATE EMPLOYMENT TAX AVOIDANCE
DUMPING A FELONY.
- HB 670 MOTORCYCLE SAFETY ACT.
- HB 910 REQUIRE RESTITUTION WITH WORK RELEASE.
- HB 1002 APPLY LEMON LAW TO RECREATIONAL VEHICLES.
- HB 1061 ENHANCE FIREARMS PENALTIES.
- HB 1075 DISCLOSURE OF PRIOR MOTOR VEHICLE DAMAGE.
- HB 1087 WINDSHIELDS REQUIRED AND INSPECTED.
- HB 1104 UNFAIR TRADE PRACTICES/MOTOR VEHICLE
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- HB 1153 CLARIFY MOTOR VEHICLE DEALER
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- HB 1196 AUTOMOBILE GLASS INSURANCE COVERAGE.
- HB 1215 LICENSE REQUIREMENTS FOR AUTO REPAIR SHOPS.
- HB 1216 MOTOR VEHICLE GLASS REPAIRS.
- HB 1217 NO COMPREHENSIVE DEDUCTIBLE ON
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- HB 1491 AMEND SEX OFFENDER REGISTRATION.
- HJR 1675 ENABLING RESOLUTION/LICENSE SUSPENSION FOR
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- HB 18 WORTHLESS CHECK PROGRAM/PITT COUNTY
- HB 25 WORTHLESS CHECK PROGRAM ADDITIONS.
- HB 78 REVISE UNIFORM COMMERCIAL CODE ARTICLE
ON BULK TRANSFERS.
- HB 83 WORTHLESS CHECK PROGRAM/BUNCOMBE.
- HB 202 AMEND CHILD SUPPORT ENFORCEMENT LAWS.
- HB 241 AMEND DRUG TRAFFICKING LAWS.
- HB 242 AMEND HABITUAL FELON LAW.
- HB 243 RECLASSIFY STATUTORY RAPE/SEX OFFENSE.
- HB 245 AMEND SPECIAL PROBATION DEFINITION.
- HB 246 ADJUST B1 - E FELONY PENALTIES.

- HB 247 RESTRUCTURE PRIOR CRIMINAL RECORDS POINTS.
- HB 264 SENTENCE LENGTHS.
- HB 353 EXPLOSIVE DEVICES OFFENSES.
- HB 380 GUILFORD/WORTHLESS CHECK PROGRAM.
- HB 602 WORTHLESS CHECK PROGRAM/MORE COUNTIES.
- HB 623 LIMIT HANDHELD PHONE USE WHILE DRIVING.
- HB 889 ANALOGUES/SCHEDULE I CONTROLLED SUBSTANCE.

- HB 911 NO PROFIT FROM CRIME.
- HB 957 PARALEGAL PROFESSION ACT.
- HB 1033 CHILD CUSTODY/GUARDIANSHIP JURISDICTION.
- HB 1035 BAIL BONDS/REAL ESTATE AS SECURITY.
- HB 1055 PROPORTIONALITY REVIEW/ALL CAPITAL CASES.
- HB 1156 FIREFIGHTERS AND RESCUE WORKERS/ARSON.
- HB 1187 FELONY MURDER/NO DEATH PENALTY.
- HB 1305 HOMEBUILDER RESPONSIBILITY.
- HB 1510 METHAMPHETAMINE PRECURSORS/
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- HB 1511 CLARIFY JUVENILE STATE COUNCIL DUTIES.
- HB 1512 AMEND 2ND DEGREE MURDER/
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- HB 1531 BAN PIGEON SHOTS.
- HB 1536 MANUFACTURE METHAMPHETAMINE/
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- HB 1537 MANUFACTURE OF METHAMPHETAMINE/
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- HB 1538 LOCAL JUVENILE CRIME PREVENTION COUNCILS
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- HJR 1556 ENABLING RESOLUTION/PROTECT MINORS FROM
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- HB 239 POLK SCHOOL ACQUISITION.
- HB 431 WAKE FOREST FORCE LIMIT.
- HB 514 MOUNT PLEASANT CHARTER REVISAL.
- HB 561 AMEND CHARLOTTE CHARTER.
- HB 652 CENTRAL PIEDMONT COMMUNITY COLLEGE LAND.
- HB 683 GASTON SHERIFF VACANCY.
- HB 691 HOLLY SPRINGS CHARTER REVISION.
- HB 708 EXTEND SUNSET/HAL MARSHALL CENTER.
- HB 748 CAMDEN COUNTY TELECOMMUNICATIONS.

- HB 1596 CAROLINA LAKES MOTOR VEHICLE REGULATION.
- HB 1713 TROY - POLICE ALL-TERRAIN VEHICLES.
- HB 1714 MONROE CLAIMS SETTLEMENT.

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- HB 210 YANCEY COUNTY LOCAL ACT.
- HB 302 DUPLIN UNPAID WATER FEES COLLECTION.
- HB 338 GREENSBORO VEHICLE TAX.
- HB 466 GREENSBORO CONSTRUCT ROADS OUTSIDE CITY.
- HB 467 GREENSBORO/AIRPORT ANNEXATION AGREEMENTS.
- HB 610 ROWLAND EXTRATERRITORIAL JURISDICTION EXTENSION.
- HB 764 GASTON SHERIFF VACANCIES.
- HB 771 HALIFAX/COMMERCIAL ZONING.
- HB 784 SALISBURY TREE ORDINANCES.
- HB 1021 COUNTY APPROVAL OF INVOLUNTARY ANNEXATION.
- HB 1064 DELEGATIONS OF AUTHORITY.
- HB 1200 WATER AND SEWER ASSESSMENT BASIS.
- HB 1410 SUNSET BEACH IN STATE HEALTH PLAN.
- HB 1534 EXPAND CHADBOURN EXTRATERRITORIAL JURISDICTION.
- HB 1546 CHAPEL HILL DEVELOPMENT RIGHTS.
- HB 1548 CHAPEL HILL SPECIAL USES.
- HB 1703 AVERY/HERITAGE PARK AUTHORITY.

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- HB 1550 MILITARY AFFAIRS COMMISSION MEMBERSHIP.

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- HB 1628 ESTABLISH DEPARTMENT OF LABOR ADVISORY COUNCIL/FUNDS.

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- HB 20 DEPARTMENT OF TRANSPORTATION RETIRED ENGINEERS.
- HB 841 RETENTION INCENTIVE PROGRAM.
- HB 1031 LAW ENFORCEMENT OFFICERS CREDITABLE SERVICE/WORKERS COMPENSATION.
- HB 1103 ALLOW TERMINATION OF OPTION ELECTION.
- HB 1169 RETIREMENT SYSTEM/BOARD OF TRUSTEES.

- HB 1371 DEPARTMENT OF TRANSPORTATION
RETIRED ENGINEERS.
- HB 1499 RETIRED TEACHERS CHANGES.
- HB 1647 ENHANCE RETIREMENT BENEFITS.
- HB 1691 FIRE AND RESCUE PENSION INCREASE.
- HB 1707 PURCHASE MILITARY SERVICE/LOCAL
RETIREMENT.
- HB 1711 LAW ENFORCEMENT OFFICERS CREDITABLE
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- HB 1736 INCREASE FUNDING/FIRE AND RESCUE PENSION.

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- HB 256 HERBICIDE APPLICATION BY PUBLIC UTILITY.
- HB 554 EXPAND PERMITTED USES OF 911 FUNDS.
- HB 600 CHANGE 911 FUND USES.
- HB 643 RAILROADS TO PAY SOME NONBETTERMENT
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- HB 767 WARREN COUNTY TELECOMMUNICATIONS
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- HB 770 NORTH BRUNSWICK UTILITIES.
- HB 872 NET METERING.
- HB 982 911 FEES USES.
- HB 1150 APPLIANCE/EQUIPMENT ENERGY EFFICIENCY
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- HJR 1272 REAPPOINT JO ANNE SANFORD/UTILITIES
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- HB 1473 PITT COUNTY 911 FUNDS.

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- HB 4 ECONOMIC STIMULUS ACT OF 2003.
- HB 5 2003 EDUCATION LOTTERY REFERENDUM.
- HB 6 PRESERVATION OF LOCAL REVENUES ACT OF 2003.
- HB 7 ZERO-BASED BUDGETING.
- HB 8 ZERO-BASED BUDGETING.
- HB 9 HARLAN BOYLES SPENDING CONTROL ACT.
- HB 10 INDEPENDENT GOVERNMENT REVIEW
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- HB 11 BAN SEXUALLY EXPLICIT CONDUCT - REPEAL
UNCONSTITUTIONAL STATUTES.
- HB 28 SESSION LIMITS.
- HB 30 SESSION LIMITS.
- HB 40 SESSION LIMITS/FOUR-YEAR TERMS.
- HB 49 ASHEVILLE AND BUNCOMBE COUNTY LOCAL ACT.

HB 50 ASHEVILLE AND BUNCOMBE COUNTY LOCAL ACT.
HB 54 MOTORCYCLE AWARENESS MONTH.
HB 66 CITY OF ROCKY MOUNT.
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HB 73 POLK COUNTY LOCAL ACT.
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HB 110 COLUMBUS COUNTY LOCAL ACT.
HB 111 COLUMBUS LOCAL ACT.
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HB 125 VANCE LOCAL ACT.
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HB 128 ALLEGHANY COUNTY LOCAL ACT.
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HB 177 IREDELL COUNTY LOCAL ACT.
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HB 185 GUILFORD COUNTY LOCAL ACT.
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HB 189 CARRBORO LOCAL ACT.
HB 190 ORANGE COUNTY LOCAL ACT.
HB 191 CHAPEL HILL LOCAL ACT.

HB 192 ORANGE COUNTY LOCAL ACT.
HB 193 CHAPEL HILL LOCAL ACT.
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HB 324 92ND HOUSE DISTRICT LOCAL ACT.
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HB 360 TOWN OF HUNTERSVILLE LOCAL ACT.
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TOLSON, JOE P.

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35	H 1670	73	H 1456	111	S 486
36	H 1543	74	S 51	112	H 1469
37	S 1127	75	S 1161	113	H 918
38	H 1363	76	H 1455	114	S 1092

Chapter Number	Bill Number	Chapter Number	Bill Number	Chapter Number	Bill Number
115	H 964	156	H 1449	197	H 1356
116	H 1459	157	S 657	198	H 1453
117	S 732	158	S 64	199	S 1225
118	S 444	159	H 1519	200	S 1118
119	H 1547	160	H 1429	201	H 1594
120	H 1348	161	S 1152	202	S 1244
121	H 1671	162	S 20	203	H 281
122	H 1520	163	S 1210		
123	H 142	164	H 1723		
124	H 1414	165	S 916		
125	H 737	166	H 1107		
126	H 1795	167	S 1083		
127	H 1119	168	S 1089		
128	S 577	169	S 805		
129	S 991	170	S 1145		
130	S 1058	171	S 676		
131	S 1144	172	H 965		
132	S 1063	173	S 277		
133	H 1518	174	H 356		
134	H 1602	175	H 1463		
135	S 74	176	H 1112		
136	H 1513	177	S 1128		
137	S 1312	178	S 1054		
138	H 1420	179	H 1264		
139	S 470	180	H 1464		
140	S 1202	181	H 1699		
141	S 1078	182	S 464		
142	H 173	183	H 817		
143	S 1083	184	S 3		
144	H 1148	185	S 754		
145	S 1043	186	H 1354		
146	S 1384	187	H 831		
147	H 1624	188	S 933		
148	H 1345	189	S 852		
149	H 669	190	S 230		
150	H 1427	191	S 1218		
151	S 137	192	H 859		
152	H 1213	193	H 1046		
153	H 1636	194	H 951		
154	S 52	195	S 823		
155	H 1665	196	S 1008		

**RATIFIED RESOLUTIONS BY NUMBER
2004 SECOND SESSION**

Res. Number	Bill Number	Res. Number	Bill Number	Res. Number	Bill Number
1	S 1032	6	S 1440	11	S 1441
2	H 1435	7	S 1438	12	H 1807
3	H 1342	8	S 1443	13	S 1445
4	S 1179	9	S 1408		
5	S 1439	10	S 1444		