

**JOURNAL**  
OF THE  
**House of Representatives**  
OF THE  
**2005**  
**GENERAL ASSEMBLY**  
OF THE  
**STATE OF NORTH CAROLINA**

**FIRST**  
**SESSION 2005**

**VOLUME I**

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**OFFICERS AND MEMBERS**  
**OF THE**  
**HOUSE OF REPRESENTATIVES**  
**FIRST SESSION 2005**

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

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**REPRESENTATIVES**

- 1st District (1): Camden, Currituck, Pasquotank, and Tyrrell.  
William C. Owens, Jr. (D) ..... Pasquotank ..... Elizabeth City
- 2nd District (1): Chowan, Dare, Hyde, and Washington.  
William T. Culpepper, III (D) .... Chowan ..... Edenton
- 3rd District (1): Craven (Part) and Pamlico.  
Alice Graham Underhill (D) .... Craven ..... New Bern
- 4th District (1): Duplin and Onslow (Part).  
Russell E. Tucker (D) ..... Duplin ..... Pink Hill
- 5th District (1): Bertie, Gates, Hertford, and Perquimans.  
Howard J. Hunter, Jr. (D) ..... Hertford ..... Ahoskie
- 6th District (1): Beaufort and Pitt (Part).  
Arthur J. Williams (D) ..... Beaufort ..... Washington
- 7th District (1): Halifax (Part) and Nash (Part).  
John D. Hall (D) ..... Halifax ..... Scotland Neck
- 8th District (1): Martin and Pitt (Part).  
Edith D. Warren (D) ..... Pitt ..... Farmville
- 9th District (1): Pitt (Part).  
Marian N. McLawhorn (D) ..... Pitt ..... Grifton

- 10th District (1): Greene, Lenoir (Part), and Wayne (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) and Lenoir (Part).  
William L. Wainwright (D) .....Craven.....Havelock
- 13th District (1): Carteret and Jones.  
Jean R. Preston (R) .....Carteret ..... Emerald Isle
- 14th District (1): Onslow (Part).  
George G. Cleveland (R) ..... Onslow.....Jacksonville
- 15th District (1): Onslow (Part).  
W. Robert Grady (R) ..... Onslow.....Jacksonville
- 16th District (1): New Hanover (Part) and Pender (Part).  
Carolyn H. Justice (R) .....Pender .....Hampstead
- 17th District (1): Brunswick (Part).  
Bonner L. Stiller (R) .....Brunswick..... Oak Island
- 18th District (1): New Hanover (Part) and Pender (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.  
Dewey L. Hill (D).....Columbus.....Whiteville
- 21st District (1): Sampson (Part) and Wayne (Part).  
Larry M. Bell (D).....Sampson..... Clinton
- 22nd District (1): Bladen and Cumberland (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).  
 N. Leo Daughtry (R).....Johnston .....Smithfield
- 27th District (1): Northampton, Vance (Part), and Warren.  
 Michael H. Wray (D).....Northampton ..... Gaston
- 28th District (1): Johnston (Part) and Sampson (Part).  
 James H. Langdon, Jr. (R) ..... Johnston ..... Angier
- 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): Granville 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).  
 D. Grier Martin, III (D)..... Wake..... Raleigh
- 35th District (1): Wake (Part).  
 Jennifer Weiss (D)..... Wake.....Cary
- 36th District (1): Wake (Part).  
 J. Nelson Dollar (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).  
Linda Coleman (D) ..... Wake..... Knightdale
- 40th District (1): Wake (Part).  
Rick L. Eddins (R)..... Wake..... Raleigh
- 41st District (1): Wake (Part).  
J. Russell Capps (R)..... Wake..... Raleigh
- 42nd District (1): Cumberland (Part).  
Marvin W. Lucas (D)..... Cumberland .....Spring Lake
- 43rd District (1): Cumberland (Part).  
Mary E. McAllister (D) ..... Cumberland .....Fayetteville
- 44th District (1): Cumberland (Part).  
Margaret Highsmith Dickson (D) Cumberland .....Fayetteville
- 45th District (1): Cumberland (Part).  
Rick Glazier (D) ..... Cumberland .....Fayetteville
- 46th District (1): Hoke (Part), Robeson (Part), and Scotland (Part).  
Douglas Y. Yongue (D)..... Scotland ..... Laurinburg
- 47th District (1): Robeson (Part).  
Ronnie N. Sutton (D)..... Robeson ..... Pembroke
- 48th District (1): Hoke (Part), Robeson (Part), and Scotland (Part).  
Garland E. Pierce (D) ..... Scotland ..... Wagram
- 49th District (1): Franklin, Halifax (Part), and Nash (Part).  
Lucy T. Allen (D) ..... Franklin..... Louisburg
- 50th District (1): Caswell and Orange (Part).  
Bill Faison (D) ..... Orange ..... Durham
- 51st District (1): Harnett (Part) and Lee.  
John I. Sauls (R) ..... Lee ..... Sanford

- 52nd District (1): Moore (Part).  
Richard T. Morgan (R) ..... Moore..... Eagle Springs
- 53rd District (1): Harnett (Part).  
David R. Lewis (R)..... Harnett .....Dunn
- 54th District (1): Chatham, Moore (Part), and Orange (Part).  
Joe Hackney (D) ..... Orange ..... Chapel Hill
- 55th District (1): Durham (Part) and Person.  
W. A. (Winkie) Wilkins (D) .... Person ..... Roxboro
- 56th District (1): Orange (Part).  
Verla C. Insko (D) ..... Orange ..... Chapel Hill
- 57th District (1): Guilford (Part).  
Mary Price Taylor Harrison (D) .. 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).  
Laura I. Wiley (R)..... Guilford ..... High Point
- 62nd District (1): Guilford (Part).  
John M. Blust (R) ..... Guilford ..... Greensboro
- 63rd District (1): Alamance (Part).  
Alice L. Bordsen (D) ..... Alamance .....Mebane
- 64th District (1): Alamance (Part).  
Cary D. Allred (R) ..... Alamance ..... Burlington
- 65th District (1): Rockingham (Part).  
E. Nelson Cole (D) ..... Rockingham..... Reidsville
- 66th District (1): Montgomery (Part) and Richmond.  
Melanie Wade Goodwin (D).... Richmond.....Hamlet

- 67th District (1): Montgomery (Part), Stanly, and Union (Part).  
David D. Almond, Jr. (R) ..... Stanly ..... Stanfield
- 68th District (1): Union (Part).  
J. Curtis Blackwood, Jr. (R)..... Union .....Matthews
- 69th District (1): Anson and Union (Part).  
Pryor A. Gibson, III (D)..... Anson..... Wadesboro
- 70th District (1): Randolph (Part).  
Arlie F. Culp (R).....Randolph..... Ramseur
- 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): Davidson (Part) and Forsyth (Part).  
Larry R. Brown (R)..... Forsyth ..... Kernersville
- 74th District (1): Forsyth (Part).  
Dale R. Folwell (R).....Forsyth ..... Winston-Salem
- 75th District (1): Forsyth (Part).  
William C. McGee (R)..... Forsyth ..... Clemmons
- 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): 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): Cabarrus (Part).  
Jeffrey L. Barnhart (R)..... Cabarrus.....Concord
- 83rd District (1): Cabarrus (Part).  
Linda P. Johnson (R) ..... Cabarrus..... Kannapolis
- 84th District (1): Avery, Caldwell (Part), Mitchell, and Yancey (Part).  
Phillip D. Frye (R) ..... Mitchell..... Spruce Pine
- 85th District (1): Burke (Part) and McDowell.  
Mitch Gillespie (R) ..... McDowell .....Marion
- 86th District (1): Burke (Part).  
Walter G. Church, Sr. (D).....Burke ..... Valdese
- 87th District (1): Caldwell (Part).  
Edgar V. Starnes (R)..... Caldwell.....Granite Falls
- 88th District (1): Alexander and Catawba (Part).  
Mark W. Hollo (R) ..... Alexander..... Taylorsville
- 89th District (1): Catawba (Part) and Iredell (Part).  
Mitchell S. Setzer (R) ..... Catawba ..... Catawba
- 90th District (1): Alleghany and Surry (Part).  
James A. Harrell, III (D)..... Surry .....Elkin
- 91st District (1): Rockingham (Part) and Stokes.  
Bryan R. Holloway (R).....Stokes..... King
- 92nd District (1): Iredell (Part), Surry (Part), and Yadkin.  
George M. Holmes (R) ..... Yadkin .....Hamptonville
- 93rd District (1): Ashe and Watauga.  
W. Eugene Wilson (R)..... Watauga..... Boone
- 94th District (1): Wilkes.  
R. Tracy Walker (R) ..... Wilkes..... Wilkesboro
- 95th District (1): Iredell (Part).  
Karen B. Ray (R) ..... Iredell..... Mooresville
- 96th District (1): Catawba (Part).  
Mark K. Hilton (R) ..... Catawba .....Conover

- 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).  
W. Edwin McMahan (R)..... Mecklenburg..... Charlotte
- 105th District (1): Mecklenburg (Part).  
Douglas S. Vinson (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).  
William A. Current, Sr. (R) .... Gaston..... Gastonia
- 110th District (1): Cleveland (Part) and Gaston (Part).  
Debbie A. Clary (R)..... Cleveland..... Cherryville
- 111th District (1): Cleveland (Part).  
Tim Moore (R)..... Cleveland..... Shelby

- 112th District (1): Cleveland (Part) and Rutherford.  
Bobby F. England (D).....Rutherford.....Ellenboro
- 113th District (1): Henderson (Part), Polk, and Transylvania.  
Trudi Walend (R).....Transylvania .....Brevard
- 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).  
Carolyn K. Justus (R).....Henderson ..... Hendersonville
- 118th District (1): Haywood (Part), Madison, and Yancey (Part).  
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

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## SESSION 2005

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### FIRST DAY

HOUSE OF REPRESENTATIVES  
Wednesday, January 26, 2005

This day, in accordance with the Constitution of the State of North Carolina and G.S. 120-11.1, which fixes the date for the meeting of the General Assembly of North Carolina, the Members of the House of Representatives assemble in the House Chamber of the State Legislative Building in the City of Raleigh at 12:00 Noon and are called to order by the Honorable Denise G. Weeks, Principal Clerk of the 2003 House of Representatives.

The following prayer is offered by the Reverend Larry Whitley, Mt. Moriah Baptist Church, Matthews, North Carolina:

"Let us pray.

"Our Heavenly Father we come here today to say thank You for granting us another opportunity to see a brand new year. We thank You for this new Body of Members that make up the 146th North Carolina General Assembly of 2005. We ask now for Your guidance, direction, knowledge, and wisdom to continue to carry out the business of laws of this great State called North Carolina. Bless now this Governor, Lieutenant Governor, Senators, Legislators, and all persons that make up this great House.

"For we ask these things in Your name. Amen."

Nicole and Brennan Carpenter, grandchildren of Representative James B. Black, lead the Body in the Pledge of Allegiance.

The following children, who are relatives of the Members, serve as Honorary Pages for today: Bernard Allen III; Abigail (Abby) McKinnon Jones; Caroline Parker; Kathryn Trent; Taylor Trent; Jimmy Coleman, Jr.; Jason Howard; Will Current; Susanne Current; Ange Young; Wyatt Dickson;

Breck Faison; Chasie Faison; Ean Faison; Stone Faison; Courtney Faison; Alexandra Fisher; Jonathan Fisher; Anna Scott Folwell; Stephen R. Folwell; Ethan Hollifield; Rebekah Hollifield; Philip Glazier; Brittany Hill; Jake Hill; Nick Hill; Cort Radford; Rachel Radford; Erik Biggs; Everett Biggs; Anne Farland; Clay Farland; Dale Tonkins; Asia LaRae Walker; Scott Hollo; Robert Hollo; Amy J. Langdon; Benjamin LaRoque; Eric LaRoque; Alan McLawhorn; Sam McLawhorn; Taishu McLawhorn; Cameron Hardy Castleberry; Aaron Rapp; Bonner Stiller, Jr.; Christian Stiller; Danielle Stiller; Kristy Stiller; Haley Aldridge; Wesley Aldridge; Bradley Houston; Kirsten Bachelder; Alexandra Vinson; Christian Vinson; Adam Wiley; Andrew Wiley; Mac Wilkins; Matthew Wray; Phillip Wray; Nicholas Spangler; Cole Clary; Josie Clary; and Reid Underhill.

**CERTIFICATION OF ELECTION  
STATE OF NORTH CAROLINA  
DEPARTMENT OF THE SECRETARY OF STATE**

**THE 2005 NORTH CAROLINA HOUSE OF REPRESENTATIVES**

**I, Elaine F. Marshall**, Secretary of State of the State of North Carolina, do hereby certify that the State Board of Elections met Tuesday, the 23rd day of November, A.D., 2004, in accordance with Chapter 163 of the General Statutes of North Carolina, at which time the Board did open, canvass and judicially determine the returns of votes cast in the election held on Tuesday, November 2nd, 2004, and certified to me the persons duly elected as members of the House of Representatives from the various Representative Districts comprising of more than one county, and all others have been certified to me in the abstracts by the State Board of Elections as having the highest number of votes cast in the election for the House of Representatives from districts composed of one county only, for the General Assembly of 2005, to wit:

DISTRICT	NAME
First	W. C. "Bill" Owens, Jr.
Second	Bill Culpepper
Third	Alice Graham Underhill
Fourth	Russell E. Tucker
Fifth	Howard J. Hunter, Jr.

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Sixth	Arthur Williams
Seventh	*John D. Hall
Eighth	Edith D. Warren
Ninth	Marian N. McLawhorn
Tenth	Stephen A. LaRoque
Eleventh	Louis M. Pate, Jr.
Twelfth	William L. Wainwright
Thirteenth	Jean R. Preston
Fourteenth	George G. Cleveland
Fifteenth	W. Robert Grady
Sixteenth	Carolyn H. Justice
Seventeenth	Bonner L. Stiller
Eighteenth	Thomas E. Wright
Nineteenth	Danny McComas
Twentieth	Dewey L. Hill
Twenty-first	Larry M. Bell
Twenty-second	Edd Nye
Twenty-third	Joe P. Tolson
Twenty-fourth	Jean Farmer-Butterfield
Twenty-fifth	Bill Daughtridge
Twenty-sixth	N. Leo Daughtry
Twenty-seventh	Michael H. Wray

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Twenty-eighth	James H. Langdon, Jr.
Twenty-ninth	Paul Miller
Thirtieth	Paul Luebke
Thirty-first	H. M. (Mickey) Michaux, Jr.
Thirty-second	Jim Crawford
Thirty-third	Bernard Allen
Thirty-fourth	Grier Martin
Thirty-fifth	Jennifer Weiss
Thirty-sixth	Nelson Dollar
Thirty-seventh	Paul Stam
Thirty-eighth	Deborah Ross
Thirty-ninth	Linda Coleman
Fortieth	Rick Eddins
Forty-first	J. Russell Capps
Forty-second	Marvin W. Lucas
Forty-third	Mary E. McAllister
Forty-fourth	Margaret Highsmith Dickson
Forty-fifth	Rick Glazier
Forty-sixth	Douglas Y. Yongue
Forty-seventh	Ronnie Sutton
Forty-eighth	Garland E. Pierce
Forty-ninth	Lucy T. Allen

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Fiftieth	Bill Faison
Fifty-first	John Sauls
Fifty-second	Richard T. Morgan
Fifty-third	David Lewis
Fifty-fourth	Joe Hackney
Fifty-fifth	W. A. Wilkins
Fifty-sixth	Verla Insko
Fifty-seventh	Mary Price Taylor Harrison
Fifty-eighth	Alma Adams
Fifty-ninth	Maggie Jeffus
Sixtieth	Earl Jones
Sixty-first	Laura I. Wiley
Sixty-second	John M. Blust
Sixty-third	Alice L. Bordsen
Sixty-fourth	Cary D. Allred
Sixty-fifth	Nelson Cole
Sixty-sixth	Melanie Wade Goodwin
Sixty-seventh	David Almond
Sixty-eighth	Curtis Blackwood
Sixty-ninth	Pryor Gibson
Seventieth	Arlie F. Culp
Seventy-first	Larry Womble

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Seventy-second	Earline W. Parmon
Seventy-third	Larry R. Brown
Seventy-fourth	Dale R. Folwell
Seventy-fifth	Wm. C. "Bill" McGee
Seventy-sixth	Fred F. Steen, II
Seventy-seventh	Lorene T. Coates
Seventy-eighth	Harold J. Brubaker
Seventy-ninth	Julia Craven Howard
Eightieth	Jerry C. Dockham
Eighty-first	L. Hugh Holliman
Eighty-second	Jeff Barnhart
Eighty-third	Linda P. Johnson
Eighty-fourth	Phillip Frye
Eighty-fifth	Mitch Gillespie
Eighty-sixth	Walt Church
Eighty-seventh	Edgar V. Starnes
Eighty-eighth	Mark W. Hollo
Eighty-ninth	Mitchell S. Setzer
Ninetieth	Jim Harrell, III
Ninety-first	Bryan R. Holloway
Ninety-second	George M. Holmes
Ninety-third	W. Eugene Wilson

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Ninety-fourth	R. Tracy Walker
Ninety-fifth	Karen Ray
Ninety-sixth	Mark K. Hilton
Ninety-seventh	Joe L. Kiser
Ninety-eighth	John W. Rhodes
Ninety-ninth	Drew Saunders
One hundredth	James B. (Jim) Black
One hundred-first	Beverly M. Earle
One hundred-second	Becky Carney
One hundred-third	Jim Gulley
One hundred-fourth	W. Edwin McMahan
One hundred-fifth	Doug Vinson
One hundred-sixth	Martha Alexander
One hundred-seventh	W. Pete Cunningham
One hundred-eighth	John Melvin Rayfield
One hundred-ninth	William A. Current, Sr.
One hundred-tenth	Debbie A. Clary
One hundred-eleventh	Tim Moore
One hundred-twelfth	Bob England
One hundred-thirteenth	Trudi Walend
One hundred-fourteenth	Susan C. Fisher
One hundred-fifteenth	D. Bruce Goforth

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One hundred-sixteenth            Wilma M. Sherrill  
One hundred-seventeenth        Carolyn K. Justus  
One hundred-eighteenth        Ray Rapp  
One hundred-nineteenth        Phil Haire  
One hundred-twentieth        Roger West

\*Certification Withheld

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

**DONE IN OFFICE** at Raleigh, this 18th day of January, 2005.

S/ Elaine F. Marshall  
*Secretary of State*

The roll is called and one hundred twenty Members-elect are present. The Chair declares a quorum to be present.

The District 7 Representative is seated, without objection, pending presentation of certification.

The Members-elect take and subscribe to the following oath of office, which is administered by Justice Sarah Parker, Supreme Court of North Carolina.

**OATH FOR MEMBERS OF THE  
HOUSE OF REPRESENTATIVES  
2005 SESSION**

"I, 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."

January 26, 2005

The foregoing oath was administered to Representative Garland E. Pierce by District Court Judge Richard Brown, on January 24, 2005.

The Principal Clerk announces that the first order of business is the election of a Speaker.

### **ELECTION OF OFFICERS**

The Chair recognizes Representative Culpepper who moves that the House proceed to elect its Speaker and other elected officers by resolution.

Representative Culpepper calls the previous question on the motion and the call is sustained by electronic vote (105-15).

The motion to elect the Speaker and other officers by resolution carries by electronic vote (101-19).

Representative Culpepper is recognized and states that he has placed a resolution with the Chair for consideration by the Body.

**H.R. 1, A HOUSE RESOLUTION ELECTING REPRESENTATIVE JAMES B. BLACK OF MECKLENBURG COUNTY AS SPEAKER OF THE HOUSE OF REPRESENTATIVES, TO CREATE THE OFFICE OF SPEAKER PRO TEMPORE AND TO ELECT REPRESENTATIVE RICHARD T. MORGAN OF MOORE COUNTY AS SPEAKER PRO TEMPORE, TO AUTHORIZE THE SPEAKER PRO TEMPORE TO APPOINT CHAIRS AND COCHAIRS OF COMMITTEES AND STANDING SUBCOMMITTEES AS DESIGNATED BY THE SPEAKER, AND TO PROVIDE FOR THE ELECTION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES IN THE CASE OF A VACANCY, is before the Body.**

Representative Culpepper calls the previous question and the call is sustained by electronic vote (98-21).

The roll of the House is called, pursuant to Article VI, Section 5 of the North Carolina Constitution and the Members vote as follows:

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Black, Blackwood, Bordsen, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Dickson, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Hackney, Haire, Hall, Harrell, Harrison, Hill,

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Hilton, Holliman, Hollo, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 100.

Voting in the negative: Representatives Blust, Brown, Capps, Cleveland, Culp, Daughtry, Dockham, Dollar, Folwell, Gulley, Holloway, Holmes, Langdon, Lewis, McMahan, Rhodes, Stam, Starnes, Walend, and Wiley - 20.

Excused absences: None.

The resolution is adopted and ordered printed.

Representative Black, having received a majority vote, is declared Speaker of the 2005 House of Representatives. Representative Morgan, having received a majority vote, is declared Speaker Pro Tempore of the House of Representatives.

The Speaker, escorted to the Chair by Representatives Alexander, Carney, Coleman, Culpepper, Cunningham, Earle, Hackney, and Saunders, takes and subscribes to the following oath of office administered by Judge Robert Hunter, North Carolina Court of Appeals.

**OATH FOR SPEAKER OF THE  
HOUSE OF REPRESENTATIVES  
2005 SESSION**

"I, JAMES B. BLACK, 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.

"I, JAMES B. BLACK, do swear that I will well and truly execute the duties of the office of Speaker according to the best of my skill and ability, according to law; so help me, God."

Speaker Black approaches the dais and makes the following remarks.

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"Ladies and Gentlemen of the House - and Honored Guests:

"Thank you, Judge Hunter, for administering the Oath of Office.

"Let me just begin by saying a very special thank you - to my family - my wife, Betty; my son, John; his friend, Linda; daughter, Debbie; her husband, Matt; and their two very special children - my grandchildren - Nicole and Brennan.

"I am away from home many days and nights - here in Raleigh - and traveling across our wonderful State. It is my family's unwavering love and support - and the support of my many special friends here in this Chamber today - that allows me to stand here before you - as Speaker of the North Carolina House - for a fourth term. There are other people that have had a significant impact on my life - many are here today in this Chamber - and some are deceased - including my mother and father - I hope that each of them can see a little something in me that make them proud.

"I must also give thanks to God for giving me continued good health, allowing me this opportunity to serve - and for this fine day as we gather here in this Chamber.

"I welcome all of you here today - our returning Members - their friends and families - and a special warm welcome to our newest Members - and their families. All of us that hold elective office know the sacrifices our families endure and I want you and your families to know that our State is grateful to each and every one of you.

"We are here serving because we feel strongly and passionately - that we can make a positive difference in the lives of the families in North Carolina. You each bring a fresh spirit - great ideas - and a renewed hope to continue moving our State forward.

"And today, I challenge each of you - not to be followers - but to be leaders. We must all have the political courage to do the right thing for our citizens. Ask the tough questions - and if you need help - don't be afraid to ask for assistance. I look forward to working with each of you as we do the people's business.

"Over the last few years our citizens have been tested in many ways, a war against terrorism, a national economic downturn, natural disasters and loss of jobs for many of our people. We have made it through the toughest days - but we continue on a road of recovery.

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"We face a \$1.2 billion dollar budget shortfall - it will take bold action to balance this budget. It should not be on the backs of our children nor our vulnerable citizens. I look forward to working with the Senate in reviewing the Governor's recommendations.

"Our citizens want good paying jobs to support their families. They want safer neighborhoods free from drugs and gangs...they want good roads and affordable, accessible quality healthcare...and a quality education for their children in a safe and clean environment.

"Our citizens want and deserve an honest and responsive government. They want a government that understands that the citizens are not just taxpayers - but are customers of the State. And they want a government that is accountable, ethical and good stewards of their tax dollars.

"We have much to accomplish in the short time that we will be here. We are in an ever-changing economic and technological climate. Policy reforms are being considered in Washington, D.C. in various areas - such as Medicaid. Some of those will pass down to the states as mandates. And we must also look at reforming the way our State does business - such as - health care, taxes, transportation, and procurement.

"To accomplish this - and the many other tasks in the days ahead - we must all work together - devoting all of our energies and wisdom - and being respectful of each other. While we are each labeled with a party affiliation - there are many, many times when that label must be put aside to do what is right for the families of North Carolina. We come together in this Chamber - to work with a common goal - to have a healthy, well-educated and prosperous North Carolina.

"We must take bold steps to keep North Carolina moving forward - and it all begins at home. At home - where morals and values are taught, where a safe and stable environment promotes healthy children ready to learn and succeed - to achieve their dreams - free from the influence of alcohol, drugs and domestic violence. But families must have the tools to learn, live and prosper.

"While government should not interfere - our State agencies must act as a partner to make available to all of our citizens - especially the most vulnerable - our children, the working poor, the disabled and the elderly - the most efficient and effective services so that they can promote a safe and stable environment at home, at work and at school - to achieve their dreams.

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But we must also encourage those that are dependent on the State for assistance to work towards self-sufficiency.

"We must enable the children to challenge the minds of our educators, researchers, scientists, and business leaders - but more importantly - we must challenge the minds of our youngest citizens - our children. To do that - they must have the tools - the best facilities - and quality educators - to learn - in a safe and productive environment. Our children are the future of North Carolina - we must enable them today - to be successful tomorrow.

"We have made great strides in education - Smart Start, More at Four, our Public Schools, our Community Colleges and Universities. And I am forever thankful to our business community for their partnership and support of our educational programs throughout North Carolina. But - we have much more to accomplish.

"We must find new revenue sources or adjust spending priorities to fund education initiatives - such as: getting our children out of cramped trailers and into new schools; providing teachers with the tools they need to teach; to recruit and retain quality teachers; to provide technology not only for our administrators and teachers - but more importantly to our children to improve their ability and motivation to learn - and to move our low wealth school districts into the mainstream.

"North Carolina is a wonderful State - beauty abounds in every small town, city and county - from Manteo to Murphy. I am constantly impressed by our citizens' volunteerism and outpouring of support to help their families, neighbors and communities - be it at home, or the eastern counties during the hurricanes - or the mountains during the recent floods - or New York City during 9/11 - or the recent tragedy in the Asia Pacific from the Tsunami.

"We must continue to fund the State Rainy Day Fund to assist in such natural disasters as another hurricane or flood - but we must also continue to improve the funding and leveraging of Federal funds for our Homeland Security efforts.

"Over the past few years - we as a Nation and a State have faced many challenges. Many young Americans were deployed to Afghanistan and Iraq - and paid the ultimate price for protecting our freedoms. Many other young Americans were disfigured in these same conflicts. We must always, always remember and give special thanks to those that serve in the Armed Forces - protecting us here in the United States and on foreign lands.

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"Our law enforcement officers, firefighters, and emergency response teams across North Carolina also deserve a special thank you - for their tireless efforts to keep us all safe, while putting their lives at risk each and every day. Unfortunately - too many times - we are reminded by picking up a newspaper or watching the news of the tragedy when a law enforcement officer is killed in the line of duty.

"We must provide our law enforcement agencies and the District Attorneys the tools that they need to combat drugs and gangs in our communities. Meth labs are plentiful in our State - and these drugs - and many other illegal drugs - are impairing the minds of our children and young adults - and destroying families. We should not only focus on punishment. We should also focus on prevention through education and enhancing our Alternative Schools Learning Programs, Alternative Schools. We will give special emphasis this Session on legislation dealing with causes of gang activities and solutions.

"Over the past few years we have read many headlines about death penalty convictions being overturned. I believe we need to review and reform our death penalty laws and protocols.

"We are fortunate for the many businesses in North Carolina - small and large businesses, women-owned and minority-owned businesses. We must continue the push for strong economic development - including investments in our infrastructure, creating higher paying jobs, and the revision of our taxes. We must continue to attract investments into our communities by existing businesses and attracting new businesses to our State.

"We have a health care crisis that our State employees, every family and every business across North Carolina face each and every day - we must address the affordability, accessibility and quality of health care. Confronting this crisis also means tackling the administrative costs of health care.

"Health care reform must be patient-centered - putting the decisions about their care in the hands of their doctors - not the bureaucrats and the politicians. And - we must increase choices, options of care - and lower the cost of prescription drugs.

"Our citizens can't wait on another study commission, nor can they have another year of soaring premiums and having to make decisions about either paying for health care or feeding their families.

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"The resources we are committing today and tomorrow to cover these runaway costs could be used for education, roads, and creating high paying jobs.

"I am aware that in at least several states - the governors have proposed in their budget recommendations dramatic cuts in Medicaid which directly impacts the services available to the poor. We have a moral obligation to protect our most vulnerable citizens - and we must do everything in our power not to cut those critical services.

"I am grateful to my staff, the legislative staff - and all of the State employees here in Raleigh and across the State - for their many talents and dedication to helping improve the lives of North Carolina families. We are not always able to say thank you properly to the State employees - but we do appreciate - very much - all that they do. The North Carolina House - will once again - strive to properly acknowledge and reward our State employees for their good work.

"And in closing, I want to thank you once again for this great honor to serve as your Speaker over the past two years and for the next two years. By working together we can ensure a productive Session that will benefit all of the people of North Carolina.

"Thank you very much and God bless each and every one of you..."

The Speaker assumes the duties of the Chair.

The Speaker appoints Representatives Sherrill, McComas, Brubaker, Howard, Stiller, Church, Warren, Womble, Gibson, and Farmer-Butterfield to escort Speaker Pro Tempore Morgan to the dais.

Pursuant to G.S. 120-5, Speaker Black administers the following oath of office to Speaker Pro Tempore Richard T. Morgan.

**OATH FOR SPEAKER PRO TEMPORE OF THE  
HOUSE OF REPRESENTATIVES  
2005 SESSION**

"I, RICHARD T. MORGAN, 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.

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"I, RICHARD T. MORGAN, do swear that I will well and truly execute the duties of the office of Speaker Pro Tempore according to the best of my skill and ability, according to law; so help me, God."

The Speaker Pro Tempore approaches the dais and makes the following remarks:

"Speaker Black; Mrs. Black; my wife, Cindy; staff; fellow Members and guests of the North Carolina House of Representatives, it is an honor and a privilege to stand before you today.

"Two years ago, on February 6, 2003, the North Carolina House of Representatives formed a new historic partnership. That bipartisan, co-speaker coalition form of government was the first of its kind in North Carolina history.

"Today, as a new Session starts, we write yet another chapter in the history of modern coalition government. This one looks different, of course. But at its core, the principles that guided the 2003 Chamber remain in place.

"It is historically appropriate, I believe, that the Chamber of Government, the North Carolina House, that Body closest to the people of North Carolina, reflects the political landscape of our State.

"When House Members created the co-speakership in 2003, those votes were not about Jim Black or Richard Morgan or any individual elected official. Those votes were intended to diminish our differences and unite this Body. It was a vote to start the process of restoring fiscal soundness and economic stability to North Carolina.

"The legacy of the 2003 Session is that the elected leaders - and the teams that we were able to assemble - had just a little something to do with steering North Carolina out of some very troubled and difficult economic times. That process is not over. We again face challenging choices in governing our State.

"Just as the 2003 General Assembly made history, we have done it again today. To best describe this ongoing, ever-changing process, please allow me to quote a former President of the United States, Ronald Reagan, during his second inaugural speech...

"History is a ribbon, always unfurling.  
History is a journey.'

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"The 2003 Session marked a first in North Carolina history - a co-speakership from different political parties. This 2005 Session brings a new twist in the ribbon of coalition government. This new creativity brings us a Speaker of one party and a Speaker Pro Tempore of another.

"This kind of government will be an inevitable part of the political landscape for at least the rest of this decade...so the ribbon will continue to unfurl.

"The details may change, but the core remains the same. Effective leadership works best when it is bipartisan, and success in governing requires us to put aside partisan bickering. Leadership is about getting results in the environment that exists...often in the face of adversity.

"Hanging on the wall at our farm in Moore County is another quote attributed to President Reagan that some of you heard me use on this House floor just last year. The quote referred to the optimism and spirit of the United States...

"It goes like this...

"It is the American sound, it is hopeful, big-hearted, idealistic, daring, decent, and fair. That's our heritage. That is our song. We sing it still.'

"This American sound can also be a chorus for the 'Old North State'. But the 'big-hearted, idealistic' sound of North Carolina will depend on your vision and a commitment to put effective government policy above partisan politics.

"As we continue unfurling the ribbon in yet another historic chapter in the leadership of the North Carolina House of Representatives...

"I pledge as Speaker Pro Tempore to do my best to help make good public policy that serves our State's best interests.

"Thank you so very much for this opportunity!"

#### **ELECTION OF PRINCIPAL CLERK**

Representative Culpepper is recognized and states that he has placed a resolution with the Clerk for consideration by the Body.

The Speaker directs the Principal Clerk to number the resolution and places **H.R. 2, A HOUSE RESOLUTION TO ESTABLISH THE OFFICE**

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OF PRINCIPAL CLERK OF THE HOUSE OF REPRESENTATIVES AND TO ELECT MS. DENISE GALE WEEKS AS PRINCIPAL CLERK, before the Body.

The resolution is adopted, by unanimous consent, and Ms. Weeks is elected by acclamation.

Denise G. Weeks takes and subscribes to the following oath of office administered by Speaker Black as authorized under G.S. 120-5.

**OATH FOR PRINCIPAL CLERK OF THE  
HOUSE OF REPRESENTATIVES  
2005 SESSION**

"I, DENISE G. WEEKS, 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.

"I, DENISE G. WEEKS, do swear that I will well and truly execute the duties of the office of Principal Clerk according to the best of my skill and ability, according to law; so help me, God."

**ADOPTION OF TEMPORARY RULES**

Representative Culpepper is recognized and moves that the permanent rules of the 2003 House of Representatives be adopted as temporary rules for the 2005 House of Representatives with the following amendment: "The term 2003 be amended to read 2005 in Rules 1 and 31.1."

Representative Culpepper calls the previous question on the motion and the call is sustained by electronic vote (112-8).

The motion to adopt the temporary rules carries by electronic vote (114-5).

**APPOINTMENT OF OFFICERS**

Pursuant to Rule 45(c), the Speaker appoints Robert R. Samuels as Sergeant-at-Arms for the 2005 House of Representatives.

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The Speaker administers the following oath of office to the Sergeant-at-Arms pursuant to G.S. 120-5.

**OATH FOR SERGEANT-AT-ARMS OF THE  
HOUSE OF REPRESENTATIVES  
2005 SESSION**

"I, ROBERT R. SAMUELS, 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.

"I, ROBERT R. SAMUELS, do swear that I will well and truly execute the duties of the office of Sergeant-at-Arms according to the best of my skill and ability, according to law; so help me, God."

The Speaker appoints the Reverend James Harry, Trinity United Methodist Church, Raleigh, North Carolina, to serve as Chaplain for the 2005 House of Representatives, pursuant to Rule 47(a).

**COURTESIES**

On motion of Representative Culpepper and without objection, Rule 52 is suspended and the courtesies of the floor are extended to the following members and friends of Speaker Black's family: Betty Black, wife; Dr. Deborah Black Carpenter, daughter; Dr. Matt Carpenter, son-in-law; Nicole and Brennan Carpenter, grandchildren; John Black, son; Linda Gaede, friend; and Sue Gardner, friend.

The Speaker extends courtesies of the floor to the wife of the Speaker Pro Tempore, Cindy Morgan.

The Speaker also extends courtesies of the floor to the families and guests of the officers and Members of the House and all former Members.

**MAJORITY AND MINORITY CAUCUS LEADERS ANNOUNCED**

Representative Hackney is recognized and he reports that the Democratic Caucus has been held and that he has been elected Majority Leader.

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Representative Kiser is recognized and he reports that the Republican Caucus has been held and that he has been elected Minority Leader; Representative Gillespie, Minority Whip; and Representative Holloway, Republican Freshman Chair.

### **SPECIAL MESSAGE TO THE SENATE**

The Speaker orders a Special Message be sent to the Senate informing that Honorable Body that the House of Representatives is organized and ready to proceed with public business for the Regular Session of the 2005 General Assembly.

On motion of Representative Culpepper, seconded by Representative Miller, the House adjourns at 1:31 p.m. to reconvene January 27 at 10:00 a.m.

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## **SECOND DAY**

HOUSE OF REPRESENTATIVES  
Thursday, January 27, 2005

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

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

"Almighty God:

"We thank You for the gift of this day and the opportunities that lie ahead to work for good in this great State. Each one present is here because others have found them worthy of this high calling. As they have been sworn into office, help each of them to realize the profound obligations and responsibilities that now surround their daily lives. Remind them that to lead effectively, they must seek to serve and not to be served. Remind this Honorable Body that they stand in the shadow of many others who have come before them; and that no one in this room, or anywhere on the face of the earth, is above reproach or exempt from the need of the constant reminder to seek humility in all things. As we begin the 2005 Legislative Session, may we seek Your favor as our sovereign Lord? And, we humbly beseech Thee, may God grant us wisdom for the work that lies ahead. And, may God have mercy on our souls. Amen."

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Representative Culpepper reports the Journal of January 26 has been examined and found correct. Upon his motion, the Journal is approved as written.

There are no excused absences for today.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Owens, Glazier, Hunter, and LaRoque:

**H.B. 3**, 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 AND TO USE ADDITIONAL FUNDS TO IMPLEMENT AND ENHANCE EDUCATIONAL PROGRAMS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Miller:

**H.B. 4**, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE SECOND PRIMARY, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representative Miller:

**H.B. 5**, A BILL TO BE ENTITLED AN ACT TO DELAY THE SETTING OF EXECUTIONS FOR A DEFINITE PERIOD AND TO STUDY ISSUES RELATING TO THE DEATH SENTENCE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hackney, Martin, and Ross:

**H.B. 6**, 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

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APPROPRIATE FUNDS TO IMPLEMENT THE ACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Saunders and Ross:

**H.B. 7**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO MAY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Howard:

**H.B. 8**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE COOLEEMEE TEXTILE HERITAGE HISTORIC SITE AND THE SOUTHWIDE TEXTILE HERITAGE INITIATIVE, is referred to the Committee on Appropriations.

### SPECIAL MESSAGE FROM THE SENATE

#### 2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber  
January 26, 2005

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives informing that Honorable Body that the Senate is organized and is now ready to proceed with the public business of the State. For your further information, the following officers have been elected for the 2005 Session:

Senator Marc Basnight	President <i>Pro Tempore</i>
Senator Charlie S. Dannelly	Deputy President <i>Pro Tempore</i>
Ms. Janet Pruitt	Principal Clerk
Mr. Ted Harrison	Reading Clerk
Mr. Cecil Goins	Sergeant-at-Arms

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

Senator R. C. Soles, Jr.	Permanent Majority Caucus Chairman
Senator Tony Rand	Majority Leader

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Senator Jeanne H. Lucas	Majority Whip
Senator Charles W. Albertson	Majority Caucus Secretary
Senator Phil Berger	Republican Leader
Senator Tom Apodaca	Deputy Republican Leader
Senator Jim Forrester	Joint Republican Caucus Leader

Respectfully,  
S/ Janet B. Pruitt  
*Principal Clerk*

On motion of Representative Culpepper, seconded by Representative Miller, the House adjourns at 10:25 a.m. to reconvene Monday, January 31, 2005, at 7:00 p.m.

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## THIRD DAY

HOUSE OF REPRESENTATIVES  
Monday, January 31, 2005

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

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

"Almighty God:

"As we greet You this evening, we humbly ask You to give to us the gift of remembrance. Remind us of the gift of elected office. Remind us of the gifts of democracy and of liberty. Remind us that we are not here exclusively due to our own efforts. We ask for this gift of remembrance because it is in remembering who and whose we are that we are prodded, prompted, and directed, both in our words and in our actions, that our work is not merely our own. Moreover, in giving us this gift, we remember that the many tasks that lie ahead of us belong, not solely to this Body, but also to the names and faces of the many hands we shook, the shoulders we patted, the hugs we gave, and the hope we offer. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

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Representative Culpepper reports the Journal of January 27 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Barnhart, LaRoque, Morgan, and Starnes for today.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Holliman:

**H.B. 9**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, is referred to the Committee on Finance.

By Representatives LaRoque, Brown, Daughtridge, Eddins, Johnson, McGee, Moore, Pate, Preston, Sauls, Setzer, Sherrill, Stiller, and Wiley:

**H.B. 10**, 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 Transportation and, if favorable, to the Committee on Appropriations.

By Representatives LaRoque and Brown:

**H.B. 11**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS, is referred to the Committee on Education.

By Representatives LaRoque, Lewis, Pate, and Walend:

**H.B. 12**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT ON HIGHWAYS OF FOUR OR MORE LANES A VEHICLE TRAVELING AT LESS THAN THE NORMAL SPEED OF OTHER VEHICLES SHALL NOT BE DRIVEN IN THE LEFTMOST LANE, is referred to the Committee on Judiciary II.

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By Representatives LaRoque and Sauls:

**H.B. 13**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives LaRoque and Sauls:

**H.B. 14**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A CONSTITUTIONAL AMENDMENT PROVIDING FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY BY PROVIDING NECESSARY STATUTORY CHANGES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Miller and England:

**H.B. 15**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON CIGARETTES TO PROVIDE FUNDING FOR VITAL STATE SERVICES SUCH AS PUBLIC HEALTH, is referred to the Committee on Finance.

By Representatives Miller and Jones:

**H.B. 16**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE CONSUMER EDUCATION IN GRADES NINE THROUGH TWELVE, is referred to the Committee on Education.

By Representatives Glazier, Dickson, Lucas, and McAllister (Primary Sponsors); and Nye:

**H.B. 17**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR MONITORING AND EMERGENCY CLEANUP OF THE TEXFI SITE CONTAMINATION, is referred to the Appropriations Subcommittee on Natural and Economic Resources.

By Representatives Glazier, Dickson, Lucas, and McAllister (Primary Sponsors); and Nye:

**H.B. 18**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF THREE NEW MAGISTRATE POSITIONS FOR CUMBERLAND COUNTY, is referred to the Appropriations Subcommittee on Justice and Public Safety.

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By Representative Crawford:

**H.J.R. 19**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES DONALD "DON" GOINS, FORMER CHIEF ENGINEER OF OPERATIONS OF THE DIVISION OF HIGHWAYS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Holliman, Bordsen, Goforth, and Ross (Primary Sponsors); Alexander, L. Allen, Allred, Bell, Brown, Carney, Coates, Daughtridge, Dickson, England, Faison, Frye, Gibson, Glazier, Goodwin, Hackney, Haire, Harrell, Harrison, Insko, Jones, LaRoque, Luebke, Martin, McGee, McLawhorn, Rapp, Saunders, Sherrill, Underhill, Warren, Weiss, Wilkins, Williams, Womble, and Wray:

**H.B. 20**, 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.

On motion of Representative Culpepper, seconded by Representative Miller, the House adjourns at 7:18 p.m. to reconvene February 1 at 3:00 p.m.

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## FOURTH DAY

HOUSE OF REPRESENTATIVES  
Tuesday, February 1, 2005

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

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

"Sovereign Lord:

"You set the stars in the skies, created the world, and made us out of the dust of the earth. You alone rule over all nations of the world. As we consider our work in this little sliver of the vast universe You have designed, remind us that You care for each person uniquely and individually. Speak to us once more the solemn message of divine mercy that teaches us that the magnitude of heaven's love far exceeds the comprehension of human minds and that our work here is, indeed, part of

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Your plan of caring for Your people. As we consider ways to assist others through our legislation, first teach us to ponder the ways of God. Amen."

Representative Culpepper reports the Journal of January 31 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives LaRoque, Miller, Morgan, and Warren for today. Representative Moore is excused for a portion of the session.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Holliman and Dockham (Primary Sponsors); Brown, Jones, McGee, and Parmon:

**H.B. 21**, A BILL TO BE ENTITLED AN ACT TO ADOPT THE LEXINGTON BARBECUE FESTIVAL AS THE OFFICIAL BARBECUE FESTIVAL OF NORTH CAROLINA, is referred to the Committee on State Government.

By Representative Wright:

**H.B. 22**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT EXPANSION OF A MEDICAL FACILITY ONTO AN ADJACENT LOT SHALL BE A PERMITTED USE UNDER THE ZONING ORDINANCE, is referred to the Committee on Local Government I.

By Representatives Howard, LaRoque, and Wray:

**H.B. 23**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP, is referred to the Committee on Pensions and Retirement.

By Representatives Gillespie, Blackwood, Brown, Culp, England, Fisher, Frye, Goforth, Hilton, Hollo, Johnson, Justus, McGee, Preston, Rapp, Walend, Walker, West, and Wilson:

**H.B. 24**, A BILL TO BE ENTITLED AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO

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DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, AND ESTABLISHING REPORTING REQUIREMENTS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Ross, Weiss, B. Allen, and Eddins (Primary Sponsors); Coleman, Dollar, Martin, and Stam:

**H.B. 25**, 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 Adams, Harrison, Jeffus, and Jones (Primary Sponsors); Alexander, Farmer-Butterfield, Fisher, Parmon, Preston, Ross, and Weiss:

**H.J.R. 26**, A JOINT RESOLUTION HONORING THOSE WHO PARTICIPATED IN THE SIT-IN MOVEMENT THAT BEGAN IN THE CITY OF GREENSBORO ON THE 45TH ANNIVERSARY OF THE MOVEMENT.

Pursuant to Rule 32(a), the resolution is placed on today's 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 sent to the Senate by Special Message.

### **POINT OF PERSONAL PRIVILEGE**

On motion of Representative Howard, and without objection, the following remarks by Representative Womble are spread upon the Journal.

"Thank you, Mr. Speaker, ladies and gentlemen of the great House of Representatives, my colleagues. It is the first day of the month of February. It is also the first day of Black History Month.

"I am not one who will pass out typed information, place it at your desk, and then turn around and read it to you verbally. However, you will find at your desk information pertaining to this month of February in which I will highlight some very important parts.

"Americans have recognized Black History since 1926, first as 'Negro History Week', and then later as Black History Month. Before 1926 African Americans were not recognized in the mainstream academic books. Although Blacks have been in this country since colonial times, it was not until the 20th Century that they gained a respectable mention in the history books.

"Who was it that started Black History Month? It was a Professor by the name of Dr. Carter G. Woodson, whose parents were former slaves. He graduated from Harvard University with a Ph.D. He was disturbed that Black Americans were not included in the history books by the mainstream society at that time. He established the Association for the Study of Negro Life and History.

"Why did he choose the second week of February for Negro History Week? Because it marks the birthdays of two men who impacted and influenced Black people in the country - Frederick Douglass and Abraham Lincoln. Although February is the shortest month of the year, it contains many great events.

"Just to name a few:

February 23, 1868 - W. E. B. DuBois, Co-Founder of The NAACP was born;

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February 3, 1870 - the 15th Amendment was passed, granting Blacks the right to vote;  
February 12, 1909 - The NAACP was founded by a group of Black and White citizens in New York City;  
February 1, 1960 - the Civil Rights sit-in movement was born in Greensboro, North Carolina.

"There have been many cities that have played a great part in the history of Black people; among them were Atlanta, Birmingham, Chicago, Detroit, New York, Washington, D.C., and in North Carolina cities such as Raleigh, Durham, Wilmington, and Charlotte who have had or continue to have Black Mayors.

"Blacks have made contributions to this country in the form of the State of Georgia adopting Ray Charles' version of 'Georgia' as its state song; Dr. Daniel Hale Williams performed the first successful open heart surgery in Chicago on July 10, 1893; Dr. Charles Drew, who has ties to North Carolina, was the first director of The Red Cross Blood Bank; George Washington Carver discovered over 300 uses for the peanut. Blacks invented such items as the ironing board, churn, golf tee, dust pan, bed pan, shoe lasting machine, egg beater, bicycle frame, bull dogging used in the rodeo, and the traffic signal.

"There have been recent Black History Makers:

1. Oprah Winfrey - one of the country's richest women
2. Hank Aaron - Home run king
3. Mickey Michaux, Jr. - first Black U.S. Attorney in the South
4. Dan Blue - first Black Speaker of this House
5. Ralph Campbell - first Black State Auditor

"Mr. Speaker, I want to congratulate you for showing compassion, caring, sensitivity and also, because you not only practice these attributes of inclusiveness and diversity by reaching across the aisle to include Republicans and Democrats working together, but also for the work you do in bringing all diversity, racial and ethnic backgrounds together. I thank you for that.

"This month, Members, please attend an event or an activity in your hometowns and districts involving Black Americans, for we will be the better for embracing each other's cultures.

"So you see, ladies and gentlemen, Black History is not solely Black History alone. It is really American History, because we are Americans all.

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We may be your darker sisters and brothers but we are all in the family of the human race.

"Thank you again, Mr. Speaker, and thank you ladies and gentlemen of this great North Carolina House of Representatives."

Representative Culpepper moves, seconded by Representative Adams, that the House adjourn, subject to the ratification of resolutions, to reconvene February 2 at 2:00 p.m.

The motion carries.

### **ENROLLED BILLS**

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

**H.J.R. 26**, A JOINT RESOLUTION HONORING THOSE WHO PARTICIPATED IN THE SIT-IN MOVEMENT THAT BEGAN IN THE CITY OF GREENSBORO ON THE 45TH ANNIVERSARY OF THE MOVEMENT. (RESOLUTION 2005-1)

The House stands adjourned at 4:07 p.m.

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## **FIFTH DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, February 2, 2005

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

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

"Almighty God:

"Our prayers since we began this new Session have sought to remind us of our need to serve others and not ourselves. Since, we live in a day and an age when the primary focus of our attention often turns inward and upon

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ourselves. O Lord, we seek Your grace to fight the innate temptation to become the primary focus of our own imaginations. We pray that You would keep us from becoming legends in our own minds. We implore Thee to ground us firmly and securely in the knowledge of Your words that say, 'The first shall be last and the last shall be first.' Teach us how to live and work in this manner so that the full measure of Your grace may be completed in the zeal of our common work together. Amen."

Representative Culpepper reports the Journal of February 1 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Church, Justus, Morgan, and Sherrill for today.

### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Glazier, Gibson, Justice, and Carney (Primary Sponsors); Alexander, Brown, Daughtridge, Farmer-Butterfield, Goforth, Harrison, LaRoque, McGee, Pate, Preston, Stiller, and Underhill:

**H.B. 27**, A BILL TO BE ENTITLED AN ACT REQUIRING THE EMPLOYMENT SECURITY COMMISSION TO CONSIDER THE ORDINARY BUSINESS ACTIVITIES OF EMPLOYERS WHEN SCHEDULING HEARINGS, is referred to the Committee on Commerce.

By Representatives Glazier, Dickson, Lucas, and Gibson (Primary Sponsors); Alexander, Bordsen, Coates, Farmer-Butterfield, Harrell, Owens, Pate, Rapp, and Yongue:

**H.B. 28**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR A STUDY OF THE FUNDING FORMULA FOR PUBLIC SCHOOL TRANSPORTATION, is referred to the Committee on Education.

By Representatives Sutton, Brown, Capps, and Kiser:

**H.B. 29**, 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

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BY THE INDIAN GAMING REGULATORY ACT AND A VALID TRIBAL-STATE COMPACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Weiss, Stam, Dollar, and Capps (Primary Sponsors); B. Allen, Brown, Cleveland, Insko, and Ross:

**H.B. 30**, A BILL TO BE ENTITLED AN ACT TO ALLOW A TRIAL PROJECT FOR VOTING BY MAIL IN MUNICIPAL ELECTIONS AND REFERENDA CONDUCTED IN MAY OF 2005, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culpepper:

**H.B. 31**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MOORE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culpepper:

**H.B. 32**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MOORE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hill:

**H.B. 33**, A BILL TO BE ENTITLED AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER, is referred to the Committee on State Government.

By Representative Hill:

**H.B. 34**, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TABOR CITY, is referred to the Committee on Finance.

By Representatives Alexander, Sauls, and Insko (Primary Sponsors); Farmer-Butterfield, McGee, and Pate:

**H.B. 35**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE

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AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, is referred to the Committee on Judiciary I and, if favorable, to the Committee on Finance.

By Representatives Allred, Cole, McGee, and Rayfield (Primary Sponsors); Capps, Coates, Dockham, Frye, Grady, Hilton, Howard, LaRoque, Lewis, Moore, Pate, Preston, and Stiller:

**H.B. 36**, 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 THIRTY THOUSAND DOLLARS AS ADJUSTED ANNUALLY, is referred to the Committee on Finance.

On motion of Representative Culpepper, seconded by Representative Miller, the House adjourns at 2:17 p.m. to reconvene February 3 at 10:00 a.m.

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## SIXTH DAY

HOUSE OF REPRESENTATIVES  
Thursday, February 3, 2005

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

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

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"Gracious Lord:

"We thank Thee for the good week that soon comes to a close. By faith, we trust that Your sovereign will and grace has been present throughout our week together. Take the good work we have begun, bless and nourish it; and enable our collective efforts to grow in positive and productive ways. Take our defects and our mistakes and make them better. Forgive us when we have allowed selfishness to motivate us rather than that which would have been better for the larger good. Grant us safe passage to our respective homes, and provide us with a restful weekend. Let us use the time for rest and renewal so the work that awaits our return can be dealt with in the proper spirit of the offices we now hold. In all things, teach us to lean not upon our own understanding but to trust more fully in You through all things. For all these things we humbly pray. Amen."

Representative Culpepper reports the Journal of February 2 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Church, England, Justus, Martin, Morgan, Rayfield, Sherrill, Starnes, and Walend for today.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representative Bell:

**H.B. 37**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WAYNE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Bell:

**H.B. 38**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SAMPSON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Cole, Adams, Brown, Church, Coates, Insko, Jones, Lucas, and Rapp:

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**H.B. 39**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF MOTORCYCLES WITH PASSENGERS UNDER THE AGE OF TEN, is referred to the Committee on Transportation.

By Representatives Cole and Allred (Primary Sponsors); L. Allen, Barnhart, Blackwood, Bordsen, Brown, Capps, Church, Cleveland, Coates, Crawford, Daughtridge, Folwell, Frye, Gibson, Goodwin, Harrell, Hill, Hilton, Justus, Kiser, LaRoque, Lucas, McGee, Preston, Rapp, Saunders, Steen, Tolson, and Yongue:

**H.B. 40**, A BILL TO BE ENTITLED AN ACT STRENGTHENING THE INTEGRITY OF THE DRIVERS LICENSE, IDENTIFICATION CARD, AND LEARNERS PERMIT AS IDENTIFICATION DOCUMENTS, is referred to the Committee on Judiciary II.

By Representatives L. Allen and Hall (Primary Sponsors); and Wray:

**H.B. 41**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ROANOKE RAPIDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Nye, Alexander, B. Allen, Bordsen, Coleman, Crawford, Farmer-Butterfield, Gibson, Lewis, Lucas, Luebke, and Preston:

**H.B. 42**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENABLE THE TEACCH PROGRAM TO PROVIDE SERVICES TO CHILDREN AND ADULTS WITH AUTISM AND OTHER COMMUNICATION HANDICAPS, is referred to the Committee on Appropriations.

By Representatives Nye and Clary (Primary Sponsors); Adams, Alexander, Bordsen, Carney, Crawford, Earle, Farmer-Butterfield, Glazier, Harrison, Jones, Langdon, Lewis, Lucas, Luebke, Preston, Weiss, and Wilson:

**H.B. 43**, 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 Appropriations.

By Representatives Nye and Clary (Primary Sponsors); Adams, Alexander, Barnhart, Bordsen, Crawford, Earle, Farmer-Butterfield, Glazier, Langdon, Lewis, Lucas, Luebke, Preston, Weiss, and Wilson:

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**H.B. 44**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS AND TO DIRECT THE STATE AUDITOR TO CONDUCT AN AUDIT TO DETERMINE THE MEDICAL AND CLINICAL QUALITY AND THE ADEQUACY OF CARE AND SERVICES DELIVERED THROUGH THE COMMUNITY ALTERNATIVES PROGRAM FOR DISABLED ADULTS (CAP/DA), AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Aging and, if favorable, to the Committee on Appropriations.

By Representatives Nye and Clary (Primary Sponsors); Alexander, Barnhart, Bordsen, Brown, Crawford, Earle, Farmer-Butterfield, Glazier, Langdon, Lewis, McGee, Weiss, and Wilson:

**H.B. 45**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' ADULT PROTECTIVE SERVICES TASK FORCE TO COLLABORATE WITH OTHERS INTERESTED IN IMPROVING ADULT PROTECTIVE SERVICES AND REPORT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Aging.

By Representatives Nye and Clary (Primary Sponsors); Alexander, Bordsen, Crawford, Earle, Farmer-Butterfield, Glazier, Langdon, Lewis, McGee, Weiss, and Wilson:

**H.B. 46**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPOSE A CIVIL PENALTY ON ANY ADULT CARE HOME LICENSURE APPLICANT WHO FALSIFIES OR OMITTS MATERIAL INFORMATION ON THE APPLICATION, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Aging.

By Representatives Crawford and Jones:

**H.J.R. 47**, A JOINT RESOLUTION HONORING THE FOUNDERS OF CREEDMOOR ON THE TOWN'S 100TH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Miller, Brown, Capps, Cleveland, and Folwell:

**H.B. 48**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES WILL REPLACE STOLEN

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REGISTRATION PLATES WITHOUT PAYMENT OF A FEE, is referred to the Committee on Judiciary IV.

By Representatives Miller, Adams, B. Allen, Coleman, Faison, Farmer-Butterfield, Harrison, Jones, Ross, and Wray:

**H.B. 49**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE CAUSES AND REMEDIES OF MINORITY INCARCERATION STUDY COMMISSION AND APPROPRIATING FUNDS FOR THE COMMISSION, is referred to the Committee on Ways and Means and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Michaux and Frye (Primary Sponsors); Adams, Alexander, B. Allen, Blackwood, Capps, Carney, Clary, Cole, Coleman, Crawford, Culp, Dickson, Eddins, Farmer-Butterfield, Gibson, Harrison, Insko, Jones, Lewis, Lucas, Luebke, McGee, Setzer, Vinson, Walker, Wilkins, and Womble:

**H.B. 50**, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA STREET GANG PREVENTION ACT AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STREET GANG PREVENTION, is referred to the Committee on Judiciary II.

By Representatives Michaux and Tolson (Primary Sponsors); Alexander, Farmer-Butterfield, Jones, and McAllister:

**H.B. 51**, A BILL TO BE ENTITLED AN ACT MAKING THE STATE CHIEF INFORMATION OFFICER RESPONSIBLE FOR INFORMATION TECHNOLOGY SECURITY ASSESSMENTS AND RELIEVING THE STATE AUDITOR OF THE DUTY TO PERFORM SIMILAR ASSESSMENTS, is referred to the Committee on Science and Technology.

By Representative Howard:

**H.B. 52**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DAVIE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Howard:

**H.B. 53**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DAVIE, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Howard:

**H.B. 54**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DAVIE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Moore, Hill, Crawford, and Barnhart (Primary Sponsors); Allred, Almond, Blackwood, Blust, Brown, Brubaker, Capps, Clary, Cleveland, Cole, Culp, Current, Daughtridge, Daughtry, Dockham, Dollar, Eddins, England, Folwell, Frye, Gibson, Gillespie, Gulley, Hilton, Hollo, Holloway, Holmes, Howard, Johnson, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, McAllister, McGee, McMahan, Nye, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Stam, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, Williams, Wilson, and Wray:

**H.B. 55**, 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 Judiciary I.

By Representatives Womble, Adams, Alexander, B. Allen, Bell, Crawford, Cunningham, England, Farmer-Butterfield, Fisher, Glazier, Hall, Holliman, Insko, Jones, Lucas, McAllister, Parmon, Pierce, Wainwright, and Wright:

**H.B. 56**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LEGISLATIVE MILEAGE ALLOWANCE TO BE THE SAME AS THAT PROVIDED TO STATE EMPLOYEES, is referred to the Committee on Ways and Means.

By Representatives Moore, Capps, McGee, Pate, Steen, and Vinson:

**H.B. 57**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX CERTAIN COMPENSATION PAID TO MILITARY PERSONNEL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Moore, Brubaker, and Glazier (Primary Sponsors); Blackwood, Folwell, LaRoque, Lewis, and Steen:

**H.B. 58**, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT, is referred to the Committee on Judiciary I.

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By Representatives McLawhorn, Bordsen, and Warren (Primary Sponsors); Adams, Alexander, B. Allen, Coleman, Faison, Farmer-Butterfield, Glazier, Goforth, Harrison, Jones, Langdon, LaRoque, Lewis, Lucas, Pate, Tolson, and Williams:

**H.B. 59**, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED SCHOOL GUIDANCE COUNSELORS AND MEDIA SPECIALISTS TO RETURN TO EMPLOYMENT WITH THE PUBLIC SCHOOLS WITHOUT LOSING RETIREMENT BENEFITS, is referred to the Committee on Pensions and Retirement.

By Representative Dollar:

**H.B. 60**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF SWIFT CREEK, is referred to the Committee on Finance.

### **MAJORITY CAUCUS LEADERSHIP ANNOUNCED**

Representative Hackney is recognized and he announces that the Democratic Caucus has met and the following officers were elected:

Democratic Whips  
Larry M. Bell  
Hugh Holliman  
Marian McLawhorn

Freshman Democratic Caucus Chair  
Linda Coleman

The Senate is so notified by Special Message.

On motion of Representative Culpepper, seconded by Representative Miller, the House adjourns at 10:19 a.m. to reconvene Monday, February 7, 2005, at 5:00 p.m.

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## **SEVENTH DAY**

HOUSE OF REPRESENTATIVES  
Monday, February 7, 2005

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The House meets at 5:00 p.m. pursuant to adjournment and is called to order by the Speaker.

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

"Almighty God:

"We greet You at the start of this legislative work week with glad and open hearts seeking Your wisdom that is freely given from Thy throne. We began last week asking You to grant us the gift of remembrance. We begin this week asking for the gift of understanding. Through the prophets of old, You advised us not to lean on our own understanding. But, in everything, we are to acknowledge You; and You will let us know what is right and good. This is not an easy task as we can be quite stubborn, and we seem to be hard-wired to want to do things our own way. Thus, as we attempt to do work on behalf of others, offer us a clear and fresh understanding of what it means to seek Your guidance. God, help us to know when our wants and Your wants come into conflict with one another; and grant us the courage to choose Your will over that of our own desires. For this and for all things, Great God of heaven, we humbly beseech Thee. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper reports the Journal of February 3 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Barnhart, Hilton, Johnson, Parmon, Starnes, and Steen for today.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Culpepper, Alexander, Capps, Cleveland, Dickson, Dollar, Faison, Frye, Glazier, Grady, Harrison, Jeffus, Moore, Pate, Preston, and Rayfield:

**H.B. 61, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX CERTAIN COMPENSATION PAID TO MILITARY**

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PERSONNEL OR THEIR SURVIVORS, is referred to the Committee on Military, Veterans and Indian Affairs and, if favorable, to the Committee on Finance.

By Representative Culpepper:

**H.B. 62**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL, is referred to the Committee on Military, Veterans and Indian Affairs.

By Representatives Culpepper and Faison:

**H.B. 63**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NEW DEPUTY CLERK OF COURT POSITION IN HYDE COUNTY, is referred to the Committee on Appropriations.

By Representative Hill:

**H.B. 64**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF COLUMBUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hill:

**H.B. 65**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF COLUMBUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hill:

**H.B. 66**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF COLUMBUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hill:

**H.B. 67**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF COLUMBUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hill:

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**H.B. 68**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BRUNSWICK, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hill:

**H.B. 69**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BRUNSWICK, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hill:

**H.B. 70**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BRUNSWICK, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Holmes:

**H.B. 71**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 92ND HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Holmes:

**H.B. 72**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 92ND HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Holmes:

**H.B. 73**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 92ND HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Holmes:

**H.B. 74**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 92ND HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Crawford and Wray (Primary Sponsors):

**H.B. 75**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN

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THE CITY OF HENDERSON, is referred to the Committee on Local Government II.

By Representatives Holliman, Alexander, B. Allen, Luebke, and Weiss:

**H.B. 76**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING SMOKING IN PUBLIC PLACES AND TO PROHIBIT SMOKING IN RESTAURANTS, is referred to the Committee on Judiciary IV.

By Representatives Crawford and Wray:

**H.B. 77**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF VANCE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Crawford:

**H.B. 78**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GRANVILLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Crawford:

**H.B. 79**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GRANVILLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Nye, Barnhart, England, and Earle (Primary Sponsors); Bordsen, Faison, Farmer-Butterfield, Glazier, Harrison, Insko, Luebke, Weiss, and Wray:

**H.B. 80**, A BILL TO BE ENTITLED AN ACT TO EXPAND MEDICAID ELIGIBILITY TO INDIVIDUALS WHO QUALIFY UNDER THE FEDERAL TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM, is referred to the Committee on Health and, if favorable, to the Committee on Appropriations.

By Representatives Nye, Barnhart, England, and Earle (Primary Sponsors); Alexander, Bordsen, Cleveland, Faison, Farmer-Butterfield, Glazier, Harrison, Insko, Luebke, McLawhorn, Preston, Rayfield, Warren, Weiss, and Wray:

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**H.B. 81**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE DENTAL RATES FOR MEDICAID-ELIGIBLE ADULTS, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM, is referred to the Committee on Health and, if favorable, to the Committee on Appropriations.

By Representatives Nye, Alexander, Barnhart, Earle, England, Farmer-Butterfield, Glazier, Harrison, Howard, Insko, Rayfield, and Wray:

**H.B. 82**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO DEVELOP A CASE MANAGEMENT PROGRAM FOR RECIPIENTS HAVING A LARGE NUMBER OF PRESCRIPTIONS, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM, is referred to the Committee on Health and, if favorable, to the Committee on Appropriations.

By Representatives Nye, Alexander, Barnhart, Earle, England, Farmer-Butterfield, Harrison, and Insko:

**H.B. 83**, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO DEVELOP A METHODOLOGY FOR REINVESTING IN THE COMMUNITY SAVINGS REALIZED FROM THE COMMUNITY CARE OF NORTH CAROLINA PROGRAM, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM, is referred to the Committee on Health and, if favorable, to the Committee on Appropriations.

By Representatives Nye, England, Barnhart, and Earle (Primary Sponsors); Alexander, Bordsen, Dockham, Farmer-Butterfield, Glazier, Harrison, Insko, Jones, Moore, Preston, Rayfield, and Weiss:

**H.B. 84**, A BILL TO BE ENTITLED AN ACT TO REENACT THE PERSONAL INCOME TAX CREDIT FOR PREMIUMS PAID ON LONG-TERM CARE INSURANCE, is referred to the Committee on Finance.

By Representatives Womble, Bell, and Pierce (Primary Sponsors); and Farmer-Butterfield:

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**H.B. 85**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN ALPHA PHI ALPHA SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representative Miller:

**H.B. 86**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A FOOD OR RETAIL BUSINESS THAT HOLDS AN ABC PERMIT AND IS LOCATED IN A STATE DEVELOPMENT ZONE SHALL NOT HAVE ALCOHOLIC BEVERAGE SALES IN EXCESS OF FIFTY PERCENT OF THE BUSINESS'S TOTAL ANNUAL SALES, is referred to the Committee on Alcoholic Beverage Control.

By Representatives Miller, B. Allen, Faison, Farmer-Butterfield, Jones, Luebke, and Weiss:

**H.B. 87**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT STATE EMPLOYEES IN GRADE 64 AND UNDER SHALL HAVE THE OPTION TO BE PAID SEMIMONTHLY, is referred to the Committee on State Personnel.

By Representatives Miller, Luebke, Rayfield, Stam, and Weiss:

**H.B. 88**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED OF A NEW POLITICAL PARTY AND OF A STATEWIDE UNAFFILIATED CANDIDATE TO ACHIEVE BALLOT ELIGIBILITY; TO REDUCE THE NUMBER OF VOTES A NEW POLITICAL PARTY MUST GAIN FOR A NOMINEE IN ORDER TO MAINTAIN BALLOT ELIGIBILITY; AND TO MOVE TO A DATE BEFORE THE POLITICAL PARTY PRIMARIES THE DEADLINES FOR FILING NEW POLITICAL PARTY PETITIONS AND NOMINATING NEW POLITICAL PARTY CANDIDATES, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Pate and Rapp (Primary Sponsors); B. Allen, L. Allen, Allred, Barnhart, Blackwood, Bordsen, Brown, Carney, Cleveland, Coates, Cole, Culpepper, Cunningham, Dickson, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Goforth, Goodwin, Hackney, Haire, Harrell, Harrison, Holliman, Insko, Jones, Justice, Justus, LaRoque, Lewis, Lucas, Luebke, McAllister, McGee, McMahan, Moore, Owens, Parmon, Ross, Sauls, Sherrill, Stam, Steen,

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Stiller, Sutton, Tolson, Wainwright, Williams, Womble, Wray, Wright, and Yonque:

**H.B. 89**, A BILL TO BE ENTITLED AN ACT TO CREATE THE JOINT LEGISLATIVE COMMISSION ON EXPANDING RAIL SERVICE, is referred to the Committee on Ways and Means and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culp:

**H.B. 90**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF RANDOLPH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culp:

**H.B. 91**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF RANDOLPH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Adams, Alexander, B. Allen, Farmer-Butterfield, Glazier, Harrison, Jeffus, Ross, and Weiss:

**H.B. 92**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS, is referred to the Committee on Education.

By Representative Johnson:

**H.B. 93**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Johnson:

**H.B. 94**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Johnson:

**H.B. 95**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Crawford and Wray:

**H.B. 96**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF VANCE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Moore, Frye, and Pate:

**H.B. 97**, 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 Representative Moore:

**H.B. 98**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CLEVELAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gibson:

**H.B. 99**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE "FIRST IN FORESTRY" PLATES WITH A SPECIAL BACKGROUND, is referred to the Committee on Transportation.

By Representatives Gibson, Brubaker, and LaRoque (Primary Sponsors); Culp, Dockham, Faison, Frye, Grady, Moore, Pate, Preston, Setzer, and Wray:

**H.J.R. 100**, A JOINT RESOLUTION HONORING THE FOUNDERS OF ROTARY INTERNATIONAL ON THE ORGANIZATION'S ONE HUNDREDTH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gibson:

**H.B. 101**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY

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MANAGER TO HIRE THE CHIEF OF POLICE, is referred to the Committee on Local Government I.

By Representative Moore:

**H.B. 102**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CLEVELAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Moore:

**H.B. 103**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CLEVELAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Vinson:

**H.B. 104**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG, is referred to the Committee on Rules, Calendar, and Operations of the House.

#### INTRODUCTION OF PAGES

Pages for the week of February 7 are introduced to the membership. They are: Imani Brodie of Franklin; William Butler of Catawba; Tiffany Buzzerio of Columbus; Ahmed Mosa of Wake; Mikaela Mroczynski of Wake; Brandon Smith of Wake; and Catherine Stukes of New Hanover.

On motion of Representative Culpepper, seconded by Representative Miller, the House adjourns at 5:14 p.m. to reconvene February 8 at 2:00 p.m.

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### EIGHTH DAY

HOUSE OF REPRESENTATIVES  
Tuesday, February 8, 2005

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

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

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"Gracious God:

"Your mercy has no limits and Your gifts fall freely upon us. From the beginning You created peoples of many different nations and races. And, ever since then, we have been struggling as a human race to better understand one another. Even here, in this Chamber, we are a gathered people of varied and differing political ideologies. And, yes we too, struggle to understand one another. So, we humbly ask You to help us in our common work to genuinely strive to understand our respective differences. Teach us, O God of Infinite Patience, the art of constructive compromise as together, we work toward that which is right and just and good. Amen."

Representative Culpepper reports the Journal of February 7 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, McLawhorn, Ray, and Steen for today.

### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Luebke, Alexander, Brown, Brubaker, Hill, Insko, McGee, and Wainwright:

**H.B. 105**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, is referred to the Committee on Finance.

By Representatives Nye, England, and Earle (Primary Sponsors); Alexander, Bell, Faison, Farmer-Butterfield, Fisher, Glazier, Harrison, Insko, Luebke, Ross, Underhill, Wainwright, Warren, Weiss, and Wray:

**H.B. 106**, A BILL TO BE ENTITLED AN ACT TO EXPAND MEDICAID COVERAGE TO CHILDREN AGE BIRTH THROUGH FIVE YEARS WITH FAMILY INCOMES EQUAL TO OR LESS THAN TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL, AND TO USE NC HEALTH CHOICE STATE AND FEDERAL FUNDS TO FUND THE EXPANSION, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM, is referred to the Committee on Health and, if favorable, to the Committee on Appropriations.

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By Representatives Nye, Barnhart, England, and Earle (Primary Sponsors); Alexander, Bell, Cole, Faison, Farmer-Butterfield, Fisher, Frye, Gillespie, Glazier, Harrison, Insko, Luebke, Ross, Stiller, Underhill, Wainwright, Warren, Weiss, and Wray:

**H.B. 107**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE STATEWIDE EXPANSION OF THE COMMUNITY CARE OF NORTH CAROLINA PROGRAM, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM, is referred to the Committee on Appropriations.

By Representatives Haire, Fisher, Goforth, and Rapp (Primary Sponsors); Alexander, L. Allen, Bell, Bordsen, Carney, Church, Coates, Cole, Culpepper, Farmer-Butterfield, Glazier, Hackney, LaRoque, Luebke, Martin, Miller, Nye, Ross, Tolson, Underhill, Wainwright, and Weiss:

**H.B. 108**, A BILL TO BE ENTITLED AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, AND ESTABLISHING REPORTING REQUIREMENTS, is referred to the Committee on Appropriations.

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By Representatives Folwell, Alexander, L. Allen, Bordsen, Carney, Daughtridge, Dollar, Faison, Farmer-Butterfield, Fisher, Frye, Gillespie, Glazier, LaRoque, Luebke, Stiller, Wainwright, Weiss, and Wray:

**H.R. 109**, A HOUSE RESOLUTION HONORING THE FOUNDER OF THE BOY SCOUTS OF AMERICA ON THE ORGANIZATION'S SCOUTING ANNIVERSARY WEEK.

Pursuant to Rule 32(a), the resolution is placed on the Calendar for immediate consideration.

The resolution is adopted, by electronic vote (114-0), and ordered printed.

On motion of Representative Culpepper, seconded by Representative Miller, the House adjourns at 2:19 p.m. to reconvene February 9 at 2:00 p.m.

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## NINTH DAY

HOUSE OF REPRESENTATIVES  
Wednesday, February 9, 2005

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

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

"Compassionate God:

"As we make our pilgrimage through this world that You have so graciously provided for us, we admit that each one of us in this Chamber has experienced our respective share of sunshine and rain. We would hope that in both the good and bad times we have looked to You to shine Your light upon our path. But, we confess that often we have sought You out in the rough times and forgotten Your grace in the seasons of blessing. Forgive us, dear God. Let us know explicitly that You understand our human nature and that, in spite of ourselves, it is Your nature to grant us mercy. Thus, even as we are reminded that You understand our own forgetfulness, teach us how to live by this same measure of understanding...a

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measure of understanding that offers mercy and grace to those with whom we disagree, to those who have wronged us, and to those whose attitudes sometimes clamp down on our last nerve. Lord, we would boldly ask Thee to illuminate our paths so that to all for whom love is a stranger may find in us and in our hearts, kind and generous friends. Amen."

Representative Culpepper reports the Journal of February 8 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Culp and Hunter for today. Representative Grady is excused for a portion of the session.

### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representative Walend:

**H.B. 110**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF TRANSYLVANIA AND THE MUNICIPALITIES LOCATED IN THAT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Walend:

**H.B. 111**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF TRANSYLVANIA AND THE MUNICIPALITIES LOCATED IN THAT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Walend:

**H.B. 112**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HENDERSON AND THE MUNICIPALITIES LOCATED IN THAT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Walend:

**H.B. 113**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HENDERSON AND THE MUNICIPALITIES LOCATED

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

By Representative Walend:

**H.B. 114**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF POLK AND THE MUNICIPALITIES LOCATED IN THAT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Walend:

**H.B. 115**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF POLK AND THE MUNICIPALITIES LOCATED IN THAT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Brubaker, Alexander, Coleman, Glazier, Hill, Luebke, McGee, Moore, Steen, Stiller, and Wainwright:

**H.B. 116**, A BILL TO BE ENTITLED AN ACT TO CLARIFY PRESENT-USE VALUE ELIGIBILITY AND TO AMEND THE PERIOD FOR APPEAL OF A PRESENT-USE VALUE DETERMINATION OR APPRAISAL, is referred to the Committee on Finance.

By Representatives Clary and Nye (Primary Sponsors); Alexander, Bordsen, Coates, England, Farmer-Butterfield, Fisher, Goforth, LaRoque, Lewis, Moore, Rapp, Setzer, Warren, Weiss, and Wilson:

**H.B. 117**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR NORTH CAROLINA SENIOR GAMES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Appropriations.

By Representatives Clary and Nye (Primary Sponsors); Alexander, Barnhart, Bell, Blackwood, Bordsen, Coleman, England, Faison, Farmer-Butterfield, Gillespie, Glazier, Goforth, Harrison, Jeffus, Justus, LaRoque, Lewis, McGee, McLawhorn, Moore, Pate, Preston, Rapp, Sauls, Setzer, Steen, Stiller, Underhill, Walend, Warren, Weiss, and Wilson:

**H.B. 118**, A BILL TO BE ENTITLED AN ACT TO REENACT THE LONG-TERM CARE INSURANCE TAX CREDIT, AS RECOMMENDED

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BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Finance.

By Representatives Clary and Nye (Primary Sponsors); Alexander, Bordsen, Coleman, England, Faison, Farmer-Butterfield, Insko, Jeffus, LaRoque, Lewis, McLawhorn, Rapp, Weiss, and Wilson:

**H.B. 119**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LABOR ENHANCEMENT PAYMENTS FOR NURSE AIDES IN NONINSTITUTIONAL SETTINGS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Aging and, if favorable, to the Committee on Appropriations.

By Representative Steen:

**H.B. 120**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 76TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Steen:

**H.B. 121**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 76TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Steen:

**H.B. 122**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 76TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Vinson:

**H.B. 123**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Vinson:

**H.B. 124**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Wilson:

**H.B. 125**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is referred to the Committee on Finance.

By Representatives Insko and Preston (Primary Sponsors); Alexander, Luebke, and Weiss:

**H.B. 126**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE THROUGH ELECTION DAY AS THE PREDOMINANT VOTING METHOD, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Insko and Preston (Primary Sponsors); Alexander, Coates, Farmer-Butterfield, Luebke, and Weiss:

**H.B. 127**, A BILL TO BE ENTITLED AN ACT TO ALLOW LEAVE TO PUBLIC EMPLOYEES FOR WORKING AS PRECINCT OFFICIALS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Insko and Preston (Primary Sponsors); Alexander, Coates, Farmer-Butterfield, Luebke, Weiss, and Wilkins:

**H.B. 128**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Wright, B. Allen, Bell, Coleman, Faison, Farmer-Butterfield, Luebke, Ross, Tucker, and Weiss:

**H.B. 129**, A BILL TO BE ENTITLED AN ACT TO PROVIDE COST-OF-LIVING INCREASES FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL

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GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement.

By Representatives Glazier, Nye, Dickson, and Bordsen (Primary Sponsors); Alexander, B. Allen, Carney, Clary, Coates, England, Farmer-Butterfield, Fisher, Harrison, Insko, Jeffus, Lucas, Luebke, McAllister, and McLawhorn:

**H.B. 130**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILDREN'S ADVOCACY CENTERS, is referred to the Committee on Appropriations.

By Representatives Grady, Cleveland, and Tucker:

**H.B. 131**, A BILL TO BE ENTITLED AN ACT TO ADD ONSLOW COUNTY TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES, is referred to the Committee on Local Government II.

By Representatives Nye, Alexander, B. Allen, L. Allen, Barnhart, Carney, Clary, Coleman, Dickson, Earle, England, Farmer-Butterfield, Fisher, Frye, Gibson, Glazier, Goforth, Haire, Harrison, Hill, Holmes, Insko, Lucas, Luebke, McLawhorn, Moore, Owens, Pate, Pierce, Preston, Rapp, Rayfield, Sutton, Tucker, Walend, Warren, Weiss, Wilkins, Williams, and Wray:

**H.B. 132**, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A SIX-YEAR PERIOD, TO PROVIDE THAT THE TOTAL COUNTY SHARE DURING THE PHASE-OUT PERIOD SHALL NOT EXCEED THE COUNTY SHARE PAID BY EACH COUNTY FOR THE 2004-2005 FISCAL YEAR, AND TO FURTHER PROVIDE THAT IN CERTAIN COUNTIES THE COUNTY SHARE SHALL BE FURTHER REDUCED BASED ON THE NUMBER OF MEDICAID-ELIGIBLE INDIVIDUALS IN THE COUNTY, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM, is referred to the Committee on Health and, if favorable, to the Committee on Appropriations.

By Representatives Nye, Alexander, B. Allen, Coleman, Farmer-Butterfield, Gibson, Glazier, Luebke, McLawhorn, Moore, Rapp, and Weiss:

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**H.B. 133**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AUTISM SOCIETY OF NORTH CAROLINA, INC., is referred to the Committee on Appropriations.

By Representatives Nye and Farmer-Butterfield (Primary Sponsors); Alexander, B. Allen, Coleman, Gibson, and Rapp:

**H.B. 134**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AUTISM FOUNDATION OF NORTH CAROLINA, INC., is referred to the Committee on Appropriations.

By Representative Capps:

**H.B. 135**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF ACCIDENT IMPACT FEES IN CERTAIN CIRCUMSTANCES, is referred to the Committee on Judiciary I.

By Representative Lucas:

**H.B. 136**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Lucas:

**H.B. 137**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Lucas:

**H.B. 138**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Brubaker, Alexander, Barnhart, Clary, Cleveland, Coates, Frye, Glazier, Grady, Hill, Lewis, Luebke, Martin, McGee, Moore, Pate, Preston, Steen, Wainwright, and Warren:

**H.B. 139**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROPERTY TAX EXCLUSION FOR THE RESIDENCE OF A DISABLED VETERAN, is referred to the Committee on Military, Veterans and Indian Affairs and, if favorable, to the Committee on Finance.

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By Representatives Haire and West (Primary Sponsors); and Fisher:

**H.J.R. 140**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF FRANKLIN ON THE TOWN'S 150TH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Moore, Cleveland, Faison, Frye, Grady, Hill, Justice, Lewis, McGee, Pate, Preston, Rayfield, Steen, and Wray:

**H.B. 141**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF A FREE DRIVERS LICENSE TO VETERANS, is referred to the Committee on Transportation.

By Representatives Moore, Hunter, and Michaux (Primary Sponsors); Blackwood, Clary, Culpepper, Faison, Gillespie, Grady, Hill, Insko, Martin, Pate, Preston, Rapp, Rayfield, Ross, Tucker, and Wray:

**H.B. 142**, A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETIRE WITH UNREDUCED BENEFITS AFTER COMPLETING TWENTY-FIVE YEARS OF SERVICE, is referred to the Committee on Pensions and Retirement.

By Representatives Coates, Alexander, B. Allen, Allred, Bell, Brubaker, Church, Cleveland, Cole, Coleman, Cunningham, Daughtride, Faison, Farmer-Butterfield, Fisher, Frye, Glazier, Hill, Holliman, Holmes, Howard, Johnson, Justice, Justus, Kiser, Lewis, Lucas, Moore, Parmon, Preston, Rapp, Steen, Tucker, Underhill, Walker, Warren, Wilkins, Williams, and Wray:

**H.B. 143**, A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRICULTURE ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS, is referred to the Committee on Agriculture and, if favorable, to the Committee on Finance.

By Representatives Williams, B. Allen, L. Allen, Bell, Carney, Church, Coates, Cole, Daughtride, Earle, England, Faison, Farmer-Butterfield, Frye, Gillespie, Goforth, Grady, Hackney, Howard, Jeffus, LaRoque, Lucas, McLawhorn, Moore, Nye, Owens, Pate, Preston, Rapp, Sauls, Steen, Tolson, Tucker, Wainwright, Warren, and Wray:

February 9, 2005

**H.B. 144**, 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 Pensions and Retirement.

By Representatives Miller, Daughtridge, and Faison:

**H.B. 145**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE HOLDER OF A LIFETIME RESIDENT COMPREHENSIVE FISHING LICENSE OR A LIFETIME SPORTSMAN LICENSE PURCHASED PRIOR TO JANUARY 1, 2005, IS EXEMPT FROM SALTWATER FISHING LICENSE REQUIREMENTS, is referred to the Committee on Environment and Natural Resources.

By Representatives Miller, Bell, Rayfield, Stam, and Tucker:

**H.B. 146**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT EACH MEMBER OF THE GENERAL ASSEMBLY IS ENTITLED TO A FULL-TIME LEGISLATIVE ASSISTANT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Ross and Earle (Primary Sponsors); Alexander, B. Allen, Coleman, Glazier, Goforth, and Insko:

**H.B. 147**, A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Howard and Sherrill (Primary Sponsors); Adams, Alexander, Allred, Almond, Barnhart, Blackwood, Blust, Brubaker, Clary, Cleveland, Coleman, Culp, Current, Daughtridge, Dockham, Dollar, Eddins, Faison, Folwell, Frye, Glazier, Goforth, Grady, Hill, Hilton, Hollo, Johnson, Justice, Justus, Kiser, LaRoque, Lewis, McAllister, McComas, McGee, Moore, Owens, Parmon, Pate, Preston, Rapp, Ray, Sauls, Setzer, Steen, Stiller, Walend, Walker, West, Williams, Wilson, and Wray:

**H.B. 148**, A BILL TO BE ENTITLED AN ACT TO REENACT THE PERSONAL INCOME TAX CREDIT FOR PREMIUMS PAID ON LONG-TERM CARE INSURANCE, is referred to the Committee on Finance.

By Representatives Howard, Adams, Alexander, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Brown, Brubaker, Carney, Church,

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Clary, Cleveland, Coates, Coleman, Culp, Cunningham, Current, Daughtridge, Dockham, Dollar, Eddins, Faison, Fisher, Folwell, Frye, Gillespie, Glazier, Grady, Hill, Hilton, Hollo, Johnson, Justice, Justus, Langdon, LaRoque, Lewis, Luebke, McAllister, McComas, McGee, McLawhorn, Moore, Owens, Parmon, Pate, Pierce, Preston, Ray, Ross, Sauls, Setzer, Sherrill, Steen, Stiller, Tucker, Underhill, Walend, Walker, Warren, West, Williams, Wilson, Wray, and Wright:

**H.B. 149**, A BILL TO BE ENTITLED AN ACT TO PHASEOUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A FIVE-YEAR PERIOD, AND TO PROVIDE THAT THE TOTAL COUNTY SHARE DURING THE PHASEOUT PERIOD SHALL NOT EXCEED THE COUNTY SHARE PAID BY EACH COUNTY FOR THE 2004-2005 FISCAL YEAR, is referred to the Committee on Health and, if favorable, to the Committee on Appropriations.

By Representatives Gulley, Allred, Blackwood, Blust, Brown, Capps, Cleveland, Culp, Daughtry, Dollar, Folwell, Frye, Hilton, Holloway, Holmes, Langdon, Lewis, McGee, Moore, Pate, Preston, Rhodes, Stiller, Walend, and West:

**H.B. 150**, A BILL TO BE ENTITLED AN ACT TO LIMIT GENERAL FUND BUDGET EXPENDITURES FOR A FISCAL YEAR TO THE GENERAL FUND OPERATING BUDGET APPROPRIATIONS FOR THE PRIOR FISCAL YEAR, is referred to the Committee on Appropriations.

By Representatives Gulley, Allred, Blackwood, Brown, Capps, Cleveland, Culp, Daughtridge, Daughtry, Dollar, Folwell, Frye, Hilton, Holloway, Justus, Langdon, LaRoque, Lewis, McGee, Moore, Pate, Preston, Rayfield, Rhodes, Stam, Vinson, Walend, and West:

**H.B. 151**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ZERO-BASED BUDGETING, is referred to the Committee on Appropriations.

By Representatives Hill, Church, Cleveland, Coates, Culp, Daughtridge, Faison, Folwell, Glazier, Moore, Pate, Rapp, Sauls, Setzer, Stiller, Williams, and Wray:

**H.B. 152**, A BILL TO BE ENTITLED AN ACT DESIGNATING MAY OF EACH YEAR AS MOTORCYCLE AWARENESS MONTH, is referred to the Committee on Rules, Calendar, and Operations of the House.

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**SPECIAL MESSAGE FROM THE SENATE****2005 GENERAL ASSEMBLY  
FIRST SESSION**

Senate Chamber  
February 8, 2005

Mr. Speaker:

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

Senator Robert Pittenger	Assistant Republican Leader
Senator Jerry W. Tillman	Republican Whip
Senator Andrew C. Brock	Deputy Republican Whip
Senator Hamilton C. Horton, Jr.	Chair, Republican Policy Committee

Respectfully,  
S/ Janet B. Pruitt  
*Principal Clerk*

**SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

**S.J.R. 81**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF FRANKLIN ON THE TOWN'S 150TH ANNIVERSARY, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on the Calendar for immediate consideration.

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

The resolution passes its third reading and is ordered enrolled.

**SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

February 9, 2005

**S.J.R. 84**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUBERT B. HUMPHREY, FORMER MEMBER OF THE GENERAL ASSEMBLY, is read the first time.

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.

Representative Culpepper moves, seconded by Representative Rapp, that the House adjourn, subject to the ratification of resolutions, to reconvene February 10 at 10:00 a.m.

The motion carries.

### **ENROLLED BILLS**

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

**S.J.R. 81**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF FRANKLIN ON THE TOWN'S 150TH ANNIVERSARY. (RESOLUTION 2005-2)

The House stands adjourned at 2:51 p.m.

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## **TENTH DAY**

HOUSE OF REPRESENTATIVES  
Thursday, February 10, 2005

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by Representative Morgan, Speaker Pro Tempore.

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

February 10, 2005

"Yea Lord, we greet Thee on this happy morning. We offer our sincere thanks for Your presence with us throughout this work week, especially in these opening moments of prayer and silent reflection. We are thankful that You understand us right where we are for we all bring to the table personal situations and circumstances that have the potential to distract us from the tasks at hand. In moments like these, remind us that Your love for us is real and that Your earnest desire is to share Your life with us even as You hope that we would share our lives with Thee. We thank You for the gift of understanding and pray that as we move forward into this Session, we will remember that this gift which we have asked for in faith, we have received from the merciful hand of a wise and loving God. Amen."

Representative Culpepper reports the Journal of February 9 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Almond, Dollar, Eddins, Folwell, Haire, Hollo, Holloway, Langdon, Pate, Rayfield, Starnes, Tucker, and Walend for today.

### **ENROLLED BILLS**

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

**S.J.R. 84**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUBERT B. HUMPHREY, FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 2005-3)

### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representative Coates:

**H.B. 153**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROWAN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Coates:

**H.B. 154**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROWAN, is referred to the Committee on Rules, Calendar, and Operations of the House.

February 10, 2005

By Representative Rayfield:

**H.B. 155**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Rayfield:

**H.B. 156**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Rayfield:

**H.B. 157**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Preston and Insko (Primary Sponsors); B. Allen, Allred, Blackwood, Fisher, LaRoque, Lucas, and Underhill:

**H.B. 158**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BOARDS OF ELECTIONS TO ALLOW KNOWN VOTERS WHOSE VOTES WERE LOST TO RECAST THEIR BALLOTS DURING A TWO-WEEK PERIOD AFTER THE ELECTION, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representative Preston:

**H.B. 159**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CARTERET, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Preston:

**H.B. 160**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CARTERET, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Preston:

**H.B. 161**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CARTERET, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Preston:

**H.B. 162**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF JONES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Preston:

**H.B. 163**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF JONES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Preston:

**H.B. 164**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF JONES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 165**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 166**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 167**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PITT, is referred to the Committee on Rules, Calendar, and Operations of the House.

February 10, 2005

By Representative Williams:

**H.B. 168**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PITT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 169**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PITT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 170**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BEAUFORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 171**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BEAUFORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 172**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BEAUFORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 173**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BEAUFORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 174**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BEAUFORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Clary and Nye (Primary Sponsors); Alexander, B. Allen, Coates, Current, England, Faison, Farmer-Butterfield, Glazier, Insko, Lucas, Luebke, Rapp, Warren, Weiss, and Wilson:

**H.B. 175**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE HOME CARE AGENCY LICENSURE ACT, TO ESTABLISH HOME CARE CLIENTS' RIGHTS, AND TO APPROPRIATE FUNDS TO INCREASE THE SURVEY CYCLE FOR LICENSED IN-HOME AGENCIES, 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 and Nye (Primary Sponsors); Alexander, B. Allen, Allred, Bordsen, Coates, Current, England, Faison, Farmer-Butterfield, Glazier, Insko, Jeffus, LaRoque, Lucas, Luebke, McLawhom, Warren, Weiss, and Wilson:

**H.B. 176**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORDS CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Judiciary IV.

By Representative Goforth:

**H.B. 177**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BUNCOMBE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Goforth:

**H.B. 178**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BUNCOMBE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Goforth:

**H.B. 179**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BUNCOMBE, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Setzer, Brown, Faison, Holliman, Jeffus, and Wray:

**H.B. 180**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMITTEE ON HIGH-RISK HEALTH INSURANCE POOLS, is referred to the Committee on Health and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Johnson, Carney, Preston, and Yongue (Primary Sponsors); B. Allen, L. Allen, Bell, Brown, Coates, Faison, Farmer-Butterfield, Fisher, Glazier, Harrison, Jeffus, Lucas, McLawhorn, Rapp, Steen, Underhill, Warren, and Wray:

**H.B. 181**, A BILL TO BE ENTITLED AN ACT TO PROMOTE TEACHER RETENTION BY INCREASING THE SALARIES OF TEACHERS WITH LESS THAN SIX YEARS OF EXPERIENCE, is referred to the Committee on Appropriations.

By Representatives Ray and Clary (Primary Sponsors); Current, Farmer-Butterfield, Holmes, Howard, Rayfield, Setzer, and Steen:

**H.B. 182**, 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 Representatives Nye and Clary (Primary Sponsors); Alexander, B. Allen, Current, England, Faison, Farmer-Butterfield, Glazier, Harrison, Insko, Jeffus, LaRoque, Lucas, Luebke, McLawhorn, Warren, Weiss, Wilson, and Wray:

**H.B. 183**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE PRESIDENT OF THE UNIVERSITY OF NORTH CAROLINA AND THE PRESIDENT OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO UNDERTAKE CERTAIN STUDIES TARGETED TO INCREASE GERIATRIC CARE PROVIDERS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is referred to the Committee on Aging and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Owens:

**H.B. 184**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 1ST HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Owens:

**H.B. 185**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 1ST HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives LaRoque and McGee (Primary Sponsors):

**H.B. 186**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE UNIFORM FEES PAID TO JURORS AND TO REQUIRE COUNTIES TO REIMBURSE JURORS FOR ANY PARKING EXPENSES NECESSITATED BY THE JURY SERVICE, is referred to the Committee on Judiciary III and, if favorable, to the Committee on Finance.

By Representatives McLawhorn, Warren, and Williams (Primary Sponsors):

**H.B. 187**, 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 Brubaker:

**H.B. 188**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF RANDOLPH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Brubaker:

**H.B. 189**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF RANDOLPH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Brubaker:

**H.B. 190**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF RANDOLPH, is referred to the Committee on Rules, Calendar, and Operations of the House.

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**RE-REFERRALS**

On motion of the Chair and without objection, the following resolutions are withdrawn from the Committee on Rules, Calendar, and Operations of the House and pursuant to Rule 32(a) are placed on the Calendar of February 14:

**H.J.R. 19**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES DONALD "DON" GOINS, FORMER CHIEF ENGINEER OF OPERATIONS OF THE DIVISION OF HIGHWAYS.

**H.J.R. 47**, A JOINT RESOLUTION HONORING THE FOUNDERS OF CREEDMOOR ON THE TOWN'S 100TH ANNIVERSARY.

On motion of Representative Culpepper, seconded by Representative Brown, the House adjourns at 10:16 a.m. to reconvene Monday, February 14, 2005, at 7:00 p.m.

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**ELEVENTH DAY**

HOUSE OF REPRESENTATIVES  
Monday, February 14, 2005

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

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

"Almighty God, Giver of every good and perfect gift, we have been beginning our opening weeks together by asking You for specific gifts that will assist us in carrying out our responsibilities more clearly. This week we carefully ask You for the gift of power. At first, this may seem like a strange, perhaps even an arrogant request. But, if used rightly, the collective power with which this Body has been entrusted can, indeed, be used to bring positive change to people's lives. By exercising the power and influence of elective office, good things, right things, just things can be brought into existence. Moreover, wrong things, unnecessary things and unjust things can be brought to an end. We humbly acknowledge that any power or influence we may possess is only because You decided to grant it to us, if even for a little while. Thus, as we prepare to do our work for this

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week and beyond, help each one of us not take anything You offer to us for granted. Lord God, keep us firmly grounded in the knowledge that apart from You and the gifts You willingly bestow, we can do nothing. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper reports the Journal of February 10 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Allred, Barnhart, Church, Hilton, Howard, LaRoque, Lewis, Morgan, Rayfield, Rhodes, Starnes, Steen, Vinson, Walend, and Wright for today.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative England:

**H.B. 191**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF RUTHERFORD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative England:

**H.B. 192**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF RUTHERFORD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative England:

**H.B. 193**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF RUTHERFORD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McGee:

**H.B. 194**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative McGee:

**H.B. 195**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Crawford:

**H.B. 196**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF OXFORD TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, is referred to the Committee on Local Government I.

By Representatives Farmer-Butterfield and B. Allen (Primary Sponsors):

**H.J.R. 197**, 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.

By Representatives Farmer-Butterfield and B. Allen (Primary Sponsors); Lucas, Luebke, Moore, Parmon, and Weiss:

**H.J.R. 198**, 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.

By Representatives Setzer and Pate:

**H.B. 199**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR A VIOLATION OF THE INFRACTION OF FAILING TO MOVE LEFT WHEN PASSING AN EMERGENCY VEHICLE PARKED OR STANDING ON A ROADWAY, is referred to the Committee on Judiciary III.

By Representative Setzer:

**H.B. 200**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CATAWBA, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Setzer:

**H.B. 201**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF IREDELL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McAllister:

**H.B. 202**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McAllister:

**H.B. 203**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McAllister:

**H.B. 204**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gulley:

**H.B. 205**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gulley:

**H.B. 206**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MATTHEWS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gulley:

**H.B. 207**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MINT HILL, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Rapp:

**H.B. 208**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HAYWOOD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Rapp:

**H.B. 209**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HAYWOOD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Rapp:

**H.B. 210**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF YANCEY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Rapp:

**H.B. 211**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MADISON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Rapp:

**H.B. 212**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MADISON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Womble, Parmon, McGee and Folwell (Primary Sponsors); Brown, Luebke, and Moore:

**H.J.R. 213**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HAROLD LILLARD KENNEDY, JR. FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McLawhorn:

**H.B. 214**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PITT, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative McLawhorn:

**H.B. 215**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PITT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McLawhorn:

**H.B. 216**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PITT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Harrison, Bordsen, Insko, and Luebke (Primary Sponsors); Adams, Alexander, B. Allen, L. Allen, Allred, Blust, Brown, Capps, Carney, Cleveland, Cole, Coleman, Culp, Culpepper, Current, Dickson, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Hackney, Hill, Jeffus, Jones, Justice, Kiser, LaRoque, Lucas, Martin, McAllister, McGee, McLawhorn, Miller, Moore, Parmon, Pate, Pierce, Rapp, Sherrill, Stiller, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wiley, Wilkins, Wray, and Wright:

**H.B. 217**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES, is referred to the Committee on Judiciary I.

By Representatives Bell and B. Allen:

**H.B. 218**, A BILL TO BE ENTITLED AN ACT TO ALTER THE DISTRIBUTION OF THE NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES AT THE TOWN OF CLINTON ALCOHOLIC BEVERAGE CONTROL STORES, is referred to the Committee on Local Government II.

By Representative Hill:

**H.B. 219**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 20TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hill:

**H.B. 220**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 20TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

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**CALENDAR**

Action is taken on the following:

**H.J.R. 19**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES DONALD "DON" GOINS, FORMER CHIEF ENGINEER OF OPERATIONS OF THE DIVISION OF HIGHWAYS, passes its second reading, by electronic vote (92-0), and there being no objection is read a third time.

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

**H.J.R. 47**, A JOINT RESOLUTION HONORING THE FOUNDERS OF CREEDMOOR ON THE TOWN'S 100TH ANNIVERSARY, passes its second reading, by electronic vote (91-0), 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.

**INTRODUCTION OF PAGES**

Pages for the week of February 14 are introduced to the membership. They are Kyle Cotter of Wake and Taylor Ketcham of Pender.

On motion of Representative Culpepper, seconded by Representative Coates, the House adjourns at 7:31 p.m. to reconvene February 15 at 2:00 p.m.

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**TWELFTH DAY**

HOUSE OF REPRESENTATIVES  
Tuesday, February 15, 2005

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

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

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"Gracious Lord:

"We humbly acknowledge that it was not in Your original design for humanity to have power. This, of course, was not because You did not want to share it with us; it was because Your plan for creation was to provide for our every need. In our rejection of Your divine providence and our own selfish ambitions, we sought to govern ourselves. Yet instead of judgment, You showed mercy. Rather than destroying us, You gave us permission to create institutions of self-governance. As this Assembly attempts to exercise Your gift of freedom and democracy, remind them that power does not corrupt. People corrupt. Authority does not abuse, but it is the abuse of authority that hurts others. Chasten our hearts, O God, and set within us the right spirit necessary to exercise the power graciously bestowed upon us. Amen."

Representative Culpepper reports the Journal of February 14 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Church, Rayfield, and Rhodes for today.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Yongue, Carney, Johnson, and Preston (Primary Sponsors); Alexander, B. Allen, L. Allen, Blackwood, Bordsen, Cleveland, Cole, Coleman, Culpepper, Dickson, England, Faison, Fisher, Gibson, Glazier, Goforth, Haire, Harrison, Hill, Hunter, Jeffus, LaRoque, Lucas, Luebke, Martin, McLawhorn, Pate, Pierce, Rapp, Ross, Sauls, Sherrill, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Warren, Weiss, Wilkins, Williams, Wilson, Womble, and Wray:

**H.B. 221**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL TEACHING FELLOWS SCHOLARSHIPS, is referred to the Committee on Appropriations.

By Representatives Insko and Barnhart (Primary Sponsors); Alexander, Bordsen, Coleman, Fisher, Goodwin, Hunter, Lucas, Walend, and Weiss:

**H.B. 222**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE COORDINATION OF SERVICES TO CHILDREN, YOUTH, AND

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FAMILIES BY CREATING CHILDREN'S SERVICES WORK GROUPS, BY ESTABLISHING AN INDEPENDENT STUDY COMMISSION TO MAKE RECOMMENDATIONS ON HOW TO ELIMINATE BARRIERS TO COLLABORATION BETWEEN AND AMONG CHILD-SERVING AGENCIES, AND TO MAKE AN APPROPRIATION AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, is referred to the Committee on Children, Youth and Families and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representatives B. Allen and Hunter (Primary Sponsors); Bell, Cunningham, and Lucas:

**H.B. 223**, A BILL TO BE ENTITLED AN ACT AUTHORIZING A REFERENDUM FOR THE ESTABLISHMENT OF AN EDUCATION LOTTERY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Yongue, Preston, Glazier, and Sauls (Primary Sponsors); Alexander, B. Allen, L. Allen, Bordsen, Carney, Cleveland, Cole, Coleman, Dickson, England, Faison, Fisher, Gibson, Gillespie, Goodwin, Harrison, Hill, Holliman, Hollo, Hunter, LaRoque, Lucas, Luebke, McLawhorn, Pate, Pierce, Rapp, Ross, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Williams, Wilson, Womble, and Wray:

**H.B. 224**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE SUPPLEMENTAL FUNDING FOR LOW-WEALTH SCHOOL SYSTEMS, is referred to the Committee on Appropriations.

By Representative Wray:

**H.B. 225**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wray:

**H.B. 226**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Underhill:

**H.B. 227**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CRAVEN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Underhill:

**H.B. 228**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CRAVEN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Underhill:

**H.B. 229**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PAMLICO, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Underhill:

**H.B. 230**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PAMLICO, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Tolson, Daughtridge, and Michaux:

**H.B. 231**, A BILL TO BE ENTITLED AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER, is referred to the Committee on State Government and, if favorable, to the Committee on Judiciary I.

By Representatives Tolson and Warren (Primary Sponsors); Faison, McLawhorn, and Wray:

**H.B. 232**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA REAL ENTERPRISES, INC., TO DEVELOP AND IMPLEMENT ENTREPRENEURIAL EDUCATION PROGRAMS AND PROVIDE SUPPORT TO ENTREPRENEURS, is referred to the Committee on Appropriations.

By Representative Sherrill:

**H.B. 233**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEVILLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Sherrill:

**H.B. 234**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BUNCOMBE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Sherrill and Fisher:

**H.B. 235**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE ASHEVILLE ART MUSEUM'S FACILITIES, is referred to the Committee on Appropriations.

By Representatives Culpepper and Williams (Primary Sponsors); Alexander, Luebke, and Weiss:

**H.B. 236**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER PROPERTY ACQUIRED BY THE FEDERAL GOVERNMENT, is referred to the Committee on Environment and Natural Resources.

#### **SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

**S.B. 130**, A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK, is read the first time and referred to the Committee on Appropriations.

#### **ENROLLED BILLS**

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

**H.J.R. 19**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES DONALD "DON" GOINS, FORMER CHIEF ENGINEER OF OPERATIONS OF THE DIVISION OF HIGHWAYS. (RESOLUTION 2005-4)

**H.J.R. 47**, A JOINT RESOLUTION HONORING THE FOUNDERS OF CREEDMOOR ON THE TOWN'S 100TH ANNIVERSARY. (RESOLUTION 2005-5)

On motion of the Speaker, the House recesses at 2:25 p.m.

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**RECESS**

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

**COMMITTEE ASSIGNMENTS**

The Speaker makes the following committee assignments:

Pursuant to Rule 26(h), the following Members are appointed to serve as ex officio Members of all committees: Representatives Culpepper, Cunningham, Eddins, and Hackney.

**RULES, CALENDAR AND OPERATIONS OF THE HOUSE:** Representative Culpepper, Chair; Representatives Hackney and LaRoque, Vice Chairs; Representatives Bell, Brubaker, Church, Crawford, Earle, Hill, Holliman, Howard, Justus, Luebke, McComas, McLawhorn, Owens, Ross, Sauls, Saunders, Sherrill, Wilkins, and Yongue.

**AGING:** Representatives Bordsen and Farmer-Butterfield, Chairs; Representatives Almond, Earle, and Pierce, Vice Chairs; Representatives Culp, England, Gillespie, Langdon, McAllister, McMahan, Rayfield, Tolson, Weiss, and Wilson.

**AGRICULTURE:** Representative Hill, Chair; Representatives Bell, Coates, Langdon, Tucker, West, and Williams, Vice Chairs; Representatives Culp, Faison, Kiser, Pate, Pierce, Preston, Tolson, Underhill, Walker, Warren, Wilson, Wray, and Yongue.

**ALCOHOLIC BEVERAGE CONTROL:** Representative Hall, Chair; Representatives Gibson, Grady, and Miller, Vice Chairs; Representatives Daughtry, Lucas, Moore, and Starnes.

**APPROPRIATIONS:** Representatives Crawford, Earle, Nye, and Owens, Chairs; Representatives Adams, Coates, Cole, Haire, Hunter, Insko, Jeffus, Michaux, Tolson, Warren, Wright, and Yongue, Vice Chairs; Representatives Hackney and McComas.

**APPROPRIATIONS SUBCOMMITTEE ON CAPITAL:** Representative Wright, Chair; Representatives Hunter and West, Vice Chairs; Representatives Adams, Barnhart, Cole, Haire, Hollo, Insko, Kiser, Starnes, and Yongue.

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**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION:** Representatives Jeffus, Tolson, and Yongue, Chairs; Representatives Johnson, Preston, and Rapp, Vice Chairs; Representatives Bell, Cleveland, Fisher, Hilton, Justice, Michaux, Parmon, Pate, and Sauls.

**APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT:** Representative Adams, Chair; Representatives Lucas, McLawhorn, and Wilson, Vice Chairs; Representatives Daughtry, Goforth, Grady, Pierce, and Tucker.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES:** Representative Insko, Chair; Representative Farmer-Butterfield, Vice Chair; Representatives B. Allen, Current, England, Hollo, Stam, and Wright.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY:** Representative Haire, Chair; Representatives Ray and Sutton, Vice Chairs; Representatives Frye, Goodwin, Hall, Justus, and Miller.

**APPROPRIATIONS SUBCOMMITTEE ON NATURAL AND ECONOMIC RESOURCES:** Representatives Hunter and Warren, Chairs; Representatives L. Allen and Walker, Vice Chairs; Representatives Culp, Harrison, Langdon, LaRoque, Setzer, Wilkins, and Wray.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION:** Representatives Coates and Cole, Chairs; Representatives McAllister and Stiller, Vice Chairs; Representatives Almond, Brown, Coleman, Church, Dickson, Gulley, Holmes, Martin, McMahan, Moore, Saunders, Steen, and Williams.

**CHILDREN, YOUTH AND FAMILIES:** Representative McAllister, Chair; Representatives Goodwin and Weiss, Vice Chairs; Representatives Alexander, Dockham, Dollar, Farmer-Butterfield, Fisher, Folwell, Holloway, Hunter, and Walend.

**COMMERCE:** Representatives Goforth and Rapp, Chairs; Representatives Owens and Rayfield, Vice Chairs; Representatives Almond, Barnhart, Bordsen, Brown, Coleman, Current, Dickson, England, Faison, Frye, Gibson, Gillespie, Haire, Hunter, Jeffus, Jones, McGee, McLawhorn, Moore, Pierce, Ray, Sauls, Stam, Tucker, Walend, Wiley, and Wray.

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**EDUCATION:** Representatives Bell, Lucas, and McLawhorn, Chairs; Representatives Dickson, England, Glazier, Parmon, Preston, and Sauls, Vice Chairs.

**EDUCATION SUBCOMMITTEE ON PRE-SCHOOL, ELEMENTARY AND SECONDARY EDUCATION:** Representatives Glazier and Parmon, Chairs; Representatives Blackwood and Goforth, Vice Chairs; Representatives B. Allen, Bell, Carney, Cleveland, Fisher, Folwell, Harrison, Hilton, Holloway, Johnson, Langdon, Luebke, Nye, Pate, Preston, Walker, Warren, Wiley, Womble, and Yongue.

**EDUCATION SUBCOMMITTEE ON COMMUNITY COLLEGES:** Representative England, Chair; Representatives Frye and Wilkins, Vice Chairs; Representatives Bordsen, Brown, Cleveland, Cole, Coleman, Crawford, Dockham, Goodwin, Justice, Martin, Tolson, and Wray.

**EDUCATION SUBCOMMITTEE ON UNIVERSITIES:** Representative Dickson, Chair; Representatives Grady and Harrell, Vice Chairs; Representatives Adams, Daughtridge, Hollo, Holmes, Insko, McAllister, Michaux, Rapp, and Stiller.

**ELECTION LAW AND CAMPAIGN FINANCE REFORM:** Representative Ross, Chair; Representatives Kiser, Luebke, and Michaux, Vice Chairs; Representatives Blust, Church, Harrison, Holliman, Holmes, Lewis, Nye, and Starnes.

**ENVIRONMENT AND NATURAL RESOURCES:** Representative Harrell, Chair; Representatives L. Allen, Harrison, and McComas, Vice Chairs; Representatives Blackwood, Capps, Carney, Culp, Daughtridge, Gibson, Gillespie, Goodwin, Gulley, Hackney, Haire, Insko, LaRoque, Luebke, Martin, McGee, McMahan, Owens, Parmon, Preston, Stiller, Underhill, Weiss, and Womble.

**ETHICS:** Representative Fisher, Chair; Representatives Howard and Yongue, Vice Chairs; Representatives Bell, Brubaker, Daughtry, Nye, Ross, and Steen.

**FEDERAL RELATIONS AND TRADE ISSUES:** Representatives Current, Farmer-Butterfield, and Glazier, Vice Chairs; Representatives Alexander, Almond, Brown, Coates, Cole, England, Faison, Gillespie, Holloway, Hunter, McMahan, and Parmon.

**FINANCIAL INSTITUTIONS:** Representative Church, Chair; Representatives Vinson and Wainwright, Vice Chairs; Representatives Blackwood,

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Brubaker, Carney, Clary, Dickson, Holliman, Jones, McGee, Miller, Moore, Rapp, Saunders, Steen, and Williams.

**FINANCE:** Representatives Alexander, Gibson, Luebke, and Wainwright, Chairs; Representatives Daughtridge, Hill, Ross, Weiss, and Womble, Vice Chairs; Representatives Blackwood, Blust, Bordsen, Capps, Carney, Dockham, Faison, Folwell, Glazier, Hackney, Harrell, Holliman, Jones, Lewis, McGee, Rayfield, Stam, Underhill, Vinson, Walend, and Wiley.

**HEALTH:** Representative Wright, Chair; Representatives England and Justus, Vice Chairs; Representatives Adams, Alexander, Allred, Barnhart, Brubaker, Clary, Current, Earle, Glazier, Goforth, Hall, Hilton, Hollo, Hunter, Insko, McAllister, McLawhorn, Nye, Parmon, Pierce, Setzer, Sherrill, Tolson, Tucker, Vinson, and Wainwright.

**INSURANCE:** Representative Holliman, Chair; Representatives Faison, Hall, Nye, and Setzer, Vice Chairs; Representatives L. Allen, Allred, Almond, Barnhart, Brubaker, Current, Grady, Howard, Hunter, Johnson, Ross, Saunders, Steen, Sutton, Wainwright, and Wright.

**JUDICIARY I:** Representative Hackney, Chair; Representatives Ross and Stiller, Vice Chairs; Representatives Alexander, Blust, Capps, Clary, Goodwin, Harrison, Insko, Miller, Stam, and West.

**JUDICIARY II:** Representative Michaux, Chair; Representatives Bordsen, Harrell, and Moore, Vice Chairs; Representatives L. Allen, Farmer-Butterfield, Fisher, Folwell, Gulley, Hall, Walend, and Wiley.

**JUDICIARY III:** Representative Sutton, Chair; Representatives Haire, Jones, and Sherrill, Vice Chairs; Representatives Dollar, Faison, Holmes, Jeffus, Johnson, and Warren.

**JUDICIARY IV:** Representative Weiss, Chair; Representatives Glazier and Kiser, Vice Chairs; Representatives Culpepper, Daughtry, Earle, Holloway, Justus, Martin, Parmon, and Ray.

**LOCAL GOVERNMENT I:** Representative Tucker, Chair; Representatives Coleman and McGee, Vice Chairs; Representatives Adams, Capps, Owens, Pate, Rapp, Warren, Wiley, and Wilson.

**LOCAL GOVERNMENT II:** Representative Jones, Chair; Representatives Carney and Rayfield, Vice Chairs; Representatives L. Allen, Brown, Church, Frye, Jeffus, Justice, Langdon, Steen, Wilkins, and Womble.

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**MILITARY, VETERANS AND INDIAN AFFAIRS:** Representative Underhill, Chair; Representatives Hollo, Lucas, and Wainwright, Vice Chairs; Representatives Cleveland, Coates, Dickson, Glazier, Martin, Preston, Sutton, Vinson, and Wiley.

**PENSIONS AND RETIREMENT:** Representative Bell, Chair; Representative B. Allen, Vice Chair; Representatives Coleman, Folwell, Kiser, and Ross.

**PUBLIC UTILITIES:** Representative Saunders, Chair; Representatives Cole and Sauls, Vice Chairs; Representatives Barnhart, Bordsen, Coates, Culpepper, Gibson, Goforth, Grady, Harrell, Hill, Holliman, Howard, Johnson, LaRoque, Lucas, McComas, Ray, and Wright.

**SCIENCE AND TECHNOLOGY:** Representative Miller, Chair; Representative Martin, Vice Chair; Representatives Grady, Gulley, Harrison, Hollo, Jones, Tolson, and Walend.

**STATE GOVERNMENT:** Representative Womble, Chair; Representatives Alexander, Current, and Underhill, Vice Chairs; Representatives B. Allen, Almond, Crawford, Setzer, and Yongue.

**STATE PERSONNEL:** Representative B. Allen, Chair; Representatives Church and Walker, Vice Chairs; Representatives Coleman, Dollar, Farmer-Butterfield, Sherrill, Sutton, and West.

**TRANSPORTATION:** Representatives L. Allen and Carney, Chairs; Representatives Crawford, Saunders, Steen, Williams, and Wright, Vice Chairs; Representatives Blackwood, Cleveland, Coates, Cole, Daughtridge, Dockham, Goodwin, Haire, Hill, Hilton, McComas, Moore, Preston, Rayfield, Rhodes, Starnes, Sutton, Wilkins, and Wray.

**WAYS AND MEANS:** Representative Womble, Chair; Representatives Allred and Fisher, Vice Chairs; Representatives Adams, Dollar, Gillespie, Jeffus, Michaux, and Saunders.

**WILDLIFE RESOURCES:** Representative Williams, Chair; Representative Wray, Vice Chair; Representatives Cleveland, Culp, Faison, Gibson, Gillespie, Gulley, Harrell, Lucas, Rhodes, and Wilkins.

Pursuant to House Resolution 1, the following Chairs of committees and standing subcommittees have been designated by the Speaker for appointment by the Speaker Pro Tempore.

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**APPROPRIATIONS:** Representatives Clary and Sherrill, Chairs.

**APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT:** Representative West, Chair.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES:** Representative Barnhart, Chair.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY:** Representative Kiser, Chair.

**COMMERCE:** Representatives Daughtridge and LaRoque, Chairs.

**EDUCATION:**

**EDUCATION SUBCOMMITTEE ON COMMUNITY COLLEGES:**  
Representative Sauls, Chair.

**EDUCATION SUBCOMMITTEE ON UNIVERSITIES:**  
Representative Ray, Chair.

**ELECTION LAW AND CAMPAIGN FINANCE REFORM:**  
Representative Moore, Chair.

**ENVIRONMENT AND NATURAL RESOURCES:** Representative Justice, Chair.

**ETHICS:** Representative Setzer, Chair.

**FEDERAL RELATIONS AND TRADE ISSUES:** Representatives Frye and Hilton, Chairs.

**FINANCIAL INSTITUTIONS:** Representative Grady, Chair.

**FINANCE:** Representatives Howard and McComas, Chairs.

**LOCAL GOVERNMENT II:** Representative Walker, Chair.

**MILITARY, VETERAN AND INDIAN AFFAIRS:** Representative Pate, Chair.

**PENSIONS AND RETIREMENT:** Representative Wilson, Chair.

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**PUBLIC UTILITIES:** Representative Brubaker, Chair.

**STATE GOVERNMENT:** Representative Johnson, Chair.

**STATE PERSONNEL:** Representative Justus, Chair.

**TRANSPORTATION:** Representatives Allred and Stiller, Chairs.

**WILDLIFE:** Representative Steen, Chair.

On motion of Representative Culpepper, seconded by Representative Gibson, the House adjourns at 4:13 p.m. to reconvene February 16 at 2:00 p.m.

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## THIRTEENTH DAY

HOUSE OF REPRESENTATIVES  
Wednesday, February 16, 2005

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

Prayer is offered by Representative Pierce.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of February 15 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Church, Rayfield, Sutton, and Wainwright for today.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Coates and Saunders (Primary Sponsors); Alexander, B. Allen, Bordsen, Carney, Coleman, Culp, Faison, Farmer-Butterfield, Fisher, Hackney, Jones, Lucas, Luebke, McLawhorn, Wainwright, Warren, Wilkins, and Wray:

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**H.B. 237**, 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, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, is referred to the Committee on State Government and, if favorable, to the Committee on Transportation.

By Representatives Insko and Preston (Primary Sponsors); B. Allen, Coleman, Farmer-Butterfield, Fisher, Glazier, Hackney, Harrison, Jones, Lucas, Luebke, Martin, Parmon, Ross, Underhill, Wainwright, Warren, Weiss, and Womble:

**H.B. 238**, A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT ALL VOTING SYSTEMS PERMIT ALL VOTERS TO VERIFY THEIR VOTES ON PAPER; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY PROVIDING CHECKS ON ELECTRONIC VOTING SYSTEM VENDORS, INCLUDING MULTIPARTY REVIEW OF SOURCE CODE, BY AUTHORIZING THE STATE BOARD OF ELECTIONS TO PROMOTE UNIFORMITY IN VOTING SYSTEMS BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, BY EMPOWERING THE STATE BOARD OF ELECTIONS TO CONTROL THE TESTING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; BY APPROPRIATING STATE FUNDS FOR VOTING SYSTEM ACQUISITION TO PREVENT IMPOSING UNFUNDED MANDATES UPON COUNTIES; AND BY APPROPRIATING FUNDS TO THE STATE BOARD OF ELECTIONS TO IMPLEMENT ITS EXPANDED DUTIES WITH REGARD TO VOTING SYSTEMS, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Wainwright, B. Allen, and England:

**H.B. 239**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL HEALTH DEPARTMENTS AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED, is referred to the Committee on Health.

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By Representative Brown:

**H.B. 240**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF KERNERSVILLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Brown, Folwell, and McGee:

**H.B. 241**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN EQUITABLE PORTION OF THE FACILITIES FEES COLLECTED IN FORSYTH COUNTY SHALL BE USED FOR MAINTENANCE OF THE SEAT OF COURT IN KERNERSVILLE, is referred to the Committee on Local Government II.

By Representatives Sutton, Yongue, and Pierce (Primary Sponsors):

**H.B. 242**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROBESON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Sutton, Yongue, and Pierce (Primary Sponsors):

**H.B. 243**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROBESON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Sutton, Bell, Faison, Jones, and Wray:

**H.B. 244**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE WORK OF THE NORTH CAROLINA INDIAN ECONOMIC DEVELOPMENT INITIATIVE, is referred to the Committee on Appropriations.

By Representatives Sutton, Bell, Jones, and Wray:

**H.B. 245**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A PROCESSING ASSISTANT POSITION FOR THE COMMISSION OF INDIAN AFFAIRS, is referred to the Committee on Appropriations.

By Representatives Preston, Johnson, Carney, and Yongue (Primary Sponsors); Culp, Dickson, England, Farmer-Butterfield, Fisher, Folwell, Glazier, Jones, Lucas, Luebke, McLawhorn, Parmon, Pate, Rapp, Underhill, Wainwright, Warren, and Weiss:

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**H.B. 246**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAPS ON FUNDING FOR CHILDREN WITH DISABILITIES AND FOR ACADEMICALLY GIFTED CHILDREN, is referred to the Committee on Appropriations.

By Representatives Preston, Carney, Johnson, and Yongue (Primary Sponsors); B. Allen, Dickson, England, Faison, Farmer-Butterfield, Fisher, Glazier, Insko, Jones, Lewis, Luebke, McGee, McLawhorn, Parmon, Pate, Rapp, Underhill, Wainwright, Warren, Weiss, and Wray:

**H.B. 247**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS AND TO REPEAL THE REQUIREMENT THAT LOCAL SCHOOL ADMINISTRATIVE UNITS CONTRIBUTE TO THE RETIREMENT SYSTEM FOR THESE EMPLOYEES, is referred to the Committee on Pensions and Retirement and, if favorable, to the Committee on Education.

By Representatives Cole and Saunders (Primary Sponsors); Faison and Gillespie:

**H.B. 248**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, is referred to the Committee on Pensions and Retirement and, if favorable, to the Committee on Transportation.

By Representative Cole:

**H.B. 249**, 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 Transportation.

By Representatives Cole and Coates (Primary Sponsors):

**H.B. 250**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE RATE OF INTEREST ALLOWED ON HIGHWAY CONDEMNATION AWARDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, is referred to the Committee on Transportation.

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By Representatives Setzer and Underhill (Primary Sponsors); Cole, Culp, Daughtridge, Dollar, Faison, Frye, Goforth, Hilton, Martin, McGee, McLawhorn, Moore, Pate, Preston, Rapp, Steen, Wainwright, Wilkins, and Wray:

**H.B. 251**, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX DEDUCTION FOR FIREFIGHTERS AND RESCUE SQUAD WORKERS, is referred to the Committee on Finance.

By Representatives Setzer, Alexander, Barnhart, Blackwood, Brown, Cole, Culp, Dollar, Faison, Folwell, Frye, Gillespie, Glazier, Hackney, Harrison, Johnson, Lewis, Lucas, Luebke, Martin, McGee, Moore, Pate, Preston, Steen, Tucker, Wainwright, Warren, Weiss, Wiley, and Wray:

**H.J.R. 252**, A JOINT RESOLUTION HONORING THE 75TH ANNIVERSARY OF THE STATE HIGHWAY PATROL AND PAYING TRIBUTE TO THOSE WHO HAVE DIED IN THE LINE OF DUTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Crawford, Coates, Cole, McAllister, McMahan, Saunders, and Sutton:

**H.B. 253**, A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS OF THE NORTH CAROLINA TURNPIKE AUTHORITY, is referred to the Committee on Transportation and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Crawford, Coates, Cole, McAllister, Saunders, and Sutton:

**H.B. 254**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TREASURER TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, is referred to the Committee on Transportation.

By Representatives Walend, Almond, Blackwood, Brown, Capps, Cleveland, Current, Dollar, Faison, Folwell, Gillespie, Gulley, Lewis, McGee, Moore, Preston, Starnes, Steen, Wiley, and Wray:

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**H.R. 255**, A HOUSE RESOLUTION TO PROVIDE THE PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AT THE CONVENING OF EACH DAILY SESSION OF THE HOUSE OF REPRESENTATIVES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Tolson and Wright (Primary Sponsors); B. Allen, Cole, Dickson, England, Glazier, Goforth, Insko, Jeffus, Jones, McLawhorn, Parmon, Rapp, and Wainwright:

**H.B. 256**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL PROJECTS AT AREA HEALTH EDUCATION CENTERS ACROSS THE STATE, is referred to the Committee on Appropriations.

By Representatives Ross, Michaux, and Earle (Primary Sponsors); Alexander, B. Allen, Bell, Bordsen, Carney, Cole, Cunningham, Faison, Farmer-Butterfield, Fisher, Glazier, Hackney, Haire, Harrison, Insko, Jeffus, Lucas, Luebke, Parmon, Tucker, Underhill, Wainwright, Weiss, Wilkins, and Womble:

**H.B. 257**, A BILL TO BE ENTITLED AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL VOTING IN 2004; AND TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING, is referred to the Committee on Election Law and Campaign Finance Reform.

Representative Culpepper moves, seconded by Representative Jeffus, that the House adjourn, subject to the receipt of Messages from the Senate and the announcement of changes in committee assignments, to reconvene February 17 at 10:00 a.m.

The motion carries.

#### **SPECIAL MESSAGES FROM THE SENATE**

The following Special Messages are received from the Senate:

**S.B. 7** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING

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FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, APPROPRIATING FUNDS TO RESTORE AND REPAIR CERTAIN PUBLIC BUILDINGS IN HYDE COUNTY DAMAGED BY HURRICANE ISABEL AND ESTABLISHING REPORTING REQUIREMENTS, is read the first time and referred to the Committee on Appropriations.

**S.J.R. 71**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, is read the first time.

Pursuant to Rule 32(a), the bill is placed on the Calendar of February 17.

#### **ADDENDA TO COMMITTEE ASSIGNMENTS**

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The Speaker makes the following committee assignments:

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**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES:** Add Representative Hollo as Vice Chair.

**ETHICS:** Remove Representative Daughtry.

**FINANCE:** Remove Representative Stam.

**PUBLIC UTILITIES:** Add Representative Sherrill.

**TRANSPORTATION:** Add Representative Rapp.

**WAYS AND MEANS:** Remove Representative Adams.

The House stands adjourned at 4:59 p.m.

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## FOURTEENTH DAY

HOUSE OF REPRESENTATIVES  
Thursday, February 17, 2005

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

Prayer is offered by Representative Pierce.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of February 16 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Brubaker, Church, Daughtridge, Dickson, Farmer-Butterfield, Glazier, Howard, Rayfield, Sutton, Tolson, Wainwright, and Walend for today.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

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By Representatives Faison, Cleveland, Harrison, Wilkins, and Wray:

**H.B. 258**, A BILL TO BE ENTITLED AN ACT TO EXTEND LIABILITY LIMITATIONS TO ALL PARTNERSHIPS, is referred to the Committee on Judiciary III.

By Representative Jeffus:

**H.B. 259**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Jeffus:

**H.B. 260**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GUILFORD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Jeffus:

**H.B. 261**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Jeffus:

**H.B. 262**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Jeffus:

**H.B. 263**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GUILFORD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Jeffus:

**H.B. 264**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GUILFORD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Lucas:

**H.B. 265**, A BILL TO BE ENTITLED AN ACT PROHIBITING THE REMOVAL OF CONSUMER PROPANE TANKS OR CONTAINERS

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FROM THE GROUNDS OF AN OCCUPIED RESIDENTIAL DWELLING WITHOUT THE CONSENT OF THE OWNER OR RESIDENT, is referred to the Committee on Commerce.

By Representatives Sutton, L. Allen, Faison, Pierce, Wilkins, Wray, and Yongue:

**H.B. 266**, A BILL TO BE ENTITLED AN ACT TO ACKNOWLEDGE THE TRIBAL GOVERNMENTS OF STATE-RECOGNIZED INDIAN TRIBES IN NORTH CAROLINA, is referred to the Committee on Military, Veterans and Indian Affairs.

By Representatives Sutton, B. Allen, Cole, Crawford, Faison, Gillespie, Hackney, Hall, Saunders, Starnes, Tolson, Warren, Wilkins, Womble, Wray, and Yongue:

**H.B. 267**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, is referred to the Committee on Transportation.

By Representative Wainwright:

**H.B. 268**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF LENOIR, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wainwright:

**H.B. 269**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF LENOIR, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wainwright:

**H.B. 270**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CRAVEN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wainwright:

**H.B. 271**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CRAVEN, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives L. Allen and Sherrill (Primary Sponsors); B. Allen and Wray:

**H.B. 272**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO SANITARY DISTRICTS THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES, is referred to the Committee on Ways and Means.

By Representative Daughtridge:

**H.B. 273**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NASH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Daughtridge:

**H.B. 274**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ROCKY MOUNT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Daughtridge:

**H.B. 275**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NASH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Daughtridge:

**H.B. 276**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ROCKY MOUNT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Glazier, Alexander and Carney (Primary Sponsors); B. Allen and Insko:

**H.B. 277**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE ABUSED, is referred to the Committee on Judiciary IV.

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By Representatives Brown and Folwell (Primary Sponsors):

**H.B. 278**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WALKERTOWN, is referred to the Committee on Finance.

By Representative Pierce:

**H.B. 279**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HOKE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Pierce:

**H.B. 280**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROBESON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Pierce:

**H.B. 281**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROBESON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Pierce:

**H.B. 282**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HOKE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Pierce, Bell, Coleman, Faison, Parmon, Wilkins, and Wray:

**H.B. 283**, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR EMPLOYING FELONS, is referred to the Committee on Finance.

By Representative Pierce:

**H.B. 284**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SCOTLAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Pierce, Bell, Coleman, Faison, and Wray:

**H.B. 285**, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INCOME TAX INCENTIVE TO RECEIVE PREVENTIVE HEALTH SERVICES, is referred to the Committee on Finance.

By Representatives Weiss, Justice, Womble, and Glazier (Primary Sponsors); Alexander, B. Allen, Coleman, England, Farmer-Butterfield, Fisher, Goforth, Hackney, Insko, Luebke, Michaux, and Ross:

**H.B. 286**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON CIGARETTES AND OTHER TOBACCO PRODUCTS, is referred to the Committee on Finance.

By Representatives Nye, Barnhart, England, and Womble:

**H.B. 287**, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA OCCUPATIONAL THERAPY PRACTICE ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE CEILING ON ITS FEES, is referred to the Committee on Finance.

By Representatives Rapp and McGee (Primary Sponsors); Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Capps, Coates, Cole, Coleman, Crawford, Culp, Earle, England, Farmer-Butterfield, Fisher, Frye, Gibson, Glazier, Goforth, Grady, Harrell, Harrison, Hill, Holliman, Insko, Jeffus, Johnson, Jones, Justus, Kiser, LaRoque, Lewis, Luebke, Martin, McAllister, McLawhorn, Miller, Parmon, Pate, Preston, Ray, Saunders, Sherrill, Stam, Steen, Sutton, Tolson, Vinson, Walker, Weiss, Wilson, Womble, Wray, Wright, and Yonique:

**H.B. 288**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A MOTOR VEHICLE SHALL DO UPON THE APPROACH OF AN EMERGENCY VEHICLE, is referred to the Committee on Judiciary III.

By Representatives LaRoque, Almond, Barnhart, Blackwood, Brown, Capps, Clary, Cleveland, Current, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Johnson, McGee, Moore, Pate, Sauls, Setzer, Stam, Starnes, Steen, and Vinson:

**H.B. 289**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STATE HEALTH PLAN SHALL NOT PROVIDE COVERAGE FOR ABORTION SERVICES EXCEPT UNDER CERTAIN CIRCUMSTANCES,

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

By Representatives LaRoque, Almond, Blackwood, Starnes, and Steen:

**H.B. 290**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AS THE GENERAL RULE IN CIVIL ACTIONS THAT THE COURT AWARD ATTORNEYS' FEES TO THE PREVAILING PARTY, is referred to the Committee on Judiciary II.

By Representatives LaRoque, Blackwood, Starnes, and Steen:

**H.B. 291**, A BILL TO BE ENTITLED AN ACT TO SEPARATE THE TRIAL FOR ANY MEDICAL MALPRACTICE ACTION INTO TWO PHASES IN ORDER TO DETERMINE THE ISSUES OF LIABILITY FOR COMPENSATORY DAMAGES AND THE AMOUNT OF COMPENSATORY DAMAGES SEPARATELY FROM THE LIABILITY FOR PUNITIVE DAMAGES AND THE AMOUNT OF PUNITIVE DAMAGES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative LaRoque:

**H.B. 292**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative LaRoque:

**H.B. 293**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative LaRoque:

**H.B. 294**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hilton, Capps, Culp, Daughtridge, Dollar, Frye, Gillespie, Hollo, Holloway, Johnson, LaRoque, McGee, Moore, Ray, Sauls, Setzer, Steen, Stiller, and Wiley:

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**H.B. 295**, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX DEDUCTION FOR FIREFIGHTERS AND RESCUE SQUAD WORKERS, is referred to the Committee on Finance.

### **SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

**S.B. 82** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, is read the first time and referred to the Committee on Election Law and Campaign Finance Reform.

### **CALENDAR**

Action is taken on the following:

**S.J.R. 71**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, passes its second reading, by electronic vote (101-0), and there being no objection is read a third time.

Representatives Johnson and Justus request and are granted permission to be recorded as voting "aye". The adjusted vote total is (103-0).

The resolution passes its third reading and is ordered enrolled.

Representative Culpepper moves, seconded by Representative Jones, that the House adjourn, subject to the ratification of joint resolutions and the appointment of an Escort Committee, to reconvene Monday, February 21, 2005, at 6:30 p.m.

The motion carries.

### **ENROLLED BILLS**

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

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**S.J.R. 71**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES. (RESOLUTION 2005-6)

### **ESCORT COMMITTEE ANNOUNCED**

The Speaker appoints the following members as an Escort Committee for the Governor, pursuant to **S.J.R. 71**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES: Representative Morgan, Chair; Representatives Culpepper, Hackney, Kiser, Coleman, Vinson, Earle, Insko, Cunningham, and Alexander.

The Senate is so notified by Special Message.

The House stands adjourned at 12:30 p.m.

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## **FIFTEENTH DAY**

HOUSE OF REPRESENTATIVES  
Monday, February 21, 2005

The House meets at 6:30 p.m. pursuant to adjournment and is called to order by the Speaker.

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

"Almighty God:

"We thank You for the renewal of this past weekend and for the fresh opportunity of service ahead. As we continue to seek Your favor and receive Your good gifts, we pray for the gift of discernment. We boldly ask You to grant unto us the subtle yet necessary difference of knowing which bill to pick up and which one to lay down...of distinguishing between which

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entitlement to yield and which one to keep back...of having the confidence to speak clearly when the roads we must travel are anything but clear. As chairpersons and committees have been assigned; and as this House has been put into its order for this Session, we seek Your wisdom, O Lord, to be courageous and effective leaders on behalf of Your people. May God add his blessing to this Honorable Body and may God bless the people of the Great State of North Carolina. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

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

Leaves of absence are granted Representatives Farmer-Butterfield, Justus, McMahan, and Rayfield for today.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

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

**S.B. 7** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND

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NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, APPROPRIATING FUNDS TO RESTORE AND REPAIR CERTAIN PUBLIC BUILDINGS IN HYDE COUNTY DAMAGED BY HURRICANE ISABEL AND ESTABLISHING REPORTING REQUIREMENTS, with a favorable report as to the House committee substitute bill, 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.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Holloway:

**H.B. 296**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF STOKES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Holloway:

**H.B. 297**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF STOKES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Holloway:

**H.B. 298**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF STOKES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Holloway:

**H.B. 299**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Holloway:

**H.B. 300**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Holloway:

**H.B. 301**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Dollar and Walend (Primary Sponsors); Allred, Blackwood, Cleveland, Culp, and Starnes:

**H.B. 302**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REFERENDA ON ANNEXATIONS IF REQUESTED BY RESIDENTS OF THE AREA TO BE ANNEXED, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representative Hunter:

**H.B. 303**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BERTIE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hunter:

**H.B. 304**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PERQUIMANS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hunter:

**H.B. 305**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GATES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hunter:

**H.B. 306**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GATES, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Hunter:

**H.B. 307**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BERTIE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hunter:

**H.B. 308**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HERTFORD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hunter:

**H.B. 309**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HERTFORD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hunter:

**H.B. 310**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PERQUIMANS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hunter:

**H.B. 311**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PERQUIMANS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hunter:

**H.B. 312**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BERTIE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hunter:

**H.B. 313**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GATES, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Hunter:

**H.B. 314**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HERTFORD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Clary, Moore, and Preston:

**H.B. 315**, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE COSTS OF THE STATE-COUNTY SPECIAL ASSISTANCE PROGRAM, is referred to the Committee on Appropriations.

By Representatives Clary, Holloway, Moore, and Preston:

**H.B. 316**, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAL ASSISTANCE PROGRAM COSTS, is referred to the Committee on Appropriations.

By Representative Clary:

**H.B. 317**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN, is referred to the Committee on Local Government II.

By Representative Culpepper:

**H.R. 318**, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2005 REGULAR SESSIONS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives B. Allen and Insko (Primary Sponsors); Alexander, L. Allen, Carney, Coates, Cunningham, Glazier, Goforth, Goodwin, Harrison, Hunter, Jones, Lucas, McAllister, McLawhorn, Michaux, Nye, Parmon, Ross, Underhill, Weiss, and Womble:

**H.B. 319**, 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 Rules, Calendar, and Operations of the House.

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By Representatives B. Allen, Dollar, and Coleman (Primary Sponsors); Cleveland, Coates, Eddins, Goforth, Goodwin, Harrison, Hunter, Jones, Lucas, Martin, McAllister, Ross, Stam, Underhill, Weiss, Wilkins, and Womble:

**H.B. 320**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OF STATE-OWNED REAL PROPERTY ENCOMPASSING THE DOROTHEA DIX HOSPITAL CAMPUS WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY, is referred to the Committee on State Government.

By Representatives Nye, England, and Wright (Primary Sponsors); Alexander, B. Allen, Coleman, and Ross:

**H.B. 321**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BEGIN DEVELOPING PLANS FOR THE CONSTRUCTION AND FINANCING OF A STATE PUBLIC HEALTH LABORATORY, is referred to the Committee on Appropriations.

By Representatives Jeffus, Adams, and Harrison (Primary Sponsors):

**H.B. 322**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO EXPAND COUNTY BOARD OF HEALTH MEMBERSHIP TO INCLUDE A RESTAURANT OWNER, is referred to the Committee on Health.

By Representatives Jeffus, Culp, Glazier, Luebke, and McLawhorn:

**H.B. 323**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE WELLNESS BENEFIT UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, is referred to the Committee on Health.

By Representative Warren:

**H.B. 324**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Warren:

**H.B. 325**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Warren:

**H.B. 326**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

**SPECIAL MESSAGE FROM THE SENATE**

**2005 GENERAL ASSEMBLY  
FIRST SESSION**

Senate Chamber  
February 21, 2005

Mr. Speaker:

Pursuant to **S.J.R. 71**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the President *Pro Tempore* appoints the following Senators as a committee on the part of the Senate to escort The Honorable Michael F. Easley to the Joint Session in the Hall of the House of Representatives Monday, February 21, 2005 at 7:00 P.M.:

Senator Soles, Chair  
Senator Lucas  
Senator Rand  
Senator Dannelly  
Senator Malone  
Senator Forrester  
Senator Berger of Rockingham  
Senator Allran

Respectfully,  
S/ Janet B. Pruitt  
*Principal Clerk*

**INTRODUCTION OF PAGES**

Pages for the week of February 21 are introduced to the membership. They are: Todd Anderson of Wake; David Caldwell of Catawba; Phillip Connelly of Johnston; Matthew Guin of Lee; Laura Millican of Brunswick; Michael Moore of Wake; and Brooks Parham of Vance.

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Representative Culpepper moves, seconded by Representative Miller, that the House adjourn, upon dissolution of the Joint Session, to reconvene February 22 at 3:00 p.m.

The motion carries.

#### **SPECIAL MESSAGE TO THE SENATE**

The Speaker orders a Special Message sent to the Senate informing that Honorable Body that the House of Representatives stands ready to receive them in Joint Session at the hour appointed.

#### **SPECIAL MESSAGE FROM THE SENATE**

##### **2005 GENERAL ASSEMBLY FIRST SESSION**

Senate Chamber  
February 21, 2005

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that pursuant to **S.J.R. 71**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the Senate stands ready to repair to the Hall of the House, there to sit in Joint Session with your Honorable Body for the State of the State Address.

Respectfully,  
S/ Janet B. Pruitt  
Principal Clerk

#### **JOINT SESSION**

Pursuant to resolution heretofore adopted and exchange of messages, the Sergeant-at-Arms announces the arrival of the Senate at the door of the House. The Speaker directs the admittance and seating of that Honorable Body. The President of the Senate, the Honorable Beverly E. Perdue, is seated to the right of the Speaker.

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The Sergeant-at-Arms is recognized and he announces the approach of the Chief Justice, the Associate Justices of the Supreme Court, the Chief Judge, and the Judges of the Court of Appeals who are seated in a body for the Joint Session.

The Sergeant-at-Arms is recognized and he announces the approach of the members of the Council of State and the members of the Governor's Cabinet who are seated in a body for the Joint Session.

The Speaker extends the courtesies of the House to Mrs. Mary Easley, First Lady of North Carolina, and all invited guests.

The Speaker relinquishes the gavel to the President of the Senate. The Joint Session is called to order by the President.

The Sergeant-at-Arms of the House announces the approach of the Governor. His Excellency enters, escorted by Senators Soles, Lucas, Rand, Dannelly, Malone, Forrester, P. Berger, and Allran; and Representatives Morgan, Culpepper, Hackney, Kiser, Coleman, Vinson, Earle, Insko, Cunningham, and Alexander.

The President recognizes Senator Soles, who presents his Excellency, Michael Francis Easley, Governor of North Carolina, to the Joint Assembly.

#### **STATE OF THE STATE ADDRESS**

"Speaker Black, Senator Basnight, Lieutenant Governor Perdue, Speaker Pro Tempore Morgan, Members of the General Assembly, Chief Justice Lake, Members of the Court, Council of State and Cabinet; honored guests and fellow citizens.

"Thank you for the warm welcome. You can tell me how you really feel tomorrow.

"Before I begin, I would like to recognize my wife, Mary, and my son, Michael, who are here with me tonight, and I want to thank them for their love and support.

"When we last came together in this Chamber, our country was under the shadow of war. Two years and 1400 courageous American lives later, war is still with us.

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"So as we take time to reflect on our progress here at home, let us also reflect on those who are serving so well abroad.

"To the airmen at Seymour Johnson and Pope Air Force Bases, the Marines at Cherry Point and Camp Lejeune, the soldiers at Fort Bragg, the National Guard and Coast Guard who are here tonight, we are so proud of you, and we are proud to be the most military friendly State in America.

"So many of our brave men and women are still abroad serving with honor and with dignity. We lend them our support and we pray for their safe and speedy return.

"But, our prayers must be coupled with action for our military families.

"To that end, I will ask for another appropriation this year to help our military children and spouses with expenses incurred by the long and unexpected separation. You funded it last year; I will ask for it again.

"The fight for the protection of American values is not only the duty of the military; it is the patriotic duty of all of us. Our effort to protect America's dominance in the world depends not just on the finest military, but also on the finest workforce in the world.

"With us tonight is General Dan Hickman. He just returned after a year as the commanding officer of the 30th Infantry Heavy Brigade in Iraq. He is the General who brought to our attention that our troops needed radios, laptops, armor, and other equipment. And North Carolina ordered and shipped that equipment to Iraq.

"But he is also Dan Hickman, Community College Vice President. He has a dual role in protecting the American way of life. He commands the finest military in the world, but he also trains the finest workforce in the world. He performs his patriotic duty in both lines of work. And, General, we will support you all the way in both your endeavors. Please stand.

"It is the Federal Constitution that provides for the common defense. But, it is the State Constitution that provides for the education of our workforce.

"In this global era, freedom is not guaranteed by a strong military alone. Today, a high quality workforce is essential to our economic freedom.

"We must raise the knowledge, talent and skill of our people in this State and in this country.

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"Because America's competitive edge is now, and always has been, creativity and innovation. Whether we as Americans maintain dominance in the world economy depends not on Washington, but on this General Assembly and your colleagues in other states, to provide all Americans the education they need to compete and win in the global economy.

"I cannot speak for other states, but we, in North Carolina, will do our part.

"Since I last spoke to you, our economy is stronger, our budget is stronger and most important, our State is stronger.

"Our unemployment rate has dropped faster in the last two years than nearly every state and is now below the national average.

"We have gained over 83,000 jobs, and we were in the top five in the Nation in net jobs created last year.

"This is no accident or stroke of luck. This is the result of tough choices and hard work.

"While other states buckled under budget pressure, North Carolina refused to drop the axe on our classrooms.

"Because, together, we have faith that investing in education will allow all of our people, in every corner of every county, of this great State, to fully develop their God-given talents.

"This is not just an economic imperative, it is a moral imperative. It is a North Carolina value.

"Four years ago, some classrooms had 35 students. Today in K-3rd grade, the class size is just 18.

"Four years ago, North Carolina was one of two Southern states with no pre-K program. This year, over 15,000 four-year-olds will start pre-K as at-risk children and finish as ready-to-learn students.

"And our school children are making more progress than ever. Our fourth graders led the Nation in math last year. Class size is down and test scores are up.

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"Not long ago, our college-going rate trailed the Nation. But today, because we fully funded enrollment increases and kept college affordable, we are a national leader in high school seniors going on to college.

"Our investments in Moving Ahead, highways, roads, and bridges have all paid off. And North Carolina goods are now flowing through our ports all around the world - direct shipments to China and Japan.

"Now we can do what we ought to be doing: export North Carolina products, not North Carolina jobs.

"And we are also using smart and targeted investments to take advantage of major business opportunities.

"You have given me the flexibility we need to quickly respond to new opportunities, and I am mindful of the responsibility that accompanies that trust. Every economic development tool will be used for the public purpose of creating jobs. And we cannot stop until every North Carolinian who wants a job has a job.

"New names like General Dynamics, Verizon, and Dell, and long-time North Carolina companies are expanding like GE, Merck and Lowe's.

"And we'll soon have the only statewide biomanufacturing job-training network in the world. North Carolina is now poised to become the world leader in biomanufacturing, with new good-paying jobs not just in the Triangle but throughout the entire State.

"Today, companies can take advantage of a broader R&D tax credit to make sure that their most creative work stays here in North Carolina.

"Today, Ernst & Young says North Carolina has one of the lowest burdens on business in the country.

"We continue to be ranked at the top in business climate because we keep skills high and costs low. We want to make it easy for business to create jobs not just so business will profit but so our people will prosper.

"In the end, everything that we do must be about making a higher and better quality of life for all of our people.

"And speaking of people, we have not forgotten those who built this country and made it great. Today, according to the AARP, we have the best

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prescription drug coverage for seniors in America. North Carolina is proud to lead the Nation in providing for the greatest generation.

"And we won't forget those great generations to come either. We have fully funded our Health Choice program for over 124,000 children. In North Carolina, no child will be left behind in health care either.

"But here is the good part - maybe the best part: we did all this while we restored fiscal discipline. The important part is we did all this while we cut waste and we did all this while putting a cap on government growth.

"North Carolina made real, sustainable progress.

"That means the funds will be there to provide these important programs in years to come, in good times and in bad.

"So let us continue our progress aggressively, but within a new era that guarantees the promises we make today will not be broken tomorrow.

"Because real vision demands that we make tough choices. But real vision is responsible and it is paid for.

"We have met the challenges of the past four years, but we still have much to do.

"Too many of our 9th graders are still not completing high school on time. As the economy changes, our schools must change, too.

"We must raise our high school graduation rate dramatically and quickly. We have great universities, great community colleges, wonderful early childhood and now great elementary schools, too. There is no excuse not to have great high schools, too, in North Carolina.

"The high schools we have simply will not meet the demands of the global economy.

"And 21st century schools must teach 21st century skills.

"I want all 9th graders to hear this. By the time you reach the 12th grade, no matter where you live in North Carolina, you'll have the opportunity to receive a two-year college degree with just one extra year of school. A new partnership with high schools, community colleges and universities holds great high promise for fully developing our State's talent.

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"You funded these pilot programs last year. The innovative project is called Learn and Earn. It is simple. You learn more and you earn more.

"We are taking this initiative statewide over four years. And everybody wins. Our workforce gets better skilled and more attractive. And students get better educated and get a better job.

"And we are moving forward on other high school initiatives, as well. With help from the Gates Foundation, we are building smaller schools within a school, so the students know the teachers and the teachers know the students.

"These schools will focus on such areas as health sciences, biotechnology, and information technology, the very fields that have the most potential for growth. And the students will work in these sectors as part of their education.

"Students can then see the connection between the courses they take and the jobs that they want. It makes school relevant to them and they don't drop out.

"If we keep their interest, we'll keep them in school. And soon, the best-educated workforce in America will be found within the borders of this State.

"Today, the economy demands that everybody participate. There is no room for error - nobody to be left behind.

"It is time that we provide adequate funds to those counties that lack the ability to provide for their school children.

"Just as we will be judged individually by how we treat the least of our brethren, so shall we be judged as a State.

"We cannot pretend that low-wealth and at-risk schools are not a problem in this State. And it cannot be solved by a judge's decision or my executive order. To have a fair shake in life, these disadvantaged kids need the power, the commitment and the compassion of this General Assembly.

"We cannot and will not support a system of education that discriminates against even one child in North Carolina.

"My budget will fully fund the low-wealth formula over two years, an increase of over 50 percent, to see that all children receive the same

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opportunities as the rest of North Carolina, not because it is law, but because it is right and just and fair.

"But let this much be clear, crystal clear, when we offer opportunity, we will demand real accountability.

"We can do a better job with the money we have. Our children deserve more and so do our taxpayers.

"The State has too many different funds for at-risk kids with too little accountability. I want to pull this money together under one formula with one set of requirements and a lot of accountability. That is the only way to find out what works and what doesn't work. Then we can invest in a proven strategy that helps all children meet high standards and reach their full potential.

"We know that when our children have access to good teachers, they not only succeed but they excel. But right now we only produce one-third of the teachers we need. We know that this business model won't work. We have to change it.

"So we are bringing together our community colleges with our universities to educate teachers in the communities where they are needed most. If we let teachers learn close to their homes, then they will stay there and teach. This partnership has worked well on a pilot basis.

"Now all of our university campuses will begin programs with community colleges in every corner of this State so teachers can get their degree from a licensed university in their community and children can get the teachers they need in their schools. This plan will increase the number of new teachers by 64 percent each year.

"And even the best teachers cannot control every aspect of a student's life. Life outside the school matters as much as the classroom, if not more. That is why we mandated character education.

"If we are to close the achievement gap, increase the graduation rate, and prepare all of our students for the global economy, we must address the whole child.

"Many of you know that I was a prosecutor for 15 years in our State courts. I saw thousands of young children come to court with their parents,

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and you could literally pick out which ones had a chance, which ones would make it, which would not. You've seen the same thing. Everybody there knew it. I knew it, the judge knew it, the clerk knew it.

"If we know we have a problem, then we have a duty to address it and we have a duty to fix it.

"We need social service and school staff working together in our schools to connect students and their families to the help they need. The services are already available in every county. We just need to connect them with the schools.

"We can't educate a child without the help and cooperation of parents.

"Clearly, parents are trying to raise their children right and get them a good education.

"But some ignore parental responsibilities. There is a child neglect statute on the books in this State. For those parents who intentionally interfere with their child's education, we will use that law to protect the child's right to get an education.

"Teachers are held accountable for educating our children in school. We as parents should be held accountable for our children at home.

"So reforming high schools...

"Requiring more accountability for more resources...

"Providing more teachers...

"Meeting the needs of our children...

"And, improving our skills in the global economy.

"This is a formula for success that leads to progress. This is what it takes to protect American values. And that's what it takes to build One North Carolina and a stronger America.

"But our education plans don't stop in high school.

"This year, this year, more students will enter college than ever before in the history of North Carolina.

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"More students will need financial aid. Washington just cut aid to over 15,000 North Carolina students. They need that help desperately. In this knowledge-based economy, we'll have to provide the funds.

"So our message to these students is simple - study hard and go to school. Washington may leave you on the curb, but North Carolina will not. Our budget will fund what Washington shamefully cut.

"And I commend the Board of Governors for holding the line on tuition this year. Tuition cannot rise every single year, and it will not go up in my budget.

"More community colleges need equipment for training. Otherwise, they have to waitlist students. My budget will make those investments.

"And it's not just equipment, but people make the difference. My budget will continue the progress to get community college pay up to the national average.

"This package of education initiatives, restructuring, and reforms I have outlined tonight, from pre-K to the university, is critical to our State, especially in the globalization.

"We have no choice but to provide the resources necessary to meet all of those demands.

"So where do we get those resources? Is there something - a source of revenue - that we're overlooking? Something that 42 other states have that we don't have? Is there something I've missed? You know my idea.

"I had a man at church not long ago telling me that he was against the lottery. He was selling me a raffle ticket at the time. I'm for the education raffle.

"Rest easy, my budget will not include an education lottery this year. You should remember that.

"You have fronted money from the General Fund for More at Four, class size reduction and school construction. From day one, I have said an education lottery should pay for these items. This lottery issue is not going away. Only the money for the education lottery is going away, from our State to other states every single day.

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"Since I delivered my first State of the State address, hundreds of millions of North Carolina dollars have gone to education in South Carolina, Georgia, Virginia and Tennessee. Our people are playing the lottery. We just need to decide which schools we are going to fund - ours or other states.

"I am for funding our schools.

"And we cannot talk about our needs and ignore health care. Costs are rising by double digits.

"The bad habits of some drive up costs for all. This must change.

"The time has come to significantly increase the cigarette tax and reduce teen smoking in North Carolina.

"And the time has come for those cigarette companies who are not part of the original tobacco settlement agreement to make payments for the disease that they cause and to abide by the same advertising restrictions that prohibit marketing to children that other companies have to do.

"We have come so far in the past four years through focus and discipline - a lot of discipline.

"State spending growth has been the lowest of any four-year period in the past 50 years.

"We have turned deficits into surpluses and overcome adversity at every turn.

"But let us never forget the recent past.

"We must abide by a reasonable spending cap. We can never let the overspending of the nineties occur again.

"Efficiency and reasonable cuts are the new realities of budget life. But, we can make it work - we have made it work.

"We kept spending growth down, while test scores went up.

"We cut spending and still raised college enrollment. We sustained our investments without sticking it to those who come after us.

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"And continued progress must be a North Carolina hallmark - this year as well as others.

"We cannot be satisfied with the status quo or be satisfied to measure our progress against neighboring states. We must look across the Nation and across the ocean to other countries to take our measure.

"We can't hesitate on our journey to build One North Carolina or our patriotic duty to build a better America.

"I want to close tonight by saying something to this General Assembly - to each of you. In the last four years we have accomplished more with fewer resources and in shorter periods of time than almost any legislature in history. It hasn't always been pretty, but it's been pretty doggone good.

"With faith in God and confidence in our ambition, let us work together for these mighty goals, they are worthy of a great State.

"May God bless North Carolina.

"Thank you."

Upon completion of his address, the Governor, joined by the Escort Committee, leaves the Hall of the House.

On motion of Senator Basnight, seconded by Speaker Black, the Joint Session is dissolved and the Senate stands adjourned.

The House stands adjourned at 7:48 p.m.

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## SIXTEENTH DAY

HOUSE OF REPRESENTATIVES  
Tuesday, February 22, 2005

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

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

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"Most Merciful God:

"Human nature makes it easy for us to trivialize the gift of prayer. Often, we treat prayer as if it were a magic wand we can wave on a whim. Sometimes, we call upon You as if You are merely a bellhop whom we can summon to meet our wants. Help us to recognize the unique opportunity we have each day to ask for Your guidance. Indeed, it is only because of Your limitless mercy that we have come to believe that every prayer we utter is heard through heaven's ears. As we have asked You for the gift of discernment this week, grant unto Your servants keen insight, sharp minds, and wise words they can begin using for the respective agendas of all the various committees. And, remind us that true prayer seeks that which is pleasing and acceptable in Thy sight. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of February 21 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Clary, Farmer-Butterfield, Grady, Holliman, McMahan, and Rayfield for today.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representative Culpepper:

**H.B. 327**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culpepper:

**H.B. 328**, A BILL TO BE ENTITLED AN ACT TO ADD NAGS HEAD TO THE CITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, is referred to the Committee on Local Government I.

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By Representatives Faison, Cole, Tucker, and Wray (Primary Sponsors); Cleveland, Coleman, Harrison, Hill, Langdon, LaRoque, McLawhorn, Pate, Pierce, Preston, Starnes, Stiller, Underhill, Warren, and Wilkins:

**H.B. 329**, A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY FOR THOSE WHO PARTICIPATE IN AGRITOURISM ACTIVITIES, is referred to the Committee on Judiciary III.

By Representatives Adams and Farmer-Butterfield (Primary Sponsors); Alexander, B. Allen, Coleman, Jeffus, Luebke, Ross, Starnes, and Weiss:

**H.B. 330**, A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE TO A LIVABLE WAGE, is referred to the Committee on Commerce.

By Representative Current:

**H.B. 331**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Current:

**H.B. 332**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Current:

**H.B. 333**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hill:

**H.B. 334**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SOUTHEASTERN COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 335**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Faison:

**H.B. 336**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Faison:

**H.B. 337**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Faison:

**H.B. 338**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CASWELL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Faison:

**H.B. 339**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CASWELL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Faison:

**H.B. 340**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CASWELL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Gibson and Current (Primary Sponsors); and Starnes:

**H.R. 341**, A HOUSE RESOLUTION URGING THE COMMITTEE ON THE IMPLEMENTATION OF TEXTILE AGREEMENTS TO APPROVE THE SAFEGUARD PETITIONS FILED BY THE UNITED STATES TEXTILE INDUSTRY, is referred to the Committee on Federal Relation and Trade Issues.

By Representatives Gibson and Starnes:

**H.B. 342**, 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.

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

**H.B. 343**, A BILL TO BE ENTITLED AN ACT CONCERNING THE ASHEVILLE WATER AUTHORITY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Setzer, Faison, and Moore:

**H.B. 344**, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX DEDUCTION FOR LAW ENFORCEMENT WORKERS, is referred to the Committee on Finance.

By Representatives Womble, Brown, Folwell, McGee, and Parmon:

**H.B. 345**, A BILL TO BE ENTITLED AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL SERVICES WITHIN THE DEPARTMENT'S TERRITORIAL AND EXTRATER-RITORIAL JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES, is referred to the Committee on Local Government II.

#### **SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

**S.J.R. 180**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF SALEMBURG ON THE TOWN'S 100TH ANNIVERSARY, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on the Calendar for immediate consideration.

The resolution passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

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By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**S.B. 7** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, APPROPRIATING FUNDS TO RESTORE AND REPAIR CERTAIN PUBLIC BUILDINGS IN HYDE COUNTY DAMAGED BY HURRICANE ISABEL AND ESTABLISHING REPORTING REQUIREMENTS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on today's Calendar for immediate consideration.

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.

The following Members of the House of Representatives signify with their signature, their support, approval and acceptance of the contents of the report on the Hurricane Recovery Act of 2005.

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Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Carney, Church, Coates, Coleman, Culp, Culpepper, Cunningham, Dickson, Dockham, England, Fisher, Folwell, Frye, Gillespie, Goforth, Haire, Harrison, Hill, Hilton, Hollo, Hunter, Jeffus, Johnson, Jones, Justus, LaRoque, Lucas, Luebke, McAllister, Moore, Nye, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue.

The report is included in the bill jacket and the bill is ordered sent to the Senate by Special Message.

Representative Culpepper moves, seconded by Representative Jones, that the House adjourn, subject to committee assignments, to reconvene February 23 at 4:00 p.m.

The motion carries.

#### **ADDENDA TO COMMITTEE ASSIGNMENTS**

February 22, 2005

The Speaker makes the following committee assignments:

**LOCAL GOVERNMENT I:** Remove Representative Rapp.

**LOCAL GOVERNMENT II:** Add Representative Rapp.

**PENSIONS AND RETIREMENT:** Add Representative Earle.

**SCIENCE AND TECHNOLOGY:** Add Representative Tolson as Vice Chair.

**STATE GOVERNMENT:** Remove Representative Almond.

The House stands adjourned at 4:15 p.m.

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### **SEVENTEENTH DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, February 23, 2005

February 23, 2005

The House meets at 4:00 p.m. pursuant to adjournment and is called to order by the Speaker.

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

"Holy Lord:

"As we search our hearts to find You, remind us that You created us to be found. You created us to seek and find Thee. And, we are grateful. Send us Your wisdom we pray, and endow us with the discernment of Your Holy Spirit that we may always seek the higher good for our lives and the lives of those You have called us to serve. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of February 22 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Farmer-Butterfield, Hall, Justus, Rayfield, Setzer, and Sherrill for today.

#### **ENROLLED BILLS**

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

**S.J.R. 180**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF SALEMBURG ON THE TOWN'S 100TH ANNIVERSARY. (RESOLUTION 2005-7)

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Faison and Sauls:

**H.B. 346**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMPREHENSIVE CLASSIFICATION RATING PLAN FOR PROFESSIONAL LIABILITY INSURANCE FOR PHYSICIANS, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Glazier, Hill, and Sauls (Primary Sponsors); Folwell and Moore:

**H.B. 347**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PUNISHMENT FOR FAILURE TO YIELD RESULTING IN DEATH, is referred to the Committee on Judiciary IV.

By Representative Barnhart:

**H.B. 348**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Barnhart:

**H.B. 349**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stiller:

**H.B. 350**, A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE, is referred to the Committee on Local Government II.

By Representative Owens:

**H.B. 351**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX FOR PASQUOTANK COUNTY AND ELIZABETH CITY, is referred to the Committee on Finance.

By Representatives Holloway, Blackwood, Blust, Capps, Cleveland, Culp, Gillespie, Gulley, McMahan, Moore, and Rhodes:

**H.B. 352**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A SMALL BUSINESS INCOME TAX EXEMPTION, is referred to the Committee on Finance.

By Representatives Holloway, Blackwood, Blust, Capps, Cleveland, Culp, Gulley, McMahan, Moore, and Rhodes:

**H.B. 353**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO LIMIT THE ABILITY OF

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THE GOVERNOR TO WITHHOLD LOCAL REIMBURSEMENTS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wiley, Dockham, Jeffus, and Jones (Primary Sponsors); Adams, B. Allen, Barnhart, Blust, Brown, Cleveland, Culp, Current, Folwell, Harrell, Harrison, Holliman, Lewis, Lucas, McGee, McMahan, Parmon, Vinson, Walend, Womble, and Wray:

**H.B. 354**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR TRANSPORTATION AND MARKETING COSTS ASSOCIATED WITH THE HIGH POINT INTERNATIONAL HOME FURNISHINGS MARKET, is referred to the Committee on Appropriations.

By Representatives McGee and Rapp (Primary Sponsors); Alexander, L. Allen, Barnhart, Blackwood, Bordsen, Brown, Capps, Carney, Cleveland, Coates, Culp, Daughtridge, Dollar, Earle, England, Folwell, Frye, Goforth, Gulley, Haire, Hill, Hilton, Hollo, Howard, Jeffus, Johnson, Justice, Lewis, Moore, Nye, Parmon, Pate, Preston, Sauls, Setzer, Sherrill, Starnes, Steen, Sutton, Vinson, Walend, Walker, West, Williams, Wilson, and Womble:

**H.B. 355**, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE USE OF CERTAIN RED AND BLUE LIGHTS ON VEHICLES, INCLUDING RED AND BLUE WINDSHIELD WASHER LIGHTS, is referred to the Committee on Judiciary III.

By Representative Wiley:

**H.B. 356**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF HIGH POINT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wiley:

**H.B. 357**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF HIGH POINT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wiley:

**H.B. 358**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF HIGH POINT, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Wiley:

**H.B. 359**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF JAMESTOWN, 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:

**S.J.R. 182**, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY MAY MEET IN BATH TO COMMEMORATE THE TRICENTENNIAL OF THAT TOWN, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on the Calendar for immediate consideration.

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

The resolution passes its third reading and is ordered enrolled.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

By Representatives Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

**S.B. 82** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, 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 today's Calendar for immediate consideration. The Senate committee substitute bill is placed on the Unfavorable Calendar.

Representative Ross offers Amendment No. 1 which is adopted by electronic vote (111-1).

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Representative Blust offers Amendment No. 2 which fails of adoption by electronic vote (51-60).

Representative Current requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (52-60).

On motion of the Speaker, the House recesses at 4:50 p.m.

### **RECESS**

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

### **CALENDAR (continued)**

**S.B. 82** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, is before the Body.

Representative Blust offers Amendment No. 3 which fails of adoption by electronic vote (52-60).

Representative Starnes offers Amendment No. 4 which fails of adoption by electronic vote (51-60).

Representative Starnes offers Amendment No. 5 which fails of adoption by electronic vote (51-61).

The bill, as amended, passes its second reading by electronic vote (60-52).

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

### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committee are presented:

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

February 23, 2005

**H.B. 7**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO MAY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS, with a favorable report.

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

**H.J.R. 100**, A JOINT RESOLUTION HONORING THE FOUNDERS OF ROTARY INTERNATIONAL ON THE ORGANIZATION'S ONE HUNDREDTH ANNIVERSARY, 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.

**H.R. 318**, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2005 REGULAR SESSIONS, with recommendation that it be adopted.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of February 24.

#### **BILL PLACED ON CALENDAR**

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.J.R. 100** (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PAUL P. HARRIS AND THE FOUNDERS OF ROTARY INTERNATIONAL ON THE ORGANIZATION'S ONE HUNDREDTH ANNIVERSARY, is placed on today's Calendar for immediate consideration.

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

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

Representative Culpepper moves, seconded by Representative Wainwright, that the House adjourn, subject to committee assignments and the receipt of Messages from the Senate, to reconvene February 24 at 9:00 a.m.

The motion carries.

February 23, 2005

**ADDENDA TO COMMITTEE ASSIGNMENTS**

February 23, 2005

The Speaker makes the following committee assignments:

**COMMERCE:** Add Representative Carney; remove Representative Moore.

**ENVIRONMENT AND NATURAL RESOURCES:** Add Representative Parmon.

**HEALTH:** Add Representative Crawford.

**STATE GOVERNMENT:** Remove Representative Crawford.

**MESSAGES FROM THE SENATE**

The following is received from the Senate:

**S.B. 133** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL VOTING IN 2004; AND TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING, is read the first time and referred to the Committee on Election Law and Campaign Finance Reform.

The House stands adjourned at 6:01 p.m.

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**EIGHTEENTH DAY**

HOUSE OF REPRESENTATIVES  
Thursday, February 24, 2005

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

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

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"Merciful God:

"A lot has taken place here this week. Each legislative day brought with it its own personality...its own special offering. It has been a good and productive week. We thank You for being a God who does not leave us alone but a God who makes it Your business to butt into our lives and shoulder Your way into the fray. For, it is in the fray that we live. Simple, clear cut issues rarely occur in this fragile world of ours. Thus, we thank Thee for Your steady, constant and guiding Presence that shadows our work, indeed, that envelops our hearts. Bless the work we have begun. Keep true in us the necessary zeal to serve others. And, grant us safe passage. For these and all things, Most Merciful Lord, we give You thanks. Amen."

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

Leaves of absence are granted Representatives Brubaker, Glazier, Holmes, Justus, Rayfield, Setzer, Sherrill, and West for today.

#### **ENROLLED BILLS**

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

**S.B. 7, AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL**

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LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, APPROPRIATING FUNDS TO RESTORE AND REPAIR CERTAIN PUBLIC BUILDINGS IN HYDE COUNTY DAMAGED BY HURRICANE ISABEL AND ESTABLISHING REPORTING REQUIREMENTS.

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

**S.J.R. 182**, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY MAY MEET IN BATH TO COMMEMORATE THE TRICENTENNIAL OF THAT TOWN. (RESOLUTION 2005-8)

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Hilton and Johnson (Primary Sponsors); Barnhart, Capps, Culp, Frye, Gillespie, Holliman, Justice, Justus, LaRoque, Pate, Ray, Sauls, Setzer, Steen, Walend, West, Wiley, and Wilson:

**H.B. 360**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE GENERAL ASSEMBLY OR ITS DESIGNEE TO STUDY THE ISSUES REGARDING THE IMPOSITION OF A DEATH SENTENCE UNDER NORTH CAROLINA LAW, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Womble, Parmon, and Brown (Primary Sponsors); Adams, Alexander, B. Allen, Bell, Carney, Coates, Coleman, Cunningham, Earle, England, Faison, Glazier, Goodwin, Harrison, Hunter, Insko, Jeffus, Jones, Lucas, Luebke, McAllister, McGee, McLawhorn, Michaux, Miller, Pierce, Ross, Tucker, Underhill, Wainwright, and Weiss:

**H.J.R. 361**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. CARTER G. WOODSON IN HONOR OF BLACK HISTORY MONTH, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Allred, Almond, Blackwood, Capps, Current, Dockham, Dollar, Kiser, LaRoque, Starnes, Walend, Walker, West, and Wilson:

**H.B. 362**, A BILL TO BE ENTITLED AN ACT TO REQUIRE VOTER APPROVAL FOR THE EXTENSION OF MUNICIPAL EXTRA-TERRITORIAL PLANNING JURISDICTION, is referred to the Committee on Judiciary I.

By Representatives Allred, Almond, Blackwood, Capps, Current, Dockham, Dollar, Folwell, Kiser, Starnes, Walend, Walker, West, and Wilson:

**H.B. 363**, A BILL TO BE ENTITLED AN ACT TO ALLOW RESIDENTS OF THE EXTRATERRITORIAL PLANNING JURISDICTION OF A CITY TO VOTE IN ELECTIONS FOR OFFICERS OF THAT CITY, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Weiss, Womble, Hill, and L. Allen (Primary Sponsors); Adams, Alexander, B. Allen, Barnhart, Bell, Bordsen, Carney, Coleman, Dickson, Earle, England, Fisher, Glazier, Goodwin, Haire, Harrison, Hunter, Insko, Jones, LaRoque, Luebke, McLawhorn, Michaux, Nye, Parmon, Pate, Pierce, Preston, Rapp, Ross, Sherrill, Tolson, Tucker, Underhill, Warren, Wilson, Wray, and Wright:

**H.B. 364**, 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 Representatives Insko and Nye (Primary Sponsors); Alexander, B. Allen, Bordsen, Fisher, Gillespie, Lucas, Luebke, McLawhorn, Rapp, Ross, Wainwright, Weiss, and Wilkins:

**H.B. 365**, A BILL TO BE ENTITLED AN ACT TO PROVIDE LONG-TERM VOCATIONAL SUPPORT SERVICES TO PERSONS WITH MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES, is referred to the Committee on Appropriations.

By Representatives Insko, Alexander, B. Allen, Bordsen, Crawford, Fisher, Glazier, Lewis, Luebke, McLawhorn, Rapp, Ross, Wainwright, and Weiss:

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**H.B. 366**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FOR CHILDREN SERVICES, AS RECOMMENDED BY COALITION 2001, is referred to the Committee on Appropriations.

By Representatives Insko, Alexander, B. Allen, Bordsen, Crawford, Fisher, Glazier, Lewis, Luebke, McLawhorn, Rapp, Ross, Wainwright, and Weiss:

**H.B. 367**, 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 AS RECOMMENDED BY COALITION 2001, is referred to the Committee on Appropriations.

By Representatives Insko, Alexander, B. Allen, Bordsen, Crawford, Glazier, Lewis, Luebke, McGee, McLawhorn, Ross, Wainwright, and Weiss:

**H.B. 368**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FOR RESIDENTIAL SERVICES, AS RECOMMENDED BY COALITION 2001, is referred to the Committee on Appropriations.

By Representatives Insko, Alexander, B. Allen, Bordsen, Crawford, Glazier, Lewis, Luebke, McLawhorn, Ross, Wainwright, and Weiss:

**H.B. 369**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, AS RECOMMENDED BY COALITION 2001, is referred to the Committee on Appropriations.

By Representatives Steen and Coates:

**H.B. 370**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF LANDIS, is referred to the Committee on Local Government II.

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By Representatives Sutton, Pierce, and Yongue (Primary Sponsors); Alexander, B. Allen, Blackwood, Faison, Harrell, Hill, McAllister, Michaux, and Wilkins:

**H.B. 371**, A BILL TO BE ENTITLED AN ACT DESIGNATING THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE AS NORTH CAROLINA'S HISTORICALLY AMERICAN INDIAN UNIVERSITY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Setzer:

**H.B. 372**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CATAWBA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Setzer:

**H.B. 373**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CATAWBA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Faison:

**H.B. 374**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONVERT A HALF-TIME DEPUTY CLERK POSITION IN CASWELL COUNTY TO A FULL-TIME POSITION AND TO ESTABLISH AN ADDITIONAL DEPUTY CLERK POSITION IN CASWELL COUNTY, is referred to the Committee on Appropriations.

By Representatives Ray, Alexander, Almond, Barnhart, Capps, Carney, Coates, Cole, Culp, Daughtridge, Earle, Fisher, Frye, Gillespie, Goforth, Goodwin, Hilton, Howard, Johnson, LaRoque, Lewis, Lucas, McGee, McLawhorn, McMahan, Preston, Rapp, Sauls, Saunders, Setzer, Steen, Stiller, Wainwright, Walend, Walker, Weiss, West, Wilkins, Williams, Wilson, and Wray:

**H.J.R. 375**, A JOINT RESOLUTION HONORING NORTH CAROLINA'S GREAT NASCAR LEGENDS DALE EARNHARDT, RALPH EARNHARDT, LEE PETTY, TIM FLOCK AND HIS COMPANION, JOCKO, BANJO MATTHEWS, CURTIS TURNER, FIREBALL ROBERTS, BUCK BAKER, AND AFRICAN-AMERICAN RACING PIONEER WENDELL SCOTT, AND ENCOURAGING NASCAR TO SELECT

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NORTH CAROLINA AS THE LOCATION FOR ITS HALL OF FAME, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Holloway, Blackwood, Capps, Cleveland, Culp, Faison, Frye, Gulley, Hollo, Langdon, McMahan, Pate, and Rapp:

**H.B. 376**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE SALES AND USE TAX ON FARM MACHINERY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Holloway, Almond, Blackwood, Capps, Cleveland, Culp, Daughtridge, Faison, Frye, Gulley, Pate, and Wilkins:

**H.B. 377**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE HOLDER OF A LIFETIME RESIDENT COMPREHENSIVE FISHING LICENSE OR A LIFETIME SPORTSMAN LICENSE IS ENTITLED TO THE SAME PRIVILEGES POSSESSED BY THE HOLDER OF A SALT-WATER FISHING LICENSE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Setzer and Pate:

**H.B. 378**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN AIR MEDAL SPECIAL LICENSE PLATE, is referred to the Committee on Finance.

By Representatives Setzer and Pate:

**H.B. 379**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A COLD WAR VETERAN SPECIAL LICENSE PLATE, is referred to the Committee on Finance.

By Representative Almond:

**H.B. 380**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF STANLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Almond:

**H.B. 381**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF STANLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Almond:

**H.B. 382**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF STANLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Nye and England (Primary Sponsors); Faison, Glazier, and McLawhorn:

**H.B. 383**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE GRANTS OR LOW-INTEREST LOANS TO ELIGIBLE HOSPITALS TO ADDRESS CRITICAL NEEDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Bordsen:

**H.B. 384**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ALAMANCE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Bordsen:

**H.B. 385**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A NEW ASSISTANT DISTRICT ATTORNEY IN PROSECUTORIAL DISTRICT 15A, is referred to the Appropriations Subcommittee on Justice and Public Safety.

### CALENDAR

Action is taken on the following:

**H.R. 318**, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2005 REGULAR SESSIONS.

Representative Culpepper calls the previous question on the adoption of the resolution and the call is sustained by electronic vote (76-28).

The resolution is adopted, by electronic vote (86-21), and ordered printed.

**S.B. 82** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND

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COUNCIL OF STATE, passes its third reading, by electronic vote (59-49), and is ordered engrossed and sent to the Senate for concurrence in the House committee substitute bill by Special Message.

Representative Culpepper moves, seconded by Representative L. Allen, that the House adjourn, subject to the ratification of bills and the receipt of Committee Reports, to reconvene Monday, February 28, 2005, at 7:00 p.m.

The motion carries.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

**S.B. 133** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL VOTING IN 2004; AND TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of February 28.

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

**H.J.R. 213**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HAROLD LILLARD KENNEDY, JR. FORMER MEMBER OF THE GENERAL ASSEMBLY, with a favorable report.

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

**H.J.R. 361**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. CARTER G. WOODSON IN HONOR OF BLACK HISTORY MONTH, with a favorable report as to the committee substitute resolution, unfavorable as to the original resolution.

Pursuant to Rule 36(b), the committee substitute resolution is placed on the Calendar of February 28. The original resolution is placed on the Unfavorable Calendar.

February 24, 2005

The House stands adjourned at 2:40 p.m.

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## NINETEENTH DAY

HOUSE OF REPRESENTATIVES

Monday, February 28, 2005

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

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

"Almighty God, Giver of every good and perfect gift, we begin this week asking for the gift of patience. We are all familiar with the adage, 'Patience is a virtue'. As we begin our legislative workweek together, we pray for this virtue as we eagerly wait for our respective bills to come up in committee and on the floor of the House. Though we all know that there is a clearly defined process, we must confess that sometimes we wish we could circumvent this process to get our legislation enacted. So, we are bold to ask You, Lord, to grant unto each Member of this Chamber, the gift of patience so that their work, both individually and collectively, can be thoughtfully and thoroughly researched, examined and debated with the expectation that our efforts will bring hope to Your people. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

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

Leaves of absence are granted Representatives Goforth, Hall, Holmes, Preston, and Rayfield for today.

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

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

20301 Mail Service Center • Raleigh, NC 27699-0301

February 28, 2005

Michael F. Easley  
*Governor*

February 25, 2005

The Honorable James Black  
Speaker of the House  
North Carolina General Assembly  
2307 Legislative Building  
Raleigh, NC 27603

Dear Speaker Black:

Pursuant to General Statute § 62-10, I hereby appoint Howard W. Lee to serve as a member of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. His term shall begin upon confirmation and will expire June 30, 2009.

Mr. Lee will fill the seat formerly held by Michael Wilkins.

Enclosed is biographical information on this appointee. Please feel free to call on him or members of my staff if you need additional information.

With kindest regards, I remain.

Very truly yours,  
S/ Michael F. Easley

**CERTIFICATION OF THE RESULTS OF THE  
GENERAL ELECTION HELD ON NOVEMBER 2, 2004,  
BY THE STATE BOARD OF ELECTIONS**

The undersigned members of the State Board of Elections, hereby certify that on Friday, the 4th of February, 2005, met at the office of the State Board of Elections at 506 N. Harrington Street in Raleigh, North Carolina, and did certify the returns transmitted to the State Board of Elections by the County Board of Elections, that were examined, compiled, and tabulated at the direction of the Board, the votes cast in the General Election held on November 2, 2004, for Member, State House of Representatives, District 7. We, therefore, state that we have ascertained and determined by the tabulation of the votes returned, the following to be elected or certified:

February 28, 2005

North Carolina House of Representatives  
District 7      John D. Hall      Democrat

For the State Board of Elections:  
S/ Larry Leake, Chairman  
S/ Genevieve C. Sims, Secretary  
S/ Robert B. Cordle, Member  
S/ Lorraine Shinn, Member  
S/ Charles Winfree, Member

Attest:  
S/ Gary O. Bartlett  
Executive Director

In Testimony Whereof, I have hereunto set my hand and affixed my Notarial Seal this 4th day of February 2005.

S/ Johnnie F. McLean  
Notary Public                      My commission expires August 24, 2007.

### **CHAPTERED BILLS**

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

**S.B. 7, AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL**

February 28, 2005

RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, APPROPRIATING FUNDS TO RESTORE AND REPAIR CERTAIN PUBLIC BUILDINGS IN HYDE COUNTY DAMAGED BY HURRICANE ISABEL AND ESTABLISHING REPORTING REQUIREMENTS. (S.L. 2005-1)

#### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Goodwin, Harrison, Insko, and Fisher (Primary Sponsors); Luebke and Weiss:

**H.B. 386**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Barnhart, L. Allen, Carney, England, Glazier, Hilton, Johnson, McGee, Pate, Preston, Steen, Vinson, Walend, Weiss, Wilson, and Yongue:

**H.B. 387**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANY CONSTITUENT INSTITUTION FROM ASSIGNING A STUDENT'S SOCIAL SECURITY NUMBER AS THE STUDENT'S IDENTIFICATION NUMBER, is referred to the Committee on Education.

By Representatives Folwell, Brown, McGee, and Pate:

**H.B. 388**, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF STUDENT MOBILITY ON ACADEMIC PERFORMANCE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Lucas, Glazier, McAllister, and Dickson (Primary Sponsors); Bell, Coates, Culp, Cunningham, Earle, Farmer-Butterfield, Fisher, Haire, Harrison, Underhill, Wainwright, Wilkins, Womble, Wray, and Yongue:

February 28, 2005

**H.B. 389**, A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY IN SETTING THE PAY DATE FOR TEACHERS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Tucker, Pate, and Underhill:

**H.B. 390**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT SERVICE AS A MAGISTRATE SHALL BE INCLUDED WHEN DETERMINING THE LONGEVITY PAY OF A CLERK OF SUPERIOR COURT AND APPROPRIATING FUNDS FOR THAT PURPOSE, is referred to the Committee on Appropriations.

By Representative Tucker:

**H.B. 391**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF WALLACE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives LaRoque, Earle, Holliman, and Daughtridg (Primary Sponsors); L. Allen, Carney, Fisher, Glazier, Harrison, Johnson, Luebke, Owens, and Ross:

**H.B. 392**, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS, is referred to the Committee on Alcoholic Beverage Control.

By Representative Stam:

**H.B. 393**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS, is referred to the Committee on Finance.

By Representatives Jeffus, Adams, Harrison, and Jones:

**H.B. 394**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THREE NEW DISTRICT COURT JUDGES AND SUPPORTING STAFF IN DISTRICT COURT DISTRICT 18 AND

February 28, 2005



TWO NEW ASSISTANT DISTRICT ATTORNEYS IN PROSECUTORIAL DISTRICT 18, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representatives Williams and Culpepper (Primary Sponsors); Church, Culp, Earle, England, Faison, Gibson, Goforth, Haire, Harrison, Hill, Howard, McLawhorn, Nye, Owens, Rapp, Saunders, Tolson, Underhill, Warren, Weiss, Wilkins, Wray, and Wright:

**H.B. 395**, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DIVISION OF FOREST RESOURCES AS AN EMERGENCY RESPONSE AGENCY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Holloway, Culp, Folwell, Gillespie, Lewis, McGee, Moore, Pate, and Walend:

**H.B. 396**, A BILL TO BE ENTITLED AN ACT TO REENACT AND REVISE THE INCOME TAX CREDIT FOR LONG-TERM CARE INSURANCE PREMIUMS, is referred to the Committee on Finance.

By Representatives Howard, Sherrill, and Justice (Primary Sponsors); Faison, McGee, and Pate:

**H.B. 397**, 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 AND TO MAKE TECHNICAL AND CONFORMING CHANGES IN ARTICLE 3B OF CHAPTER 105 OF THE GENERAL STATUTES, is referred to the Committee on Finance.

By Representatives Sauls and Lewis (Primary Sponsors):

**H.J.R. 398**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF COATS ON THE OCCASION OF THE TOWN'S 100TH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

### CALENDAR

Action is taken on the following:

**H.J.R. 361** (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. CARTER G. WOODSON IN HONOR

February 28, 2005

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

Representative Brown requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (114-0).

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

**S.B. 133** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL VOTING IN 2004; AND TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING.

Representative Moore offers Amendment No. 1 which fails of adoption by electronic vote (53-61).

Representative Moore offers Amendment No. 2 which fails of adoption by electronic vote (53-61).

The bill passes its second reading, by electronic vote (60-54), and remains on the Calendar.

#### **INTRODUCTION OF PAGES**

Pages for the week of February 28 are introduced to the membership. They are: Katherine Carlton of Wake; Candace Davis of Columbus; Allison Gilliam of Alamance; Casey Horne of Columbus; Taylor Lanier of Duplin; Zachary Lowman of Catawba; Lynnsey Trotter of Guilford; Hattie Walter of Wake; and Cameron Webb of McDowell.

#### **SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

**S.J.R. 205**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FREDERICK DOUGLAS ALEXANDER, FORMER MEMBER OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF BLACK HISTORY MONTH, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on the Calendar of March 1.

February 28, 2005

Representative Culpepper moves, seconded by Representative Dickson, that the House adjourn, subject to committee assignments, to reconvene March 1 at 3:30 p.m.

The motion carries.

#### **ADDENDA TO COMMITTEE ASSIGNMENTS**

February 28, 2005

The Speaker makes the following committee assignments:

**AGING:** Remove Representative Tolson.

**COMMERCE:** Add Representative Vinson.

**EDUCATION SUBCOMMITTEE ON PRE-SCHOOL, ELEMENTARY AND SECONDARY EDUCATION:** Add Representative Jeffus.

**PENSIONS AND RETIREMENT:** Add Representative Tolson.

The House stands adjourned at 8:37 p.m.

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### **TWENTIETH DAY**

HOUSE OF REPRESENTATIVES  
Tuesday, March 1, 2005

The House meets at 3:30 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by Pastor Everett Dickerson, Blackwell Baptist Church, Yanceyville, North Carolina.

"O God, our help in ages past, our hope for years to come, our shelter from the stormy blast and our eternal home.

"We come humbled and with thanksgiving. We are grateful today for life, liberty and the pursuit of happiness. We pray for all of the men and women who represent the citizens of this great State of North Carolina.

March 1, 2005

"We pray thy continued blessings upon each of them as they grapple with legislation that will continue to shape this State and this Nation.

"Bless this entire Assembly, give peace to these United States, wisdom to our President and his entire Cabinet, and grant strength to those men and women who serve this Nation in foreign lands and comfort to the families of those who made the supreme sacrifice.

"Through our Creator and Sustainer we pray. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of February 28 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Goforth, Grady, Hall, Holmes, and Rayfield for today.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Wright, Chair, for the Committee on Health:

**H.B. 83**, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO DEVELOP A METHODOLOGY FOR REINVESTING IN THE COMMUNITY SAVINGS REALIZED FROM THE COMMUNITY CARE OF NORTH CAROLINA PROGRAM, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM, 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. 106**, A BILL TO BE ENTITLED AN ACT TO EXPAND MEDICAID COVERAGE TO CHILDREN AGE BIRTH THROUGH FIVE YEARS WITH FAMILY INCOMES EQUAL TO OR LESS THAN TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL, AND TO USE NC HEALTH CHOICE STATE AND FEDERAL FUNDS TO FUND THE EXPANSION, AS RECOMMENDED BY THE BLUE

March 1, 2005

RIBBON COMMISSION ON MEDICAID REFORM, 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.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Owens:

**H.B. 399**, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS, is referred to the Committee on Local Government I and, if favorable, to the Committee on Finance.

By Representatives Moore and Clary (Primary Sponsors):

**H.B. 400**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE KINGS MOUNTAIN HISTORICAL MUSEUM FOUNDATION FOR THE PRESERVATION OF TWO HISTORIC FACILITIES, is referred to the Committee on Appropriations.

By Representatives Howard and Parmon (Primary Sponsors); and Setzer:

**H.B. 401**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RESTORE THE HISTORIC SINGLE SISTERS HOUSE ON THE CAMPUS OF SALEM ACADEMY AND COLLEGE, is referred to the Committee on Appropriations.

By Representatives Glazier and Eddins (Primary Sponsors); Blackwood, Dickson, Faison, Lucas, McAllister, McLawhorn, and Moore:

**H.B. 402**, 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 TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement.

March 1, 2005

By Representatives Glazier and Parmon (Primary Sponsors); and Harrison:

**H.B. 403**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PURCHASE OF THE PRELIMINARY SCHOLASTIC APTITUDE TEST (PSAT) FOR THE PUBLIC SCHOOLS, is referred to the Committee on Education.

By Representatives Glazier and Parmon (Primary Sponsors); Harrison and Womble:

**H.B. 404**, A BILL TO BE ENTITLED AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT, is referred to the Committee on Education.

By Representatives Wright, Adams, Alexander, B. Allen, Bell, Coleman, Cunningham, Dockham, Earle, Glazier, Jeffus, Jones, Lucas, Luebke, McAllister, McLawhorn, Parmon, Pierce, Ross, Wainwright, Warren, Weiss, and Womble:

**H.B. 405**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADDRESS THE PUBLIC HEALTH AIDS CRISIS, is referred to the Committee on Appropriations.

By Representatives Wright, Adams, Alexander, B. Allen, Bell, Cunningham, Glazier, Jeffus, Jones, Lucas, McAllister, McLawhorn, Parmon, Pierce, Wainwright, and Warren:

**H.B. 406**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE MATCHING FUNDS FOR THE AMERICORPS PROJECT IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, is referred to the Committee on Appropriations.

By Representatives Wright, Adams, Alexander, B. Allen, Bell, Coleman, Cunningham, Earle, Jeffus, Jones, Lucas, Luebke, McAllister, McLawhorn, Parmon, Pierce, Wainwright, Warren, Weiss, and Womble:

**H.B. 407**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUPPORT ASTHMA EDUCATION ACTIVITIES, is referred to the Committee on Appropriations.

March 1, 2005

By Representatives Wright, Adams, Alexander, B. Allen, Bell, Coleman, Cunningham, Earle, Faison, Glazier, Jeffus, Jones, Lucas, Luebke, McAllister, McLawhorn, Parmon, Pierce, Ross, Wainwright, Warren, Weiss, Womble, and Wray:

**H.B. 408**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE COMMUNITY-FOCUSED ELIMINATING HEALTH DISPARITIES INITIATIVE, is referred to the Committee on Appropriations.

By Representatives Wright, Adams, Alexander, B. Allen, Bell, Cunningham, Earle, Faison, Glazier, Jeffus, Jones, Lucas, Luebke, McAllister, McLawhorn, Parmon, Pierce, Wainwright, Warren, Weiss, Womble, and Wray:

**H.B. 409**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR INTERPRETER SERVICES IN LOCAL HEALTH DEPARTMENTS, is referred to the Committee on Appropriations.

By Representatives Wright, Adams, Alexander, B. Allen, Bell, Coleman, Cunningham, Dockham, Earle, Faison, Jeffus, Jones, Lucas, Luebke, McAllister, McLawhorn, Parmon, Pierce, Wainwright, Warren, Weiss, Womble, and Wray:

**H.B. 410**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR DIABETES PREVENTION AND CONTROL, is referred to the Committee on Appropriations.

By Representatives Wright, Adams, Alexander, B. Allen, Bell, Coleman, Cunningham, Jeffus, Jones, Lucas, Luebke, McAllister, McLawhorn, Parmon, Pierce, Wainwright, Weiss, and Womble:

**H.B. 411**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AND APPROPRIATE FUNDS FOR THREE COMMUNITY-BASED CLEAN-SYRINGE-SAFE-SYRINGE EXCHANGE PROGRAMS IN COUNTIES THAT APPLY AND ARE SELECTED TO PARTICIPATE BY THE STATE HEALTH DIRECTOR, is referred to the Committee on Appropriations.

By Representatives Wright, Adams, Alexander, B. Allen, Bell, Coleman, Cunningham, Dockham, Earle, Glazier, Jeffus, Jones, Lucas,

March 1, 2005

Luebke, McAllister, McLawhorn, Parmon, Pierce, Ross, Wainwright, Weiss, and Womble:

**H.B. 412**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ADAP PROGRAM, is referred to the Committee on Appropriations.

By Representatives Tolson, Alexander, Faison, Glazier, McLawhorn, Ross, and Wray:

**H.B. 413**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY OF WHAT HIGH SCHOOL GRADUATES NEED TO KNOW IN A RAPIDLY CHANGING AND COMPLEX GLOBAL SOCIETY AND ECONOMY, is referred to the Committee on Education.

By Representatives Tolson and McLawhorn:

**H.B. 414**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR A STUDY OF THE LICENSING OF PROPRIETARY SCHOOLS, is referred to the Committee on Appropriations.

By Representatives Frye, Church, England, Fisher, Gillespie, Goforth, Haire, Harrell, Justus, Moore, Pate, Rapp, Setzer, Sherrill, Starnes, Walend, Walker, West, Wilson, and Wray:

**H.B. 415**, A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY IN THE SCHOOL CALENDAR TO ACCOMMODATE EXTRAORDINARY CIRCUMSTANCES CAUSED BY HURRICANES FRANCES AND IVAN, is referred to the Committee on Education.

By Representative Hill:

**H.B. 416**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO ESTABLISH AN ASSISTANT COUNTY RANGER POSITION IN THE DIVISION OF FOREST RESOURCES TO BE ASSIGNED TO COLUMBUS COUNTY, is referred to the Committee on Appropriations.

By Representative Justus:

**H.B. 417**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HENDERSON, is referred to the Committee on Rules, Calendar, and Operations of the House.

March 1, 2005



By Representative Justus:

**H.B. 418**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 117TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Justus:

**H.B. 419**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 117TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Justus:

**H.B. 420**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HENDERSON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Walend:

**H.B. 421**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATIONAL PURPOSES, SO AS TO ALLOW INCREASED EFFICIENCY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Womble, Parmon, Brown, and McGee (Primary Sponsors); and Folwell:

**H.B. 422**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RESIDENTS OF FORSYTH COUNTY TO FISH IN THE WATERS OF TRIAD PARK WITHOUT A FISHING LICENSE, is referred to the Committee on Wildlife Resources.

By Representatives Moore, Daughtridge, LaRoque, Setzer, and Steen:

**H.B. 423**, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF HABITUAL MISDEMEANOR LARCENY, is referred to the Committee on Judiciary II.

By Representatives Brubaker, Kiser, and Gulley (Primary Sponsors); Allred, Almond, Barnhart, Blackwood, Brown, Capps, Church, Clary, Cleveland, Culp, Current, Daughtridge, Daughtry, Dockham, Dollar, Eddins, Folwell, Frye, Gillespie, Grady, Hill, Hilton, Hollo, Holloway,

March 1, 2005

Howard, Johnson, Justice, Justus, Langdon, LaRoque, Lewis, McComas, McGee, Moore, Pate, Preston, Ray, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson:

**H.B. 424**, A BILL TO BE ENTITLED AN ACT TO IMPOSE CONSTITUTIONAL LIMITS ON THE GROWTH OF THE STATE BUDGET, is referred to the Committee on Rules, Calendar, and Operations of the House.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 41** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORD CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is read the first time and referred to the Committee on Judiciary IV.

**S.B. 72** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO CHANGE COUNTY BOARD OF HEALTH MEMBERSHIP TO INCLUDE A RESTAURANT OWNER, is read the first time and referred to the Committee on Health.

#### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

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

**H.J.R. 375**, A JOINT RESOLUTION HONORING NORTH CAROLINA'S GREAT NASCAR LEGENDS DALE EARNHARDT, RALPH EARNHARDT, LEE PETTY, TIM FLOCK AND HIS COMPANION, JOCKO, BANJO MATTHEWS, CURTIS TURNER, FIREBALL ROBERTS, BUCK BAKER, AND AFRICAN-AMERICAN RACING PIONEER WENDELL SCOTT, AND ENCOURAGING NASCAR TO SELECT NORTH CAROLINA AS THE LOCATION FOR ITS HALL OF FAME, with a favorable report as to the committee substitute resolution, which changes the title, unfavorable as to the original resolution.

March 1, 2005

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

#### **BILL PLACED ON CALENDAR**

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.J.R. 375** (Committee Substitute), A JOINT RESOLUTION HONORING NORTH CAROLINA'S GREAT NASCAR LEGENDS RALPH DALE EARNHARDT, SR., RALPH LEE EARNHARDT, LEE PETTY, ADAM KYLER PETTY, JULIUS TIMOTHY "TIM" FLOCK AND HIS COMPANION, JOCKO FLOCKO, EDWIN KEITH "BANJO" MATTHEWS, CURTIS MORTON TURNER, EDWARD GLENN "FIREBALL" ROBERTS, ELZIE WYLIE "BUCK" BAKER, SR., AND AFRICAN-AMERICAN RACING PIONEER WENDELL OLIVER SCOTT, AND ENCOURAGING NASCAR TO SELECT NORTH CAROLINA AS THE LOCATION FOR ITS HALL OF FAME, is placed on today's Calendar as the first order of business.

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, by electronic vote (112-0), and is ordered sent to the Senate by Special Message.

Representatives Culpepper and Yongue request and are granted permission to be recorded as voting "aye". The adjusted vote total is (114-0).

#### **BILL PLACED ON CALENDAR**

On motion of the Speaker and without objection, **H.J.R. 398**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF COATS ON THE OCCASION OF THE TOWN'S 100TH ANNIVERSARY, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and, pursuant to Rule 32(a), is placed on the Calendar of March 3.

#### **CALENDAR**

Action is taken on the following:

**S.B. 133** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL VOTING

March 1, 2005

IN 2004; AND TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING.

Representative Folwell offers Amendment No. 3 which fails of adoption by electronic vote (46-68).

Representative Moore offers Amendment No. 4 which fails of adoption by electronic vote (49-66).

The bill passes its third reading, by electronic vote (61-54), and is ordered enrolled and presented to the Governor by Special Message.

**S.J.R. 205**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FREDERICK DOUGLAS ALEXANDER, FORMER MEMBER OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF BLACK HISTORY MONTH, passes its second reading, by electronic vote (109-0), 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 (110-0).

The resolution passes its third reading and is ordered enrolled.

Representative Culpepper moves, seconded by Representative Cunningham, that the House adjourn, subject to the ratification of bills, to reconvene March 2 at 3:30 p.m.

The motion carries.

### **ENROLLED BILLS**

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

**S.B. 133**, AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL VOTING IN 2004; AND TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING.

The House stands adjourned at 5:45 p.m.

March 1, 2005

**TWENTY-FIRST DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, March 2, 2005

The House meets at 3:30 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Haywood Price, Williamston, North Carolina:

"We thank Thee our God for this occasion that has brought us here. I thank Thee, Father God, that Thou hast permitted me to come here in Your name before this Assembly. It was in Your name that this great Nation was built. It is in Your name that it exists today as the greatest Nation in the world.

"I pray this evening for this Assembly. I pray You would be present each session as they labor to make our great State a better place for all people to live, to work, to play, and to enjoy all of its opportunities.

"Now, Father, grant to this people as they labor in the work that has been assigned to them. That You are here to help out problems, and they may depend upon You to bring fellowship and union that their work may bring peace and harmony as they work together.

"Give them good health and reward them with Your special blessings. Oh, God, these are troubled times. We realize that there are wars and rumors of wars. May You speak peace in Iraq and peace in Israel and Palestine and others. I pray that Thou would bless this Assembly in the name of the great Father God.

"Teach us, Lord, to do today what has to be done; leaving tomorrow in the hands of the Father of all Mankind. May we always remember that we are people, members of the human family. And, Heavenly Father give us this day bread for today and strength for today. Oh, Lord, open our eyes that we may see not only the people around us but the Supreme Person, Thyself. Oh, God. Dear God, deliver us from hypocrisy that makes us pretend to be better or worse than we are. God, shed Thy grace on all Thy children. And crown Thy good with brotherhood from sea to shining sea.

"We ask it in the name of our Father God. Amen and amen. God bless you. "

March 2, 2005

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

Leaves of absence are granted Representatives Dockham, Goforth, Hall, Holmes, Justus, Rayfield, and Sutton for today.

### ENROLLED BILLS

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

**S.J.R. 205**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FREDERICK DOUGLAS ALEXANDER, FORMER MEMBER OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF BLACK HISTORY MONTH. (RESOLUTION 2005-9)

**H.J.R. 100**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PAUL P. HARRIS AND THE FOUNDERS OF ROTARY INTERNATIONAL ON THE ORGANIZATION'S ONE HUNDREDTH ANNIVERSARY. (RESOLUTION 2005-10)

**H.J.R. 361**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. CARTER G. WOODSON IN HONOR OF BLACK HISTORY MONTH. (RESOLUTION 2005-11)

**H.J.R. 375**, A JOINT RESOLUTION HONORING NORTH CAROLINA'S GREAT NASCAR LEGENDS RALPH DALE EARNHARDT, SR., RALPH LEE EARNHARDT, LEE PETTY, ADAM KYLER PETTY, JULIUS TIMOTHY "TIM" FLOCK AND HIS COMPANION, JOCKO FLOCKO, EDWIN KEITH "BANJO" MATTHEWS, CURTIS MORTON TURNER, EDWARD GLENN "FIREBALL" ROBERTS, ELZIE WYLIE "BUCK" BAKER, SR., AND AFRICAN-AMERICAN RACING PIONEER WENDELL OLIVER SCOTT, AND ENCOURAGING NASCAR TO SELECT NORTH CAROLINA AS THE LOCATION FOR ITS HALL OF FAME. (RESOLUTION 2005-12)

### CHAPTERED BILLS

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

**S.B. 133**, AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL

March 2, 2005

VOTING IN 2004; AND TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING. (S.L. 2005-2)

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

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

**H.B. 22**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT EXPANSION OF A MEDICAL FACILITY ONTO AN ADJACENT LOT SHALL BE A PERMITTED USE UNDER THE ZONING ORDINANCE, 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. 101**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE, with a favorable report.

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

**H.B. 328**, A BILL TO BE ENTITLED AN ACT TO ADD NAGS HEAD TO THE CITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, 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 Johnson and Womble, Chairs, for the Committee on State Government:

**H.B. 320**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OF STATE-OWNED REAL PROPERTY ENCOMPASSING THE

March 2, 2005

DOROTHEA DIX HOSPITAL CAMPUS WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of March 3.

By Representatives Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

**H.B. 128**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of March 3.

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 75**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of March 3.

**H.B. 345**, A BILL TO BE ENTITLED AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL SERVICES WITHIN THE DEPARTMENT'S TERRITORIAL AND EXTRATERRITORIAL JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES, 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 March 3. The original bill is placed on the Unfavorable Calendar.

#### **SUBCOMMITTEE REFERRAL**

Representatives Bell, Lucas, and McLawhorn, Chairs for the Standing Committee on Education, refer **H.B. 92**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD

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OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS, to the Education Subcommittee on Universities.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Frye:

**H.B. 425**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF YANCEY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Frye:

**H.B. 426**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF YANCEY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Frye:

**H.B. 427**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MITCHELL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Frye:

**H.B. 428**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MITCHELL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Frye:

**H.B. 429**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CALDWELL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Frye:

**H.B. 430**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CALDWELL, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Frye:

**H.B. 431**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF AVERY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Frye:

**H.B. 432**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF AVERY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Insko, Parmon, Goodwin, and Weiss (Primary Sponsors); Alexander, Harrison, Howard, Luebke, and Wainwright:

**H.B. 433**, A BILL TO BE ENTITLED AN ACT TO CREATE A STATE EARNED INCOME TAX CREDIT, is referred to the Committee on Finance.

By Representatives McLawhorn, Adams, Alexander, B. Allen, Bordsen, Culp, Cunningham, Dickson, Farmer-Butterfield, Glazier, Haire, Harrison, Hollo, Insko, Jeffus, Jones, Lucas, Luebke, Pate, Preston, Rapp, Sherrill, Underhill, Wainwright, Walend, Warren, Weiss, and Williams:

**H.B. 434**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC LIBRARIES, is referred to the Committee on Appropriations.

By Representatives Ross, Brubaker, Earle, and Goforth (Primary Sponsors); Adams, Alexander, B. Allen, Coleman, Culp, Dickson, Faison, Farmer-Butterfield, Glazier, Harrison, Insko, Jones, Lucas, Luebke, Pate, Preston, Sherrill, Walend, and Weiss:

**H.B. 435**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR THE NORTH CAROLINA HOUSING TRUST FUND, is referred to the Committee on Appropriations.

By Representative Stiller:

**H.B. 436**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF BOILING SPRING LAKES, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Stiller:

**H.B. 437**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF BOLIVIA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stiller:

**H.B. 438**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF BELVILLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stiller:

**H.B. 439**, A BILL TO BE ENTITLED AN ACT RELATING TO THE VILLAGE OF BALD HEAD ISLAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stiller:

**H.B. 440**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF VARNAMTOWN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stiller:

**H.B. 441**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF SUNSET BEACH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Faison:

**H.B. 442**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE UNIFORM FEES PAID TO JURORS FOR THEIR SERVICE AND TO RAISE COURT COSTS TO OFFSET THAT INCREASE, is referred to the Committee on Finance.

By Representatives Pate, Folwell, Frye, Johnson, McGee, Ray, Rhodes, Starnes, and Steen:

**H.B. 443**, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY IN GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION FOR LOCAL SCHOOL BOARDS INSTEAD OF A

March 2, 2005

SALES AND USE TAX REFUND TO LOCAL SCHOOL BOARDS AND TO MODIFY THE SCHOOL ADMISSION REQUIREMENTS TO ENSURE THAT ALL STUDENTS ARE READY TO ENTER KINDERGARTEN, is referred to the Committee on Education and, if favorable, to the Committee on Finance.

By Representatives Pate, Blackwood, Faison, Frye, McGee, Rhodes, and Starnes:

**H.B. 444**, A BILL TO BE ENTITLED AN ACT DESIGNATING LIBERTY DAY IN THE STATE OF NORTH CAROLINA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Pate and Tolson (Primary Sponsors); Alexander, Cunningham, Glazier, Harrison, Insko, Luebke, Martin, McLawhorn, Underhill, Wainwright, Warren, and Weiss:

**H.B. 445**, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR BUILDERS AND PURCHASERS OF ENERGY-EFFICIENT HOMES, is referred to the Committee on Finance.

By Representatives L. Allen and Hall (Primary Sponsors); and Wray:

**H.B. 446**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF ROANOKE RAPIDS, TO ADD CERTAIN DESCRIBED TERRITORY TO THE EXTRATER-RITORIAL PLANNING JURISDICTION OF THE CITY OF ROANOKE RAPIDS, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WELDON, is referred to the Committee on Finance.

By Representatives Glazier and Eddins (Primary Sponsors); B. Allen, Allred, Cunningham, Dickson, Faison, Insko, Martin, McLawhorn, Pate, Setzer, Underhill, Wainwright, and Wray:

**H.B. 447**, 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.

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By Representatives Glazier, Yongue, and Johnson (Primary Sponsors); and England:

**H.B. 448**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FAIR AND ORDERLY PROCESS FOR THE DISPOSITION OF COMPLAINTS AGAINST LOCAL SCHOOL BOARD MEMBERS, is referred to the Committee on Education.

By Representatives Stam and Gibson (Primary Sponsors):

**H.B. 449**, A BILL TO BE ENTITLED AN ACT TO CONFORM THE VALUATION OF GIFTS FOR GIFT TAX PURPOSES TO THE FEDERAL STANDARDS, is referred to the Committee on Finance.

By Representatives Clary, Current, and Rayfield (Primary Sponsors):

**H.B. 450**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY, is referred to the Committee on Rules, Calendar, and Operations of the House.

### CALENDAR

Action is taken on the following:

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

**H.B. 7**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO MAY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS, passes its second reading, by electronic vote (110-1), and there being no objection is read a third time.

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

Representative Culpepper moves, seconded by Representative Fisher, that the House adjourn, subject to committee assignments, to reconvene March 3 at 11:00 a.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 5:20 p.m.

March 2, 2005

**TWENTY-SECOND DAY**

HOUSE OF REPRESENTATIVES  
Thursday, March 3, 2005

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by Representative Morgan, Speaker Pro Tempore.

The following prayer is offered by the Reverend James Brown of Hillsborough, Pastor, Warren's Chapel Missionary Baptist Church and Allen's Chapel Missionary Baptist Church, Prospect Hill, North Carolina:

"Our Father who art in heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done in this earth, as it is in heaven.

"Give us this day our daily bread.

"And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil; for Thine is the Kingdom and the power, and the glory, for ever.

"Oh God, I ask Thy blessing upon these leaders in this State. Lord, we ask You to endow them with wisdom and knowledge that they may do the right thing - that they may do things decently and in order. God we understand that together we stand, divided we fall.

"Lord, we ask you this day to help us come together as one, looking to You for all of our help because You are the source of all our lives. If there is anything that I have failed to ask, we ask that You would grant it.

"This is my prayer. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 2 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brubaker, Clary, Gibson, Goforth, Hall, Holmes, Justus, and Rayfield for today.

**WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 328** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE TO

March 3, 2005

THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWN OF NAGS HEAD TO THE CITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Glazier, Barnhart, and Weiss (Primary Sponsors); Fisher, Gillespie, Insko, LaRoque, Luebke, McGee, Moore, and Pate:

**H.B. 451**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, is referred to the Committee on Judiciary IV.

By Representatives Miller, Faison, and Wray:

**H.B. 452**, A BILL TO BE ENTITLED AN ACT PROVIDING TWO DAYS OF ADVERSE WEATHER LEAVE TO STATE EMPLOYEES UNDER CERTAIN CIRCUMSTANCES, is referred to the Committee on State Personnel.

By Representatives Womble, Parmon, Ross, and McAllister (Primary Sponsors); Adams, Alexander, B. Allen, Bell, Coleman, Cunningham, Faison, Fisher, Glazier, Hackney, Holliman, Hunter, Insko, Jones, Lucas, Luebke, McGee, Michaux, Miller, Moore, Owens, Pierce, Wainwright, Weiss, and Wray:

**H.J.R. 453**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CIAA BASKETBALL TOURNAMENT WHILE OBSERVING THE TOURNAMENT'S SIXTIETH ANNIVERSARY.

Pursuant to Rule 32(a), the resolution is placed on today's Calendar.

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

**H.B. 454**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GUARANTEED ENERGY SAVINGS CONTRACTS INCLUDE CONSERVATION MEASURES FOR WATER AND OTHER UTILITIES, TO RAISE THE CAP FOR GUARANTEED ENERGY SAVINGS CONTRACTS, TO EXPAND THE STATE'S ENERGY POLICY AND LIFE-CYCLE COST ANALYSIS TO INCLUDE THE CONSERVATION OF WATER AND OTHER UTILITIES, AND TO MAKE CONFORMING CHANGES, is referred to the Committee on State Government.

By Representatives Tolson, Alexander, Earle, Fisher, Glazier, Hackney, Haire, Insko, Lucas, Luebke, McAllister, McLawhorn, Pate, Saunders, Warren, Weiss, Wilkins, and Yongue:

**H.B. 455**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CENTER FOR INTERNATIONAL UNDERSTANDING FOR THE NORTH CAROLINA IN THE WORLD PROJECT, is referred to the Committee on Appropriations.

By Representative Wray:

**H.B. 456**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NORTHAMPTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wray:

**H.B. 457**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NORTHAMPTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hill and Pate:

**H.B. 458**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE, is referred to the Committee on Agriculture.

March 3, 2005



By Representatives Faison and Wilkins (Primary Sponsors):

**H.B. 459**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A NEW ASSISTANT DISTRICT ATTORNEY IN PROSECUTORIAL DISTRICT 9A, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representatives Faison and Allred (Primary Sponsors); and Dollar:

**H.B. 460**, A BILL TO BE ENTITLED AN ACT REQUIRING MUNICIPALITIES TO PROVIDE AN OPPORTUNITY FOR QUALIFIED VOTERS WITHIN AREAS TO BE ANNEXED OR AREAS OVER WHICH A MUNICIPALITY INTENDS TO EXERCISE EXTRATER-RITORIAL JURISDICTION TO VOTE IN ELECTIONS FOR THE OFFICERS OF THE MUNICIPALITY'S GOVERNING BODY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Adams and Harrison (Primary Sponsors); B. Allen, Coleman, Jeffus, Jones, Michaux, Wainwright, and Womble:

**H.B. 461**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE ELIOT HALL RESTORATION PROJECT AT PALMER MEMORIAL INSTITUTE, is referred to the Committee on Appropriations.

By Representatives Adams, Harrison, Hunter, Jeffus, Jones, and Womble:

**H.B. 462**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PERSON UNDERTAKING AN OPEN BURNING, WHETHER SUBJECT TO A PERMIT OR NOT, TO BE PRESENT ON THE SITE THROUGHOUT THE PERIOD OF THE BURNING, is referred to the Committee on Environment and Natural Resources.

By Representatives Church and Gillespie (Primary Sponsors):

**H.B. 463**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF AN ALLIED HEALTH AND SCIENCE HIGHER EDUCATION CENTER ON THE CAMPUS OF WESTERN PIEDMONT COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

By Representatives Parmon and Womble:

**H.B. 464**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF WINSTON-SALEM TO LEVY A MOTOR VEHICLE

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PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY OF WINSTON-SALEM, is referred to the Committee on Finance.

By Representative Daughtry:

**H.B. 465**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF JOHNSTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Daughtry:

**H.B. 466**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF JOHNSTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Daughtry:

**H.B. 467**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF JOHNSTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Saunders and Brubaker (Primary Sponsors); Alexander, Barnhart, Bordsen, Coates, Cole, Coleman, Culp, Fisher, Gibson, Glazier, Grady, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Insko, Johnson, Lucas, Luebke, McComas, Sauls, Sherrill, Weiss, and Wright:

**H.J.R. 468**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF HOWARD N. LEE TO THE UTILITIES COMMISSION, is referred to the Committee on Public Utilities.

By Representatives Current, Clary, and Rayfield (Primary Sponsors); and Walend:

**H.B. 469**, A BILL TO BE ENTITLED AN ACT TO ALLOW A LOCAL SCHOOL ADMINISTRATIVE UNIT THAT OPERATES A CENTRAL KITCHEN TO ACQUIRE BY LEASE PURCHASE OR INSTALLMENT PURCHASE A WAREHOUSE FOR THE CENTRAL KITCHEN, is referred to the Committee on Education.

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**MESSAGES FROM THE SENATE**

The following is received from the Senate:

**S.B. 3** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO REQUIRE APPLICANTS TO SUBMIT EVIDENCE OF CONTINUING COMPETENCY UPON LICENSE RENEWAL OR REINSTATEMENT, is read the first time and referred to the Committee on Health.

**CALENDAR**

Action is taken on the following:

**H.B. 345** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL SERVICES WITHIN THE DEPARTMENT'S JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES, 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. 75**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON, passes its second reading, by electronic vote (106-2), 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 resolution appears on today's Calendar.

**H.J.R. 213**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HAROLD LILLARD KENNEDY, JR. FORMER MEMBER OF THE GENERAL ASSEMBLY, passes its second reading, by electronic vote (108-0), and there being no objection is read a third time.

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

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**H.J.R. 398**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF COATS ON THE OCCASION OF THE TOWN'S 100TH ANNIVERSARY, passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

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

**H.J.R. 453**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CIAA BASKETBALL TOURNAMENT WHILE OBSERVING THE TOURNAMENT'S SIXTIETH ANNIVERSARY, passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

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

**H.B. 128**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS, 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.

**H.B. 320**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OF STATE-OWNED REAL PROPERTY ENCOMPASSING THE DOROTHEA DIX HOSPITAL CAMPUS WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY, passes its second reading, by electronic vote (102-6), 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**

#### **2005 GENERAL ASSEMBLY FIRST SESSION**

Senate Chamber  
March 3, 2005

March 3, 2005

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. 82** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, and requests conferees. The President *Pro Tempore* appoints:

Senator Clodfelter, Chair  
Senator Rand  
Senator Malone  
Senator Tillman

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 Barnhart, the House adjourns at 12:27 p.m. to reconvene Monday, March 7, 2005, at 7:00 p.m.

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## TWENTY-THIRD DAY

HOUSE OF REPRESENTATIVES  
Monday, March 7, 2005

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

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

"O Eternal God, in whose appointment our life stands, and who committed our work to us, we commit our cares to You. We thank You that we are Your children, and that You have assured us that, while we are intent upon Your will, You will heed our wants. Fill us with that compassion for

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others' troubles which comes from forgetfulness of our own; with the charity of those who know their own unworthiness; and with the glad hope of the children of eternity. And to You, the Beginning and the End, Lord of the living, Refuge of the dying, be thanks and praise forever. Amen."

(James Martineau, England, 19<sup>th</sup> Century Prayer)

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 3 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Alexander, Bell, Blackwood, Hall, Morgan, Pate, Preston, Rayfield, Starnes, Tucker, Underhill, Walend, and Warren for today.

### ENROLLED BILLS

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

**H.J.R. 213**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HAROLD LILLARD KENNEDY, JR. FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 2005-13)

**H.J.R. 398**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF COATS ON THE OCCASION OF THE TOWN'S 100TH ANNIVERSARY. (RESOLUTION 2005-14)

**H.J.R. 453**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CIAA BASKETBALL TOURNAMENT WHILE OBSERVING THE TOURNAMENT'S SIXTIETH ANNIVERSARY. (RESOLUTION 2005-15)

### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Weiss, Chair, for the Committee on Judiciary IV:

**S.B. 41** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING

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NATIONAL CRIMINAL HISTORY RECORD CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, 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 are introduced, read the first time and referred to committee:

By Representative Walend:

**H.B. 470**, A BILL TO BE ENTITLED AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY, is referred to the Committee on Finance.

By Representative Walend:

**H.B. 471**, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE DEADLINES FOR PASSAGE OF BUDGET ITEMS RELATING TO CRITICAL MATTERS SUCH AS EDUCATION AND ITEMS THAT IMPACT LOCAL BUDGETS, is referred to the Committee on Appropriations.

By Representative L. Allen:

**H.B. 472**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FRANKLIN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative L. Allen:

**H.B. 473**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HALIFAX, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Ross, Howard, Brubaker, and Goodwin (Primary Sponsors); Bordsen, Harrison, and Martin:

**H.B. 474**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR REVITALIZATION OF HISTORIC MILL FACILITIES AND TO ALLOW TAX CREDITS FOR CERTAIN HISTORIC REHABILITATIONS TO BE TRANSFERRED TO LONG-TERM LESSEES, is referred to the Committee on Finance.

By Representatives Ross, B. Allen, Glazier, and Weiss:

**H.B. 475**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EFFECTIVE DATE OF THE CHANGE TO THE ELIGIBILITY STANDARDS FOR LONG-TERM DISABILITY BENEFITS CONTAINED IN THE DISABILITY INCOME PLAN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Tolson and Farmer-Butterfield:

**H.B. 476**, A BILL TO BE ENTITLED AN ACT RELATING TO THE BOUNDARY SETTLEMENT BETWEEN WILSON AND GREENE COUNTIES AND PERTAINING TO CERTAIN REAL PROPERTY RECORDS IN THOSE COUNTIES, is referred to the Committee on Finance.

By Representatives Tolson and Pate (Primary Sponsors):

**H.B. 477**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA ENERGY POLICY ACT OF 1975, is referred to the Committee on Judiciary I.

By Representative Folwell:

**H.B. 478**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF TOBACCOVILLE, is referred to the Committee on Finance.

By Representative Moore:

**H.B. 479**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO STUDY THE INCLUSION OF MAGISTRATES AS MEMBERS OF THE

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CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representatives Grady and Cleveland:

**H.B. 480**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF JACKSONVILLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Grady and Cleveland:

**H.B. 481**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ONSLOW, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Grady:

**H.B. 482**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF HOLLY RIDGE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Grady:

**H.B. 483**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF NORTH TOPSAIL BEACH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Jeffus and Harrison (Primary Sponsors); Adams and Jones:

**H.B. 484**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENSBORO TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES, is referred to the Committee on Local Government II.

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

**H.B. 485**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN EXISTING CHARTER SCHOOL 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 and, if favorable, to the Committee on Health.

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By Representatives Weiss, Insko, Barnhart, and Moore (Primary Sponsors); Alexander, B. Allen, Bordsen, Carney, Coleman, Dickson, Farmer-Butterfield, Fisher, Glazier, Hunter, Jeffus, Lucas, Luebke, McAllister, McLawhorn, Parmon, Tolson, and Warren:

**H.B. 486**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD WELFARE COLLABORATIVE, is referred to the Committee on Appropriations.

By Representatives Weiss and Womble (Primary Sponsors); Alexander, B. Allen, Bordsen, Carney, Coates, Coleman, Dickson, Faison, Farmer-Butterfield, Fisher, Glazier, Hunter, Jeffus, Lucas, Luebke, McAllister, McLawhorn, Parmon, Rapp, Tolson, Wainwright, Warren, and Williams:

**H.B. 487**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR STRIKE OUT STROKE EDUCATION AND PUBLIC AWARENESS ACTIVITIES, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE, is referred to the Committee on Appropriations.

By Representatives Weiss and Dollar (Primary Sponsors); and B. Allen:

**H.B. 488**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY, is referred to the Committee on Finance.

By Representatives Weiss and Dollar (Primary Sponsors); and B. Allen:

**H.B. 489**, A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, is referred to the Committee on Local Government I.

By Representatives Hilton and Setzer (Primary Sponsors); Almond, Barnhart, Culp, Current, Eddins, England, Folwell, Frye, Gillespie, Hollo, Johnson, LaRoque, Moore, Starnes, Steen, Wiley, and Williams:

**H.B. 490**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW WITH REGARD TO MAKING A FALSE REPORT CONCERNING A DESTRUCTIVE DEVICE, is referred to the Committee on Judiciary III.

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By Representatives Hilton, Almond, Barnhart, Blust, Cleveland, Culp, Current, Daughtridge, Eddins, England, Folwell, Frye, Gillespie, Gulley, Hollo, Johnson, LaRoque, McGee, Moore, Rhodes, Setzer, Starnes, Walend, Wiley, and Williams:

**H.B. 491**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE RENEWAL FEE FOR A CONCEALED HANDGUN PERMIT, is referred to the Committee on Finance.

By Representatives Blust and Rhodes (Primary Sponsors); Blackwood, Brown, Capps, Cleveland, Culp, Current, Daughtry, Dollar, Folwell, Frye, Gulley, Hilton, Holloway, Lewis, McGee, McMahan, Moore, Pate, Preston, Setzer, Stam, Starnes, Steen, Vinson, Walend, Wiley, and Wilson:

**H.B. 492**, A BILL TO BE ENTITLED AN ACT TO PROVIDE GOVERNMENTAL ACCOUNTABILITY AND PROTECTION TO THE TAXPAYERS BY LIMITING INCREASES IN THE GENERAL FUND BUDGET, REFORMING THE BUDGET PROCESS, ESTABLISHING AN EMERGENCY RESERVE TRUST FUND AND TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH A GENERAL FUND EXPENDITURE LIMIT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Holliman, B. Allen, L. Allen, and Dickson:

**H.B. 493**, A BILL TO BE ENTITLED AN ACT TO CREATE A NORTH CAROLINA LOTTERY FOR EDUCATION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Justice, McComas, Stiller, and Wright (Primary Sponsors); B. Allen, Blackwood, Brown, Carney, Cleveland, Current, Daughtridge, Dickson, Faison, Glazier, Grady, Harrell, Harrison, Hill, Hunter, Martin, Nye, Owens, Preston, Tolson, Tucker, Underhill, Wainwright, Warren, and Williams:

**H.R. 494**, A HOUSE RESOLUTION URGING CONGRESS TO APPROPRIATE ADEQUATE FUNDS TO THE UNITED STATES ARMY CORPS OF ENGINEERS FOR THE MAINTENANCE OF NORTH CAROLINA'S SHALLOW DRAFT NAVIGATION CHANNELS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McLawhorn, Warren, and Williams (Primary Sponsors):

**H.B. 495**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A FAMILY COURT PILOT PROGRAM IN

March 7, 2005

DISTRICT COURT DISTRICT 3A, is referred to the Committee on Appropriations.

By Representatives Harrison and Insko (Primary Sponsors); B. Allen, Farmer-Butterfield, Glazier, and Luebke:

**H.B. 496**, A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES PERMITTING STUDENTS DIAGNOSED WITH ASTHMA TO POSSESS AND SELF-ADMINISTER CERTAIN ASTHMA OR ANAPHYLAXIS MEDICATIONS, is referred to the Committee on Education.

By Representatives Williams, Alexander, McGee, and Wainwright:

**H.J.R. 497**, A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE TOWN OF BATH ON THE TOWN'S THREE HUNDREDTH ANNIVERSARY.

Pursuant to Rule 32(a), the resolution is placed on the Calendar of March 8.

By Representative Hollo:

**H.B. 498**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE, is referred to the Committee on Finance.

By Representative Hollo:

**H.B. 499**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ALEXANDER, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hollo:

**H.B. 500**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF TAYLORSVILLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hollo:

**H.B. 501**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF HICKORY, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Eddins:

**H.B. 502**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE PROTECTION OF NORTH CAROLINA'S HISTORIC MONUMENTS AND MEMORIALS, is referred to the Committee on State Government.

By Representatives Harrell, England, and Brubaker (Primary Sponsors); Barnhart, Bell, Church, Clary, Crawford, Current, Daughtry, Dockham, Grady, Gulley, Hill, Hilton, Howard, Hunter, Justice, Kiser, Lewis, Lucas, McComas, McGee, McMahan, Nye, Parmon, Rapp, Ray, Saunders, Setzer, Sherrill, Starnes, Vinson, Walend, and Wray:

**H.B. 503**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE "NORTH CAROLINA ANESTHESIA PATIENT SAFETY AND ACCESS ACT" TO CONFIRM AND REITERATE THE STATUTORY REQUIREMENT OF PHYSICIAN SUPERVISION OF NURSE ANESTHETISTS AND TO AUTHORIZE THE LICENSURE AND REGULATION OF ANESTHESIOLOGIST ASSISTANTS, is referred to the Committee on Health.

By Representatives Wainwright, L. Allen, and Barnhart (Primary Sponsors):

**H.B. 504**, A BILL TO BE ENTITLED AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY PUMPER TRUCKS, is referred to the Committee on Finance.

By Representatives Sherrill, McComas, Gibson, and Preston (Primary Sponsors); Daughtridge and LaRoque:

**H.B. 505**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA WILDLIFE RESOURCES COMMISSION TO STUDY THE ISSUE OF ALLOWING HUNTING ON SUNDAY AT A LIMITED NUMBER OF STATE GAME LANDS IN NORTH CAROLINA, is referred to the Committee on Wildlife Resources and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McLawhorn, Warren, and Williams (Primary Sponsors):

**H.B. 506**, A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN PITT COUNTY, is referred to the Committee on Public Utilities.

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By Representatives Weiss and McComas (Primary Sponsors); Coleman, Farmer-Butterfield, Glazier, Harrison, Insko, LaRoque, Luebke, and Ross:

**H.B. 507**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES, is referred to the Committee on Commerce.

By Representative Haire:

**H.B. 508**, A BILL TO BE ENTITLED AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE DIVORCE WAS GRANTED, is referred to the Committee on Judiciary III.

By Representative Haire:

**H.B. 509**, A BILL TO BE ENTITLED AN ACT TO GRANT THE STATE BOARD OF EDUCATION ADDITIONAL FLEXIBILITY IN AUTHORIZING WAIVERS TO THE SCHOOL CALENDAR LAW FOR EDUCATIONAL PURPOSES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Stam and Martin (Primary Sponsors):

**H.B. 510**, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THIRD PARTIES TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY, is referred to the Committee on Judiciary I.

By Representative Rhodes:

**H.J.R. 511**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF CORNELIUS ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Jeffus and Wainwright (Primary Sponsors); Coleman, Faison, and Wray:

**H.B. 512**, A BILL TO BE ENTITLED AN ACT TO CREATE A CREDIT AGAINST THE INCOME TAX OF PUBLIC SCHOOL TEACHERS, is referred to the Committee on Finance.

March 7, 2005

By Representatives Cleveland, Grady, and Tucker (Primary Sponsors); Barnhart, Blust, Brown, Carney, Culp, Folwell, Hollo, Justice, Langdon, Lewis, Lucas, Martin, McGee, Pate, Preston, Rhodes, Setzer, Stam, Vinson, Wainwright, Wiley, and Wilkins:

**H.B. 513**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ONSLOW VIETNAM VETERANS MEMORIAL, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 514**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY MOTION FILED IN A CIVIL ACTION WHEN THE ACTION IS PENDING IN A SUPERIOR COURT OF A COUNTY THAT IS IN A SUPERIOR COURT DISTRICT CONSISTING OF MORE THAN ONE COUNTY MAY BE HEARD IN ANY SUPERIOR COURT IN THAT SUPERIOR COURT DISTRICT, is referred to the Committee on Judiciary III.

### INTRODUCTION OF PAGES

Pages for the week of March 7 are introduced to the membership. They are: Jessica Barber of Carteret; Jyllian Barber of Carteret; Ashley Caudle of Randolph; Kevin Cotter of Wake; Jessica Evans of Wake; Trey Faile of Cleveland; Ashley Farris of Burke; Amber Hall of Watauga; Amanda Fugate of Henderson; Eric Hellstrand of Cleveland; Sarah Light of Pender; Marissa Klimek of Pender; Katie Lovett of New Hanover; Alecia Murphy of New Hanover; Laurel Poe of Burke; Brogan Thomas of Wake; Krystal Watson of Person; and Emily Winslett of Wake.

On motion of Representative Culpepper, seconded by Representative Haire, the House adjourns at 7:29 p.m., in memory of Mary Crain Morgan, to reconvene on March 8 in the Town of Bath at Bath Elementary School at 11:00 a.m.

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## TWENTY-FOURTH DAY

HOUSE OF REPRESENTATIVES  
Tuesday, March 8, 2005  
Bath Elementary School  
Bath, North Carolina

March 8, 2005

The House meets at 11:00 a.m. in Bath, North Carolina, pursuant to adjournment and **S.J.R. 182**, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY MAY MEET IN BATH TO COMMEMORATE THE TRICENTENNIAL OF THAT TOWN, and is called to order by Denise G. Weeks, Principal Clerk.

The following prayer is offered by the Reverend Curtis White, Bath Christian Church, Bath, North Carolina.

"We bow before You, O Holy God, to give thanks for this celebration that begins today and continues through the year, the Tricentennial of Bath Town. We pause to remember our forefathers who braved the rugged seas to come to an uncivilized land and built for us a heritage where we are able to rear our families and worship You freely.

"We do not forget those who serve today in the military here at home and around the world, many of whom are native to our town and community. We pray that You will grant them safety.

"We celebrate all the churches in our surrounding community, places we meet to worship You. We are thankful for St. Thomas Episcopal Church, which shares all our history and remains vibrant today. I thank You for Bath Christian Church and our celebration of 100 years of serving You.

"We pray for these ladies and gentlemen of the 'House' of our great State - North Carolina. Please grant them wisdom as they care for the business of our State. Thank You for their safe arrival here today and when the festivities are ended, we ask for their safe return to Raleigh. May they be blessed each day with wisdom to care for the work entrusted to them. Thank You for their dedication as public servants of North Carolina.

"We thank You for America, the greatest country in the world and are proud to be her citizens.

"We pray for a good day of celebration, good fellowship, and safety to all. We make our requests and give our thanks to You, the God who is Creator and Caretaker of life. Amen."

Representative Crawford, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 7 has been examined and found correct. Upon his motion, the Journal is approved as written.

March 8, 2005



Leaves of absence are granted Speaker Black; Representatives Barnhart, Bell, Blackwood, Bordsen, Culpepper, Gibson, Goodwin, Grady, Hackney, Hall, Holmes, Howard, Insko, Johnson, Justice, Justus, Morgan, Pate, Preston, Rapp, Ray, Rayfield, Setzer, Sherrill, Tucker, Walend, and Yongue for today.

### CALENDAR

Action is taken on the following:

**H.J.R. 497**, A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE TOWN OF BATH ON THE TOWN'S THREE HUNDREDTH ANNIVERSARY, passes its second reading by a vote of 77-0, 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.

Representative Williams moves, seconded by Representative Crawford, that the House adjourn, subject to the appointment of conferees and the completion of today's presentation ceremony by the House, to reconvene in the House Chamber in Raleigh, March 9 at 10:00 a.m.

The motion carries.

### PRESENTATION

The Mayor of the Town of Bath, Ms. Barbara Modlin, is presented a plaque commemorating the Bath Tercentenary Celebration honoring the historic Town of Bath as North Carolina's oldest incorporated Town, established in 1705, by the Principal Clerk on behalf of the North Carolina House of Representatives.

### CONFEREES APPOINTED

The following Members are appointed as conferees on **S.B. 82** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE: Representative Ross, Chair; Representatives Culpepper, Earle, Michaux, Holliman, and Nye.

The Senate is so notified by Special Message.

The House stands adjourned at 3:45 p.m.

March 8, 2005

**TWENTY-FIFTH DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, March 9, 2005

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

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

"Loving God:

"You have intricately created us to be people of love and grace. You desire truth in our inner beings and authenticity in our outward expressions. You search our hearts and know our thoughts and motives. Forgive us for those times when we have chosen insincerity over sincerity and self-aggrandizement over humility. Place within our hearts the desire to truly serve You in all that we do. Grant unto us Your incredible gift of mercy and remind us of our need to be merciful. Walk with us on our daily pilgrimage through this ever-increasing world of growing complexity and show us Your presence in both times of confusion and times of celebration. For these and all of Your promises, dear Lord, we offer our thanks. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 8 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Bell, Blackwood, Church, Culp, Hackney, Holmes, Morgan, Pate, Preston, Rayfield, and Tucker for today.

**ENROLLED BILLS**

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

**H.J.R. 497**, A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE TOWN OF BATH ON THE TOWN'S THREE HUNDREDTH ANNIVERSARY. (RESOLUTION 2005-16)

March 9, 2005

**SUBCOMMITTEE REFERRALS**

Representatives Bell, Lucas, and McLawhorn, Chairs, for the Standing Committee on Education, refer the following bills to the Education Subcommittee on Pre-School, Elementary and Secondary Education:

**H.B. 403**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PURCHASE OF THE PRELIMINARY SCHOLASTIC APTITUDE TEST (PSAT) FOR THE PUBLIC SCHOOLS.

**H.B. 415**, A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY IN THE SCHOOL CALENDAR TO ACCOMMODATE EXTRAORDINARY CIRCUMSTANCES CAUSED BY HURRICANES FRANCES AND IVAN.

**H.B. 469**, A BILL TO BE ENTITLED AN ACT TO ALLOW A LOCAL SCHOOL ADMINISTRATIVE UNIT THAT OPERATES A CENTRAL KITCHEN TO ACQUIRE BY LEASE PURCHASE OR INSTALLMENT PURCHASE A WAREHOUSE FOR THE CENTRAL KITCHEN.

**H.B. 496**, A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES PERMITTING STUDENTS DIAGNOSED WITH ASTHMA TO POSSESS AND SELF-ADMINISTER CERTAIN ASTHMA OR ANAPHYLAXIS MEDICATIONS.

Representatives Bell, Lucas, and McLawhorn, Chairs, for the Standing Committee on Education, refer **H.B. 387**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANY CONSTITUENT INSTITUTION FROM ASSIGNING A STUDENT'S SOCIAL SECURITY NUMBER AS THE STUDENT'S IDENTIFICATION NUMBER, to the Education Subcommittee on Universities.

**WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 101**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

**MESSAGES FROM THE SENATE**

The following is received from the Senate:

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**S.B. 43**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE, is read the first time and referred to the Committee on Local Government I.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Hollo:

**H.B. 515**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CATAWBA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Alexander:

**H.B. 516**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Alexander:

**H.B. 517**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Alexander:

**H.B. 518**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Alexander:

**H.B. 519**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.J.R. 520**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ASHLEY B. FUTRELL, FORMER MEMBER OF THE

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

By Representative Williams:

**H.B. 521**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PITT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 522**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PITT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 523**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BEAUFORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 524**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BEAUFORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 525**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BEAUFORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 526**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BEAUFORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Williams:

**H.B. 527**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BEAUFORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Church and Gillespie (Primary Sponsors):

**H.B. 528**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT, is referred to the Committee on State Government.

By Representatives Hackney, Luebke, Cunningham, and Earle (Primary Sponsors); Adams, Alexander, B. Allen, Bell, Bordsen, Carney, Church, Coleman, Culp, Farmer-Butterfield, Fisher, Glazier, Harrison, Hunter, Insko, Jeffus, Jones, Lucas, Martin, McAllister, Michaux, Miller, Parmon, Pierce, Rapp, Rayfield, Ross, Tucker, Underhill, Wainwright, Weiss, Wilkins, Womble, Wright, and Yongue:

**H.B. 529**, A BILL TO BE ENTITLED AN ACT TO SUSPEND EXECUTIONS FOR TWO YEARS WHILE CONDUCTING A TWO-YEAR STUDY ON ISSUES RELATING TO THE DEATH SENTENCE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Brown, Parmon, and Womble (Primary Sponsors); and B. Allen:

**H.B. 530**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HISTORIC OAK GROVE SCHOOL IN FORSYTH COUNTY, is referred to the Committee on Appropriations.

By Representatives Nye and England (Primary Sponsors); Adams, B. Allen, Carney, Faison, Farmer-Butterfield, Insko, Jones, Pierce, Wainwright, Weiss, and Wray:

**H.B. 531**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR A PILOT PROGRAM TO ENHANCE RECRUITMENT OF MINORITY STUDENTS INTO PHARMACY SCHOOLS, is referred to the Committee on Appropriations.

By Representatives Stam and Goodwin (Primary Sponsors); Barnhart, Farmer-Butterfield, Insko, and Sauls:

**H.B. 532**, A BILL TO BE ENTITLED AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE

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PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED, is referred to the Committee on Judiciary I.

By Representatives McLawhorn, LaRoque, Warren, and Tolson (Primary Sponsors); Cleveland, Daughtridge, Farmer-Butterfield, Pate, Preston, Tucker, Underhill, Wainwright, and Williams:

**H.B. 533**, A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF COMMISSIONERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION, is referred to the Committee on Commerce.

By Representatives Weiss, Wright, and Earle (Primary Sponsors); Adams, B. Allen, Carney, Faison, Farmer-Butterfield, Glazier, Insko, McLawhorn, Underhill, Wainwright, and Wray:

**H.B. 534**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A PILOT PROGRAM TO PURCHASE AND PLACE AUTOMATED EXTERNAL DEFIBRILLATORS IN CERTAIN PUBLIC PLACES, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE, is referred to the Committee on Appropriations.

By Representatives Jeffus, Adams, B. Allen, Faison, Farmer-Butterfield, Frye, Insko, Wainwright, and Wray:

**H.B. 535**, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE, is referred to the Committee on Education.

By Representatives Wright, McComas, Justice, and Culpepper (Primary Sponsors); B. Allen and Wainwright:

**H.B. 536**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE DESIGN AND CONSTRUCTION OF A FACILITY FOR THE SCHOOL OF NURSING AT THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON, is referred to the Committee on Appropriations.

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By Representative Wright:

**H.B. 537**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wright:

**H.B. 538**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wright:

**H.B. 539**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative L. Allen:

**H.B. 540**, A BILL TO BE ENTITLED AN ACT TO AMEND THE HALIFAX COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX, is referred to the Committee on Finance.

By Representative Stiller:

**H.B. 541**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stiller:

**H.B. 542**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stiller:

**H.B. 543**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BRUNSWICK, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Rapp:

**H.B. 544**, A BILL TO BE ENTITLED AN ACT TO AMEND THE MADISON COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX, is referred to the Committee on Finance.

### CALENDAR

Action is taken on the following:

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

**S.B. 41** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORD CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, AND TO MAKE OTHER CONFORMING CHANGES, 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 for concurrence in the House committee substitute bill.

Representative Culpepper moves, seconded by Representative L. Allen, that the House adjourn, subject to the receipt of Conference Reports, to reconvene March 10 at 11:00 a.m.

The motion carries.

### CONFERENCE REPORT

Representative Ross sends forth the Conference Report on **S.B. 82** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of March 10.

The House stands adjourned at 3:53 p.m.

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**TWENTY-SIXTH DAY**

HOUSE OF REPRESENTATIVES  
Thursday, March 10, 2005

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

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

"Almighty God, Lover of our souls:

"Search us and know us. Remove that which is in us that keeps us from a sincerity of heart and replace it with merciful motives. Take the good work we have begun this week. Remove any defects and make it better. As we return to our homes carrying with us stacks of introduced bills that must be pored over, allow us time for family and friends and the refreshment of our bodies and minds. Finally, bring us back to this place with a renewed commitment of service and a clear and determined desire to do the work of the people of this great State. In and through all things, we humbly acknowledge Thee as we offer You our thanks. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 9 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (96-2).

Leaves of absence are granted Representatives Alexander, Bell, Blackwood, Church, Clary, Hackney, Hall, Hill, Holmes, Morgan, Pate, Preston, Rayfield, Sherrill, Tucker, and West for today.

**RE-REFERRAL**

On motion of the Speaker and without objection, **S.B. 130**, A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK, is withdrawn from the Committee on Appropriations 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:

March 10, 2005

By Representatives Daughtridge, Goforth, LaRoque, and Rapp, Chairs, for the Committee on Commerce:

**H.B. 27**, A BILL TO BE ENTITLED AN ACT REQUIRING THE EMPLOYMENT SECURITY COMMISSION TO CONSIDER THE ORDINARY BUSINESS ACTIVITIES OF EMPLOYERS WHEN SCHEDULING HEARINGS, with a favorable report.

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

By Representatives Johnson and Womble, Chairs, for the Committee on State Government:

**H.B. 231**, A BILL TO BE ENTITLED AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER, 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.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Lucas:

**H.B. 545**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF FAYETTEVILLE TO REQUIRE APPROVAL OF ANNEXATIONS BY THE VOTERS OF THE AREA TO BE ANNEXED, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Adams, B. Allen, Brown, Dockham, Faison, Frye, Glazier, Grady, Harrison, Howard, Hunter, Jones, Luebke, McAllister, Ray, Setzer, Sherrill, Starnes, Wainwright, and Weiss:

**H.B. 546**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO IDENTITY THEFT AND CONSUMER PROTECTION OF CREDIT REPORTS, is referred to the Committee on Rules, Calendar, and Operations of the House.

March 10, 2005

By Representatives Tolson, Farmer-Butterfield, and Parmon:

**H.B. 547**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EDGECOMBE COUNTY TO IMPLEMENT AN OUT-OF-SCHOOL SUSPENSION PROGRAM, is referred to the Committee on Appropriations.

By Representatives Tolson, Carney, Dickson, Farmer-Butterfield, and Wainwright:

**H.B. 548**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE BOYS AND GIRLS CLUB AFTER-SCHOOL PROGRAM IN EDGECOMBE COUNTY, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representative Tolson:

**H.B. 549**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SCIENCE MUSEUMS OF WILSON, is referred to the Committee on Appropriations.

By Representatives Tolson, England, and Sauls (Primary Sponsors); B. Allen, Bordsen, Brown, Cole, Coleman, Farmer-Butterfield, Fisher, Frye, Glazier, McGee, Parmon, Rapp, Stiller, Wainwright, Warren, Williams, and Wray:

**H.B. 550**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES TO IMPLEMENT AN EXPEDITED PROCEDURE FOR THE ADOPTION OF PERMANENT RULES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Tolson, England, and Sauls (Primary Sponsors); B. Allen, Bordsen, Cleveland, Cole, Coleman, Dickson, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Howard, Justice, Langdon, McGee, McLawhorn, Parmon, Rapp, Ross, Stiller, Wainwright, Walend, Warren, Weiss, Williams, Womble, and Wray:

**H.B. 551**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGES SYSTEM OFFICE FOR DISTANCE LEARNING PROGRAMS, is referred to the Committee on Appropriations.

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By Representatives Tolson, England, and Sauls (Primary Sponsors); B. Allen, L. Allen, Bordsen, Brown, Cleveland, Cole, Coleman, Dickson, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Howard, Martin, McGee, McLawhorn, Parmon, Rapp, Ross, Wainwright, Walend, Warren, Weiss, Williams, and Wray:

**H.B. 552**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CUSTOMIZED INDUSTRY TRAINING PROGRAM AND TO APPROPRIATE FUNDS FOR THE PROGRAM, is referred to the Education Subcommittee on Community Colleges and, if favorable, to the Committee on Appropriations.

By Representatives Tolson, L. Allen, England, and Sauls (Primary Sponsors); B. Allen, Bordsen, Brown, Carney, Cleveland, Cole, Coleman, Dickson, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Howard, Justice, McGee, McLawhorn, Parmon, Rapp, Ross, Stiller, Wainwright, Walend, Warren, Weiss, Williams, Womble, and Wray:

**H.B. 553**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGES SYSTEM OFFICE TO INCREASE FUNDING FOR SMALL BUSINESS CENTERS, is referred to the Committee on Appropriations.

By Representatives Tolson, England, and Sauls (Primary Sponsors); B. Allen, L. Allen, Bordsen, Brown, Cleveland, Cole, Coleman, Dickson, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Goodwin, Howard, Justice, Langdon, Lewis, McGee, McLawhorn, Parmon, Rapp, Ross, Stiller, Wainwright, Walend, Warren, Weiss, and Wray:

**H.B. 554**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY COLLEGE EQUIPMENT, is referred to the Committee on Appropriations.

By Representatives Glazier, Insko, Jeffus, and England (Primary Sponsors); Alexander, B. Allen, L. Allen, Bordsen, Carney, Coleman, Dickson, Faison, Fisher, Harrison, Howard, Justice, LaRoque, Lewis, Luebke, Martin, McLawhorn, Rapp, Ross, Weiss, and Wray:

**H.B. 555**, A BILL TO BE ENTITLED AN ACT TO PROVIDE COVERAGE FOR ANNUAL MAMMOGRAMS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN FOR WOMEN CERTIFIED BY A PHYSICIAN TO BE AT RISK FOR BREAST CANCER, is referred to the Committee on Health.

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By Representative Holliman:

**H.B. 556**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DAVIDSON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Holliman:

**H.B. 557**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DAVIDSON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Holliman:

**H.B. 558**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DAVIDSON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Adams:

**H.B. 559**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 58TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Adams:

**H.B. 560**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 58TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Haire:

**H.B. 561**, A BILL TO BE ENTITLED AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES, is referred to the Committee on Judiciary III.

By Representative Walend:

**H.B. 562**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SOUTHERN APPALACHIAN SCIENCE AND TECHNOLOGY CENTER (SASTC) LOCATED IN POLK COUNTY, is referred to the Committee on Appropriations.

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By Representatives Tolson, B. Allen, L. Allen, Allred, Bordsen, Brown, Carney, Cleveland, Coleman, Dickson, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Holliman, Howard, Insko, Langdon, McGee, McLawhorn, Parmon, Rapp, Ray, Underhill, Wainwright, Warren, Weiss, Womble, and Wray:

**H.B. 563**, A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, is referred to the Committee on Education.

By Representatives Tolson, England, and Sauls (Primary Sponsors); B. Allen, Brown, Carney, Cleveland, Coleman, Dickson, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Holliman, Howard, Justice, Lewis, McGee, McLawhorn, Parmon, Rapp, Wainwright, Weiss, and Wray:

**H.B. 564**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMUNITY COLLEGE ENROLLMENT RESERVE FUND, is referred to the Committee on Appropriations.

By Representatives Tolson, Faison, Gibson, Gillespie, Glazier, Holliman, Howard, Justice, Lewis, Wainwright, Weiss, and Womble:

**H.B. 565**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE SCHOOL TECHNOLOGY FUND, is referred to the Committee on Appropriations.

By Representatives Gibson and Cole (Primary Sponsors):

**H.B. 566**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MODERN INVESTMENT PROGRAM FOR THE PRUDENT AND APPROPRIATE MANAGEMENT OF THE ESCHEAT FUND, FOR THE BENEFIT OF "NEEDY AND WORTHY" STUDENTS AS PROVIDED FOR IN THE STATE CONSTITUTION, is referred to the Committee on State Government.

By Representative Gibson:

**H.B. 567**, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA BOARD OF MASSAGE AND BODYWORK THERAPY, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Gibson:

**H.B. 568**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ADDITIONAL SUPERIOR COURT JUDGE IN SUPERIOR COURT DISTRICT 20B, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representatives Sherrill and McLawhorn (Primary Sponsors); B. Allen, Carney, Coleman, Dickson, Farmer-Butterfield, Fisher, Glazier, Insko, Justice, McGee, Rapp, Ross, Stam, Wainwright, and Warren:

**H.B. 569**, A BILL TO BE ENTITLED AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, TO AMEND THE DOMESTIC VIOLENCE STATUTES AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC VIOLENCE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, is referred to the Committee on Judiciary III.

By Representative Moore:

**H.B. 570**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PROFIT DISTRIBUTION FROM THE SALES OF ALCOHOLIC BEVERAGES BY THE KINGS MOUNTAIN ALCOHOLIC BEVERAGE CONTROL BOARD, is referred to the Committee on Alcoholic Beverage Control.

By Representative Nye:

**H.B. 571**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BLADEN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Nye:

**H.B. 572**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Tolson, England, and Sauls (Primary Sponsors); B. Allen, L. Allen, Carney, Cleveland, Cole, Coleman, Dickson, Dockham, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Holliman, Langdon, McLawhorn, Parmon, Rapp, Ray, Ross, Underhill, Wainwright, Walend, Warren, Womble, and Wray:

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**H.B. 573**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR HIGH-COST COMMUNITY COLLEGE PROGRAMS, is referred to the Committee on Appropriations.

By Representatives Sherrill, Tolson, England, and Sauls (Primary Sponsors); B. Allen, Carney, Cleveland, Coleman, Dickson, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Goforth, Goodwin, Justice, Langdon, Lewis, McGee, Parmon, Rapp, Ray, Underhill, Wainwright, Walend, Womble, and Wray:

**H.B. 574**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMUNITY COLLEGE ENROLLMENT RESERVE FUND, is referred to the Committee on Appropriations.

By Representatives Tolson, McLawhorn, Warren, and Bordsen (Primary Sponsors); B. Allen, L. Allen, Carney, Cleveland, Cole, Coleman, Dickson, Dockham, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Holliman, Justice, Langdon, LaRoque, Luebke, McGee, Parmon, Rapp, Ray, Ross, Underhill, Wainwright, Walend, Weiss, Womble, and Wray:

**H.B. 575**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE SECOND YEAR OF THE PLAN TO INCREASE THE SALARIES OF FULL-TIME, CURRICULUM COMMUNITY COLLEGE FACULTY AND PROFESSIONAL STAFF, is referred to the Committee on Appropriations.

By Representatives Tolson, Sauls, and England (Primary Sponsors); B. Allen, Cole, Coleman, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, McGee, Parmon, Rapp, Ross, Underhill, Wainwright, Walend, Womble, and Wray:

**H.B. 576**, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS, is referred to the Education Subcommittee on Community Colleges.

By Representatives Yongue, Sauls, England, and Tolson (Primary Sponsors); B. Allen, Church, Cole, Coleman, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Goodwin, Holliman, McGee, Parmon, Pierce, Rapp, Sutton, Underhill, Wainwright, Walend, Wilkins, Womble, and Wray:

**H.B. 577**, A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE

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COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE, is referred to the Committee on State Government.

By Representatives Wray and Hunter (Primary Sponsors):

**H.J.R. 578**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVEREND SHERLEY W. EDWARDS OF POTECASTI, NORTH CAROLINA, A CIVIL RIGHTS ADVOCATE AND ARDENT SUPPORTER OF EDUCATION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McMahan and Dockham (Primary Sponsors); Almond, Barnhart, Blust, Brown, Capps, Cleveland, Culp, Current, Daughtridge, Daughtry, Dollar, Folwell, Frye, Gillespie, Gulley, Holloway, Holmes, Langdon, LaRoque, Lewis, McGee, Ray, Rhodes, Setzer, Stam, Starnes, Steen, Vinson, Walend, Walker, West, Wiley, and Wilson:

**H.B. 579**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE TRANSFER OF MORE THAN ONE HUNDRED SEVENTY MILLION DOLLARS PER YEAR FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND, is referred to the Committee on Appropriations.

By Representative Rayfield:

**H.B. 580**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO LEVY A ROOM AND TOURISM DEVELOPMENT TAX, is referred to the Committee on Finance.

By Representative Rayfield:

**H.B. 581**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS, is referred to the Committee on Local Government II.

By Representatives Sauls, England, and Tolson (Primary Sponsors); B. Allen, Cole, Coleman, Farmer-Butterfield, Fisher, Parmon, Rapp, and Wainwright:

**H.B. 582**, A BILL TO BE ENTITLED AN ACT TO MAKE ADDITIONAL EMPLOYEES WORKING IN THE STATE AND ADDITIONAL FAMILY MEMBERS OF EMPLOYEES TRANSFERRED

March 10, 2005

INTO THE STATE ELIGIBLE FOR IN-STATE COMMUNITY COLLEGE TUITION, is referred to the Appropriations Subcommittee on Education.

By Representatives Sauls, Tolson, and England (Primary Sponsors); B. Allen, Cole, Coleman, Faison, Farmer-Butterfield, Fisher, Parmon, Rapp, Wainwright, and Wray:

**H.B. 583**, A BILL TO BE ENTITLED AN ACT DESIGNATING THE COMMUNITY COLLEGE SYSTEM AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE, is referred to the Education Subcommittee on Community Colleges.

By Representative Rhodes:

**H.B. 584**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CORNELIUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Rhodes:

**H.B. 585**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CORNELIUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Rhodes:

**H.B. 586**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF HUNTERSVILLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Rhodes:

**H.B. 587**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF HUNTERSVILLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Tolson, Sauls, England, and Sherrill (Primary Sponsors); B. Allen, L. Allen, Cleveland, Cole, Coleman, Dickson, Faison, Farmer-Butterfield, Fisher, Langdon, McGee, McLawhorn, Parmon, Rapp, Ross, Wainwright, Walend, Weiss, and Wray:

**H.B. 588**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY COLLEGE BIOTECHNOLOGY CENTERS, is referred to the Committee on Appropriations.

March 10, 2005

By Representatives Sherrill, Fisher, and Goforth:

**H.B. 589**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EBLEN CHARITIES TO ASSIST IN EXPANDING ITS SERVICES TO CHILDREN AND FAMILIES LIVING WITH ILLNESSES AND DISABILITIES, is referred to the Committee on Appropriations.

By Representatives Wright and Justice:

**H.B. 590**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ADDITIONAL ASSISTANT CLERK POSITION IN PENDER COUNTY, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representatives Howard, Bordsen, and Holliman (Primary Sponsors):

**H.B. 591**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO FUND THE PIEDMONT TRIAD HERITAGE OFFICER POSITION, is referred to the Committee on Appropriations.

By Representative Rhodes:

**H.B. 592**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Rhodes:

**H.B. 593**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG, is referred to the Committee on Rules, Calendar, and Operations of the House.

### CONFERENCE REPORT

Representative Ross moves the adoption of the following Conference Report.

#### House Committee Substitute for S.B. 82

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 82, A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION

March 10, 2005

CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, House Committee Substitute Favorable 2/23/05, Fifth Edition Engrossed 2/24/05, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute Favorable 2/23/05, Fifth Edition Engrossed 2/24/05, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 2/23/05, Fifth Edition Engrossed 2/24/05, and substitute the attached Proposed Conference Committee Substitute S82-PCCS35100-RU-3.

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

Date conferees approved report: March 9th, 2005.

*Conferees for the  
Senate*

S/ Daniel G. Clodfelter, Chair  
S/ Anthony E. Rand  
S/ Vernon Malone  
S/ Jerry Tillman

*Conferees for the  
House of Representatives*

S/ Deborah K. Ross, Chair  
S/ Bill Culpepper  
S/ Beverly Earle  
S/ Henry M. Michaux, Jr.  
S/ L. Hugh Holliman  
S/ Edd Nye

The Conference Report is adopted, by electronic vote (54-46), 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. 22** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT EXPANSION OF A MEDICAL FACILITY ONTO AN ADJACENT LOT SHALL BE A PERMITTED USE UNDER THE ZONING ORDINANCE, passes its second reading and remains on the Calendar.

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**SPECIAL MESSAGE FROM THE SENATE****2005 GENERAL ASSEMBLY  
FIRST SESSION**

Senate Chamber  
March 10, 2005

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. 82** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, 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*

**REPORTS OF STANDING COMMITTEES AND PERMANENT  
SUBCOMMITTEES**

The following reports from standing committee are presented:

By Representatives L. Allen, Allred, Carney, and Stiller, Chairs, for the Committee on Transportation:

**H.B. 99**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE "FIRST IN FORESTRY" PLATES WITH A SPECIAL BACKGROUND, with a favorable report.

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

**H.B. 253**, A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS OF THE NORTH CAROLINA TURNPIKE AUTHORITY, with a favorable report.

Pursuant to Rule 32(a), the bill is re-referred to the Committee on Rules, Calendar, and Operations of the House.

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**RE-REFERRAL**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 20**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SMALL BUSINESSES THAT PROVIDE EMPLOYEE HEALTH INSURANCE, is withdrawn from the Committee on Finance and re-referred to the Committee on Insurance and, if favorable, to the Committee on Finance.

Representative Culpepper moves, seconded by Representative Howard, that the House adjourn, subject to committee assignments, the receipt of Committee Reports, and the ratification of bills, to reconvene Monday, March 14, 2005, at 7:00 p.m.

The motion carries.

**ENROLLED BILLS**

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

**S.B. 82**, AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE.

**ADDENDA TO COMMITTEE ASSIGNMENTS**

March 10, 2005

The Speaker makes the following committee assignments:

**COMMERCE:** Add Representatives L. Allen and Cole.

**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. 130**, A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK, with a

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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 March 14. The original bill is placed on the Unfavorable Calendar.

The House stands adjourned at 3:57 p.m.

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## TWENTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES  
Monday, March 14, 2005

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

The following remarks and prayer are offered by the Reverend Jim Harry, House Chaplain:

"Members of the House:

"Before we open in spoken prayer, I invite us to have a moment of silence in memory of former House Member, Representative Junior Teague of Alamance County, who died earlier today. Representative Teague served in the House from 1999-2002. Let us pray..."

"Almighty God:

"You alone are God and You are sovereign over all the earth. Amidst the constant and ever-changing landscape of life, we thank Thee that we are always able to count on Your never-ending gifts of love, mercy and steadfast kindness in our lives. Lord, grant unto this honorable Body the spiritual gift of kindness. By Your grace, may we demonstrate to those whose eyes and ears are upon us, that through our words and actions, we can truly set a high standard of decency and respectability towards each other that will reflect favorably and honorably upon the men and women of this House of Representatives. Lord God, in this and through all things, we humbly seek Thy favor. Amen."

The Speaker 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 March 10 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Barnhart, Clary, Culp, Daughtridge, Dockham, Hall, LaRoque, McMahan, Morgan, Parmon, Starnes, and Wright for today.

### CHAPTERED BILLS

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

**S.B. 82**, AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE. (S.L. 2005-3)

### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

By Representatives Bordsen and Farmer-Butterfield, Chairs, for the Committee on Aging:

**H.B. 45**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' ADULT PROTECTIVE SERVICES TASK FORCE TO COLLABORATE WITH OTHERS INTERESTED IN IMPROVING ADULT PROTECTIVE SERVICES AND REPORT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of March 15.

**H.B. 183**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE PRESIDENT OF THE UNIVERSITY OF NORTH CAROLINA AND THE PRESIDENT OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO UNDERTAKE CERTAIN STUDIES TARGETED TO INCREASE GERIATRIC CARE PROVIDERS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with a favorable report.

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Pursuant to Rule 32(a), the bill is re-referred to the Committee on Rules, Calendar, and Operations of the House.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Harrison, Jones, and Jeffus (Primary Sponsors):

**H.B. 594**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ATLANTIC COAST CONFERENCE HALL OF CHAMPIONS IN THE CITY OF GREENSBORO, is referred to the Committee on Appropriations.

By Representatives Wainwright, B. Allen, Bell, Faison, Farmer-Butterfield, Martin, Pate, Pierce, and Underhill:

**H.B. 595**, A BILL TO BE ENTITLED AN ACT TO DECREASE THE COST TO A TEACHER WHO TAKES PERSONAL LEAVE, is referred to the Committee on Education.

By Representative Wilkins:

**H.B. 596**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Langdon:

**H.B. 597**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SAMPSON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Langdon:

**H.B. 598**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF JOHNSTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Langdon:

**H.B. 599**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SAMPSON, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Langdon:

**H.B. 600**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF JOHNSTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Sauls and B. Allen:

**H.B. 601**, 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 Yongue, B. Allen, Farmer-Butterfield, Glazier, McLawhorn, Pate, Pierce, and Wainwright:

**H.B. 602**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PAY A BONUS TO CHILD NUTRITION PERSONNEL IN THE PUBLIC SCHOOLS, is referred to the Committee on Appropriations.

By Representatives Lucas, B. Allen, Bell, Faison, Farmer-Butterfield, Lewis, Pate, Pierce, Wainwright, and Womble:

**H.B. 603**, A BILL TO BE ENTITLED AN ACT TO PROVIDE REDUCED TUITION GRANTS FOR CHILDREN OF PUBLIC SCHOOL-TEACHERS IN CERTAIN CIRCUMSTANCES, is referred to the Committee on Education.

By Representatives Tolson and Farmer-Butterfield:

**H.B. 604**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WILSON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Tolson and Farmer-Butterfield:

**H.B. 605**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF EDGECOMBE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Brubaker and Langdon:

**H.B. 606**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE

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PROCEDURE OVERSIGHT COMMITTEE TO CLARIFY THE LAW PROVIDING LEGISLATIVE OVERSIGHT OF AGENCY FEES AND CHARGES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Brubaker:

**H.B. 607**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A VETERINARIAN WHO OPERATES A MOBILE FACILITY MAY ENTER INTO A WRITTEN AGREEMENT TO HAVE URINE TESTS PERFORMED BY ANOTHER FACILITY OR LABORATORY, is referred to the Committee on Agriculture.

By Representatives Moore, LaRoque, and McGee (Primary Sponsors); Blackwood, Justice, Langdon, Lewis, Pate, Ray, and Rhodes:

**H.B. 608**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY CONSUMER CREDIT REPORTING AGENCY TO, UPON THE WRITTEN REQUEST OF A CONSUMER, PLACE A SECURITY FREEZE THAT PROHIBITS THE AGENCY FROM PROVIDING A CONSUMER'S CREDIT REPORT TO A THIRD PARTY, is referred to the Committee on Finance.

By Representatives England, Sauls, and Tolson (Primary Sponsors); B. Allen, Coleman, Farmer-Butterfield, McLawhorn, Pate, Pierce, Wainwright, and Warren:

**H.B. 609**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON TRAINING AND REEMPLOYMENT CONTRIBUTIONS MADE BY EMPLOYERS, is referred to the Committee on Appropriations.

By Representative Haire:

**H.B. 610**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONDUCT PLANNING, DESIGN, SITE PREPARATION, AND OTHER ACTIVITIES NECESSARY TO THE RELOCATION OF THE DISTRICT 9 FORESTRY OFFICE IN JACKSON COUNTY, is referred to the Committee on Appropriations.

By Representatives Hilton, Setzer, and Hollo (Primary Sponsors); Almond, Barnhart, Culp, Eddins, Folwell, Frye, Grady, Gulley, Holloway, Howard, Jeffus, Johnson, Justice, Justus, LaRoque, Ray, Rhodes, Sauls, Starnes, Steen, Tolson, Vinson, West, and Wilson:

**H.B. 611**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED

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PROPERTY IN CERTAIN CIRCUMSTANCES, is referred to the Committee on Judiciary II.

By Representatives Ray, Howard, and Setzer:

**H.B. 612**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF TROUTMAN TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES, is referred to the Committee on Pensions and Retirement.

By Representatives Harrell and Womble (Primary Sponsors); Bordsen, Cole, Farmer-Butterfield, Glazier, Goforth, Haire, Harrison, Howard, Insko, Lucas, McComas, McLawhorn, Nye, Parmon, Sutton, Tolson, Wainwright, Warren, Wilkins, Williams, Wray, and Wright:

**H.B. 613**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY, is referred to the Committee on Finance.

By Representatives Wiley and Walend (Primary Sponsors); Adams, Almond, Blackwood, Blust, Brown, Capps, Carney, Cleveland, Coleman, Culp, Current, Daughtridge, Daughtry, Dockham, Dollar, Faison, Folwell, Gillespie, Gulley, Harrison, Hollo, Holloway, Jones, Justice, Kiser, Langdon, LaRoque, Lewis, Martin, McComas, McGee, Moore, Parmon, Pate, Ray, Rhodes, Ross, Starnes, Underhill, Vinson, and Wright:

**H.B. 614**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING "SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT" BY INCREASING THE PENALTY AND BY ALLOWING UNDERCOVER OFFICERS TO POSE AS JUVENILES TO INVESTIGATE POSSIBLE OFFENDERS, is referred to the Committee on Judiciary II.

By Representative Rhodes:

**H.B. 615**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF DAVIDSON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Rhodes:

**H.B. 616**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CORNELIUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Rhodes:

**H.B. 617**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF DAVIDSON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wright, B. Allen, Farmer-Butterfield, and Pierce:

**H.B. 618**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wright, B. Allen, Faison, Farmer-Butterfield, and Pierce:

**H.B. 619**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wright, B. Allen, McLawhorn, and Wainwright:

**H.B. 620**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FOR ADDITIONAL ALCOHOL LAW ENFORCEMENT AGENT POSITIONS, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representative Wright:

**H.B. 621**, A BILL TO BE ENTITLED AN ACT TO ALLOW ALTERNATIVE INTEREST RATES AND MATURITIES FOR LOANS NOT EXCEEDING TWELVE HUNDRED DOLLARS, is referred to the Committee on Financial Institutions and, if favorable, to the Committee on Finance.

By Representatives Bordsen, Sauls, Tolson, and England (Primary Sponsors); Farmer-Butterfield and McLawhorn:

**H.B. 622**, A BILL TO BE ENTITLED AN ACT TO EXEMPT COMMUNITY COLLEGE MASSAGE AND BODYWORK THERAPY

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PROGRAMS FROM LICENSURE BY THE NORTH CAROLINA BOARD OF MASSAGE AND BODYWORK THERAPY, is referred to the Education Subcommittee on Community Colleges.

By Representatives Goforth and Saunders (Primary Sponsors):

**H.B. 623**, A BILL TO BE ENTITLED AN ACT TO REPLACE THE SALES TAXES ON LIGHT CONSTRUCTION EQUIPMENT WITH AN EXCISE TAX, is referred to the Committee on Finance.

By Representatives Holloway, Capps, Langdon, and Pate:

**H.B. 624**, 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 I.

By Representatives L. Allen, Wray, Tolson, and Owens (Primary Sponsors); and Faison:

**H.B. 625**, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INVESTMENT INCENTIVE AND AN APPROPRIATION FOR AN ADVANCED VEHICLE RESEARCH CENTER AND AUTOMOTIVE PROVING GROUND IN NORTHAMPTON COUNTY AND TO MAKE TECHNICAL CORRECTIONS, is referred to the Committee on Finance.

#### CALENDAR

Action is taken on the following:

**H.B. 22** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT EXPANSION OF A MEDICAL FACILITY ONTO AN ADJACENT LOT SHALL BE A PERMITTED USE UNDER THE ZONING ORDINANCE, passes its third reading and is ordered sent to the Senate.

**S.B. 130** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK AND CERTAIN PROPERTY TO JOHNSON & WALES UNIVERSITY, passes its second reading, by electronic vote (101-2), 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 for concurrence in the House committee substitute bill by Special Message.

### INTRODUCTION OF PAGES

Pages for the week of March 14 are introduced to the membership. They are: Andy Allen of Cleveland; Madison Bowden, III, of Wake; Patrick Britt of Wake; Danielle Carr of Wake; Beth Cottle of Duplin; Seavy Dickson of Cumberland; Elizabeth Edwards of Rowan; Mary Lynn Edwards of Rowan; Shane Edwards of Rowan; Lauren Elliott of Nash; Candace Goreman of Johnston; Rebecca Geist of Wake; Kyle Hall of Stokes; Bradford Johnson of Wake; Annie Land of Nash; Rebecca Ladd of Wilson; Lauren Langley of Nash; Lisa Mdrang of Wake; Tarrah Mitchell of Wilson; Charles Parrish, II, of Wake; Jacob Pierce of Wilkes; Crystal Raye of Wake; Katherina Stevens of Wake; Daniel Stevens of Wake; and Whitney Walker of Wilkes.

### RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 529**, A BILL TO BE ENTITLED AN ACT TO SUSPEND EXECUTIONS FOR TWO YEARS WHILE CONDUCTING A TWO-YEAR STUDY ON ISSUES RELATING TO THE DEATH SENTENCE, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary I.

On motion of Representative Culpepper, seconded by Representative Miller, the House adjourns at 7:35 p.m., in memory of Junior Teague, former Member of the House of Representatives, to reconvene March 15 at 4:00 p.m.

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## TWENTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES  
Tuesday, March 15, 2005

The House meets at 4:00 p.m. pursuant to adjournment and is called to order by the Speaker.

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

March 15, 2005



"Gracious God:

"As You gather together the winds from the four corners of the earth so gather together this Body that is wide, complex and diverse. Allow neither our political nor ideological differences to separate us from displaying random acts of kindness and mercy to one another. Rather by Your power allow for our diversity to serve as a natural balance to the complexity of life itself. Place within this group of men and women a sincere desire to grow together as a collective body into a community of 'do-gooders' and kind-hearted folks whose desire it is to extend kindness to others through the authority granted unto them by their elected office. Make straight our paths and guide us through this and every day, we humbly pray. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 14 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Hall and McMahan for today. Representative Walend is excused for a portion of the session.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

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

**H.B. 186**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE UNIFORM FEES PAID TO JURORS AND TO REQUIRE COUNTIES TO REIMBURSE JURORS FOR ANY PARKING EXPENSES NECESSITATED BY THE JURY SERVICE, with a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Finance.

On motion of Representative Sutton, Committee Amendment No. 1 is adopted.

The bill is ordered engrossed and re-referred to the Committee on Finance.

**H.B. 508**, A BILL TO BE ENTITLED AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE DIVORCE WAS GRANTED, with a favorable report.

March 15, 2005

Pursuant to Rule 36(b), the bill is placed on the Calendar of March 16.

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

**H.B. 97**, 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 bill is placed on the Calendar of March 16.

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

**H.B. 217**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES, 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 March 17. 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 Martin and Dollar (Primary Sponsors); B. Allen, Capps, Coleman, Eddins, Ross, Stam, and Weiss:

**H.B. 626**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO SELL PERSONAL UNIFORMS AND EQUIPMENT TO PUBLIC SAFETY EMPLOYEES UPON THE EMPLOYEES LEAVING THE CITY'S EMPLOYMENT, is referred to the Committee on Local Government I.

By Representatives Adams, B. Allen, Coleman, Harrison, Jeffus, Jones, Luebke, McAllister, Michaux, Parmon, Pierce, Starnes, Wainwright, Weiss, and Wiley:

**H.J.R. 627**, A JOINT RESOLUTION HONORING THE MEMORY OF DR. WILLA B. PLAYER, WHILE OBSERVING WOMEN'S HISTORY MONTH, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Adams, B. Allen, Harrison, and Jeffus:

**H.B. 628**, A BILL TO BE ENTITLED AN ACT TO EXEMPT LARGE INDOOR ARENAS WITH SEATING CAPACITIES GREATER THAN TWENTY-THREE THOUSAND FROM SMOKING REGULATIONS PROVIDED FOR IN ARTICLE 64 OF CHAPTER 143 OF THE GENERAL STATUTES, is referred to the Committee on Health.

By Representatives Adams, Jeffus, Parmon, Pierce, Ray, Starnes, Wainwright, and Wiley:

**H.B. 629**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY CONSUMER CREDIT REPORTING AGENCY TO, UPON THE WRITTEN REQUEST OF A CONSUMER, PLACE A SECURITY FREEZE THAT PROHIBITS THE AGENCY FROM PROVIDING A CONSUMER'S CREDIT REPORT TO A THIRD PARTY, is referred to the Committee on Finance.

By Representatives Goforth, Harrell, LaRoque, and Wilkins:

**H.B. 630**, A BILL TO BE ENTITLED AN ACT TO REQUIRE MANUFACTURED HOMES ESCROW ACCOUNTS, is referred to the Committee on Commerce.

By Representative Haire:

**H.B. 631**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY, is referred to the Committee on Finance.

By Representatives Jones, Adams, B. Allen, Insko, Jeffus, and Wainwright:

**H.B. 632**, A BILL TO BE ENTITLED AN ACT TO ENACT THE STEM CELL RESEARCH HEALTH AND WELLNESS ACT TO PERMIT STEM CELL RESEARCH UNDER LIMITED CIRCUMSTANCES AND TO APPROPRIATE FUNDS TO THE HEALTH AND WELLNESS TRUST FUND FOR ALLOCATION AS STEM CELL RESEARCH GRANTS, is referred to the Committee on Health.

By Representatives Tolson and Faison:

**H.B. 633**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF ELECTRONIC FILING IN THE TRIAL COURTS OF NORTH CAROLINA, is referred to the Committee on Science and Technology and,

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if favorable, to the Appropriations Subcommittee on Justice and Public Safety.

By Representative Tolson:

**H.B. 634**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE THE JUDICIAL DEPARTMENT WITH CRIMINAL BACKGROUND CHECKS FROM THE STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORIES, is referred to the Committee on Judiciary IV.

By Representatives Jones, Adams, B. Allen, Pierce, and Wainwright:

**H.B. 635**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A PUBLIC COMMENT PERIOD DURING EACH REGULAR MEETING OF A LOCAL BOARD OF EDUCATION, COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD, is referred to the Committee on Ways and Means.

By Representative Nye:

**H.B. 636**, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE BILLING FOR ANATOMIC PATHOLOGY SERVICES BY CLINICAL LABORATORIES AND PHYSICIANS PROVIDING THE SERVICES, is referred to the Committee on Health.

By Representatives Nye, B. Allen, Pierce, Preston, and Wainwright:

**H.B. 637**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF A DEPARTMENT TO SET THE SALARY SUPPLEMENT FOR TEACHERS WORKING AT SCHOOLS OPERATED BY THE DEPARTMENT, is referred to the Committee on State Personnel.

By Representatives Nye and Preston:

**H.B. 638**, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AS A CLASSIFIED ADMINISTRATIVE UNIT AND THEREBY ENABLE IT TO RECEIVE CERTAIN FEDERAL FUNDS, is referred to the Education Subcommittee on Pre-School, Elementary and Secondary Education.

By Representatives Miller, Walend, Tolson, and Jeffus (Primary Sponsors); Hackney, Hunter, Insko, Jones, Luebke, Michaux, Pierce, Stiller, Wainwright, Warren, and Womble:

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**H.B. 639**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TRAVELING SCIENCE AND TECHNOLOGY EDUCATION PROGRAM AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, is referred to the Committee on Science and Technology and, if favorable, to the Appropriations Subcommittee on Education.

By Representative Miller:

**H.B. 640**, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FEASIBILITY OF TRACKING STUDENTS UNTIL THEY COMPLETE THEIR EDUCATION, is referred to the Committee on Science and Technology and, if favorable, to the Committee on Education.

By Representatives Miller and Faison:

**H.B. 641**, A BILL TO BE ENTITLED AN ACT CREATING THE LEGISLATIVE STUDY COMMISSION ON NANOTECHNOLOGY, is referred to the Committee on Science and Technology.

By Representative Miller:

**H.B. 642**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMISSION TO STUDY THE TRACKING OF PERSONS USING SOCIAL SERVICES IN THIS STATE, is referred to the Committee on Science and Technology and, if favorable, to the Appropriations Subcommittee on Health and Human Services.

By Representatives Miller and Rapp:

**H.B. 643**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF ANY DEVICE DESIGNED TO PREVENT THE DETECTION OF A DRIVING VIOLATION, is referred to the Committee on Judiciary I.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 109** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT TO DEPLOYED MILITARY PERSONNEL AN EXTENSION OF TIME WITHIN WHICH TO RENEW A CONCEALED HANDGUN PERMIT, is read the first time and referred to the Committee on Judiciary II.

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**S.B. 171**, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF STUDENT MOBILITY ON ACADEMIC PERFORMANCE, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

### CALENDAR

Action is taken on the following:

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

**H.B. 27**, A BILL TO BE ENTITLED AN ACT REQUIRING THE EMPLOYMENT SECURITY COMMISSION TO CONSIDER THE ORDINARY BUSINESS ACTIVITIES OF EMPLOYERS WHEN SCHEDULING HEARINGS, 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.

**H.B. 45**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' ADULT PROTECTIVE SERVICES TASK FORCE TO COLLABORATE WITH OTHERS INTERESTED IN IMPROVING ADULT PROTECTIVE SERVICES AND REPORT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, passes its second reading, by electronic vote (117-0), 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. 231** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER TO CLARIFY THAT THE CONTROLLER MAY CONDUCT COMPLIANCE REVIEWS OF STATE AGENCIES AND TO EXEMPT THE WORKING PAPERS FROM THOSE REVIEWS FROM THE PUBLIC RECORDS LAWS.

On motion of Representative Tolson and without objection, the bill is withdrawn from the Calendar and re-referred to the Committee on Judiciary I.

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

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**H.B. 99**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE "FIRST IN FORESTRY" PLATES WITH A SPECIAL BACKGROUND, passes its second reading, by electronic vote (111-4), and there being no objection is read a third time.

Representative Capps requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (112-4).

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

Representative Culpepper moves, seconded by Representative Miller, that the House adjourn, subject to committee assignments, to reconvene March 16 at 4:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 5:40 p.m.

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## TWENTY-NINTH DAY

HOUSE OF REPRESENTATIVES  
Wednesday, March 16, 2005

The House meets at 4:00 p.m. pursuant to adjournment and is called to order by the Speaker.

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

"Gracious God:

"From the beginning of time You have been busy creating a fabric of unity for all people on the Earth. As this Body continues its work, we humbly ask You to take Your needle and knit together our hearts with the common thread of kindness as the unifying force that ties our work together. Shape our thoughts so that we may begin to see what this Body can do together rather than separately despite our differences. Create within each of us a genuine desire to see good legislation as a common goal of this whole honorable Body and not the intellectual or ideological property of one party or another. At the end of the day, allow us to rest our heads easily

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upon our pillows knowing that we have lived as authentically as we could in our relentless pursuits for the common good of all Your people. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 15 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Gibson, Hall, Hilton, and McMahan for today.

### **ENROLLED BILLS**

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

**S.B. 41**, AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORD CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, AND TO MAKE OTHER CONFORMING CHANGES.

**S.B. 130**, AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK AND CERTAIN PROPERTY TO JOHNSON & WALES UNIVERSITY.

### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Womble, Chair, for the Committee on Ways and Means:

**H.B. 49**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE CAUSES AND REMEDIES OF MINORITY INCARCERATION STUDY COMMISSION AND APPROPRIATING FUNDS FOR THE COMMISSION, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 32(a), 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 Representative Tucker, Chair, for the Committee on Local Government I:

**H.B. 399**, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS, 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 Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

**H.J.R. 468**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF HOWARD N. LEE TO THE UTILITIES COMMISSION, with a favorable report.

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

By Representatives Pate and Underhill, Chairs, for the Committee on Military, Veterans and Indian Affairs:

**H.B. 61**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX CERTAIN COMPENSATION PAID TO MILITARY PERSONNEL OR THEIR SURVIVORS, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

**H.B. 62**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL, with a favorable report.

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

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 131**, A BILL TO BE ENTITLED AN ACT TO ADD ONSLOW COUNTY TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES, with a favorable report.

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Pursuant to Rule 36(b), the bill is placed on the Calendar of March 17.

**H.B. 218**, A BILL TO BE ENTITLED AN ACT TO ALTER THE DISTRIBUTION OF THE NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES AT THE TOWN OF CLINTON ALCOHOLIC BEVERAGE CONTROL STORES, 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 March 17. The original bill is placed on the Unfavorable Calendar.

**H.B. 317**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of March 17.

**H.B. 350**, A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE, 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 March 17. The original bill is placed on the Unfavorable Calendar.

By Representative Wright, Chair, for the Committee on Health:

**H.B. 175**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE HOME CARE AGENCY LICENSURE ACT, TO ESTABLISH HOME CARE CLIENTS' RIGHTS, AND TO APPROPRIATE FUNDS TO INCREASE THE SURVEY CYCLE FOR LICENSED IN-HOME AGENCIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, 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 Appropriations.

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

**H.B. 180**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMITTEE ON HIGH-RISK HEALTH INSURANCE POOLS,

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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 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.

**H.B. 239**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL HEALTH DEPARTMENTS AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of March 17.

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

**H.B. 143**, A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRITOURISM ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS, with a favorable report.

Pursuant to Rule 32(a), the bill is re-referred to the Committee on Finance.

**H.B. 458**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of March 17.

By Representatives Bell, Lucas, and McLawhorn, Chairs, for the Committee on Education:

**H.B. 11**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS, 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 March 17. The original bill is placed on the Unfavorable Calendar.

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**SUBCOMMITTEE REFERRAL**

Representatives Bell, Lucas, and McLawhorn, Chairs for the Standing Committee on Education, refer **H.B. 563**, A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, to the Education Subcommittee on Community Colleges.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representative Holliman:

**H.B. 644**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE THIRTY-DAY DEADLINES IMPOSED UPON AGENTS AND BAIL BONDSMEN SEEKING INTERNAL ADMINISTRATIVE REVIEW OF A DENIAL OF LICENSURE AND SUBSEQUENTLY SEEKING A HEARING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL STATUTES ARE MANDATORY, NOT DISCRETIONARY, is referred to the Committee on Insurance.

By Representative Holliman:

**H.B. 645**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES MUST FILE ALL SERVICE AGREEMENTS AND CONTRACTUAL LIABILITY POLICIES WITH THE COMMISSIONER, AND IF SUBMITTED ON PAPER, BE IN A SPECIFIED FORMAT; AUTHORIZE THE COMMISSIONER TO PROTECT CONSUMERS OF WARRANTY AND SERVICE AGREEMENTS UNDER JURISDICTION OF THE DEPARTMENT BY CEASE AND DESIST POWERS AND BY THE POWER TO EXAMINE AND SEIZE WARRANTY AND SERVICE AGREEMENT COMPANY VIOLATOR'S RECORDS; AND REORGANIZE AND ADD CLARIFYING DEFINITIONS REGARDING MECHANICAL SERVICE BREAKDOWN AGREEMENTS, is referred to the Committee on Insurance.

By Representative Holliman:

**H.B. 646**, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION

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FEE PAID BY LICENSED INSURANCE COMPANIES TO ENHANCE EFFICIENT ADMINISTRATION OF FEE COLLECTION AND PROCESSING, is referred to the Committee on Insurance and, if favorable, to the Committee on Finance.

By Representative Holliman:

**H.B. 647**, A BILL TO BE ENTITLED AN ACT TO REQUIRE AN UNAUTHORIZED INSURER AGAINST WHICH A SUMMARY CEASE AND DESIST ORDER HAS BEEN ISSUED TO PETITION THE DEPARTMENT OF INSURANCE FOR A HEARING ON THE MATTER BEFORE PETITIONING THE SUPERIOR COURT OF WAKE COUNTY, is referred to the Committee on Insurance.

By Representatives Moore, Culp, Current, and Starnes:

**H.B. 648**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX THE INCREASE IN VALUE OF REAL PROPERTY HELD FOR SALE BY A BUILDER, TO THE EXTENT THE INCREASE IS ATTRIBUTABLE TO SUBDIVISION OR IMPROVEMENTS BY THE BUILDER, is referred to the Committee on Finance.

By Representatives Moore, McGee, LaRoque, and Daughtridge (Primary Sponsors); Almond, Cleveland, Culp, Current, Folwell, Howard, Langdon, Preston, Rayfield, Starnes, and Walend:

**H.B. 649**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A STRAIGHT-PARTY VOTE WILL COUNT FOR A PARTY'S NOMINEES FOR PRESIDENT AND VICE PRESIDENT, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Haire and Glazier (Primary Sponsors); and Faison:

**H.B. 650**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES AND TO AUTHORIZE A LARGER FEE FOR THOSE CASES, is referred to the Committee on Judiciary IV and, if favorable, to the Committee on Finance.

By Representatives Wainwright, Adams, Faison, Farmer-Butterfield, Parmon, Pierce, Womble, and Wray:

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**H.B. 651**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR PUBLIC SCHOOL EMPLOYEES, is referred to the Committee on Education.

By Representatives Church and Gillespie (Primary Sponsors); and Stiller:

**H.B. 652**, A BILL TO BE ENTITLED AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE SOLICITATION OF CONTRIBUTIONS, is referred to the Committee on Ways and Means.

By Representative Holliman:

**H.B. 653**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CREDIT INSURANCE LAWS TO DEFINE "CRITICAL PERIOD COVERAGE"; CLARIFY THE APPROPRIATE REFUND OF PREMIUMS METHOD WHEN A POLICY OR GROUP CERTIFICATE IS TERMINATED PRIOR TO THE SCHEDULED MATURITY DATE OF THE SUBJECT DEBT; ALLOW CREDIT CARD COVERAGE FROM OUT-OF-STATE FINANCIAL INSTITUTIONS; PROVIDE THAT INSURERS MUST ACKNOWLEDGE TO THE CLAIMANT ANY CLAIMS NOT PAID WITHIN THIRTY DAYS; CLARIFY THAT INSURERS CAN REQUIRE REGISTRATION WITH THE STATE UNEMPLOYMENT OFFICE TO QUALIFY FOR CREDIT UNEMPLOYMENT INSURANCE BUT CANNOT IMPOSE A TIME LIMIT ON THAT REGISTRATION NOR CONDITION QUALIFICATION FOR BENEFITS UNDER A POLICY UPON QUALIFICATION FOR STATE UNEMPLOYMENT BENEFITS; CLARIFY THAT, WITH RESPECT TO CREDIT UNEMPLOYMENT INSURANCE, THE REFUND SHALL EQUAL THE PRO RATA UNEARNED GROSS PREMIUM; AND PROVIDE THE COMMISSIONER OF INSURANCE WITH THE AUTHORITY TO ENFORCE THE LAWS GOVERNING CREDIT INSURANCE CONSISTENT WITH THE COMMISSIONER'S GENERAL ENFORCEMENT AUTHORITY AS SET FORTH IN CHAPTER 58 OF THE GENERAL STATUTES, is referred to the Committee on Insurance.

By Representative Holliman:

**H.B. 654**, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES, is referred to the Committee on Insurance.

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By Representative Holliman:

**H.B. 655**, A BILL TO BE ENTITLED AN ACT TO REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; AND REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT, is referred to the Committee on Insurance.

By Representative Holliman:

**H.B. 656**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE FUNCTIONING OF THE WORKERS' COMPENSATION SELF-INSURED GUARANTY ASSOCIATION AND THE ENFORCEMENT AUTHORITY WITH RESPECT TO WORKERS' COMPENSATION SELF-INSURERS, is referred to the Committee on Insurance.

By Representative Holliman:

**H.B. 657**, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURANCE PRODUCERS TO DISCLOSE COMPENSATION ARRANGEMENTS TO CUSTOMERS AND TO CLARIFY THAT AN INSURANCE BROKER MUST SERVE THE INTEREST OF THE CUSTOMER FIRST, is referred to the Committee on Insurance.

By Representative Holliman:

**H.B. 658**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS, TO AUTHORIZE THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR PROFESSIONAL DEVELOPMENT OF CODE-ENFORCEMENT OFFICIALS, AND TO APPROPRIATE FUNDS FROM THE INSURANCE REGULATORY FUND FOR THAT PURPOSE, is referred to the Committee on Insurance and, if favorable, to the Committee on Appropriations.

By Representatives Holliman and Faison:

**H.B. 659**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN UNAUTHORIZED INSURER SHALL NOT OPERATE IN THIS

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STATE IN ITS OWN NAME OR UNDER A "DOING BUSINESS AS" DESIGNATION AS A THIRD PARTY ADMINISTRATOR, is referred to the Committee on Insurance.

By Representative Holliman:

**H.B. 660**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE FINANCIAL LAWS UNDER CHAPTER 58 OF THE GENERAL STATUTES, is referred to the Committee on Insurance.

By Representatives Glazier, Alexander, and Barnhart (Primary Sponsors); Farmer-Butterfield, Parmon, and Womble:

**H.B. 661**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUBSTANTIATION APPEAL PROCESS FOR THOSE INDIVIDUALS ALLEGED TO BE RESPONSIBLE FOR ABUSE OR NEGLECT OF A JUVENILE IN A SUBSTANTIATED REPORT UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY, is referred to the Committee on Judiciary IV.

By Representatives Cole and McComas (Primary Sponsors); B. Allen, Church, Coates, Crawford, Eddins, Gibson, Holliman, Howard, Johnson, Justus, LaRoque, McLawhorn, Nye, Owens, Ray, Ross, Sauls, Saunders, Sherrill, and Wright:

**H.B. 662**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUATION OF THE REVENUE TAX EVASION PROJECT AND FOR STAFF DEVELOPMENT, is referred to the Appropriations Subcommittee on Transportation.

By Representatives Cole and Hill (Primary Sponsors); L. Allen, Church, Coates, England, Gibson, Johnson, Nye, Ray, Wilkins, Williams, and Wray:

**H.B. 663**, A BILL TO BE ENTITLED AN ACT TO AMEND THE TOBACCO RESERVE FUND TO PROMOTE THE HEALTH AND WELLNESS OF THE STATE'S CITIZENS AND ECONOMIC DEVELOPMENT, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Cole:

**H.B. 664**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR AN ENGINEERING, CONSULTING, OR CONTRACTING FIRM EMPLOYEE, SUPERVISOR, OR OFFICER TO FALSIFY A DEPARTMENT OF TRANSPORTATION REQUIRED HIGHWAY INSPECTION OR TEST REPORT, is referred to the Committee on Transportation.

By Representative Cole:

**H.B. 665**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS, is referred to the Committee on Transportation.

By Representative Cole:

**H.B. 666**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS, is referred to the Committee on Transportation.

By Representative Cole:

**H.B. 667**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE INCENTIVES, DISINCENTIVES, AND RELATED CONTRACTUAL MEASURES TO EXPEDITE RELOCATION OF PUBLIC AND PRIVATE TELECOMMUNICATIONS, GAS, OR ELECTRIC UTILITIES THAT ARE REQUIRED TO BE RELOCATED FOR A HIGHWAY CONSTRUCTION PROJECT, is referred to the Committee on Public Utilities.

By Representatives Cole and Stiller:

**H.B. 668**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF TRANSPORTATION TO AWARD CONTRACTS ON ALTERNATE BIDDING PROCEDURES, is referred to the Committee on Transportation and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representative Cole:

**H.B. 669**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES, is referred to the Committee on Transportation.

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By Representative Cole:

**H.B. 670**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES, is referred to the Committee on Transportation.

By Representative Hill:

**H.B. 671**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANT PEST LAW TO PREEMPT LOCAL REGULATION OF PLANTS AND PLANT PESTS, is referred to the Committee on Agriculture.

### CALENDAR

Action is taken on the following:

**H.B. 97**, A BILL TO BE ENTITLED AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO MURDERS THE OTHER PARENT OF THE CHILD.

On motion of Representative Moore and without objection, the bill is withdrawn from the Calendar and re-referred to the Committee on Judiciary II.

**H.B. 217** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES, passes its second reading, by electronic vote (112-4), 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. 508**, A BILL TO BE ENTITLED AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE DIVORCE WAS GRANTED.

On motion of Representative Haire and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of March 17.

### RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 448**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FAIR AND ORDERLY PROCESS FOR THE DISPOSITION

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OF COMPLAINTS AGAINST LOCAL SCHOOL BOARD MEMBERS, is withdrawn from the Committee on Education and re-referred to the Committee on Judiciary IV.

On motion of Representative Culpepper, seconded by Representative L. Allen, the House adjourns at 4:59 p.m. to reconvene March 17 at 12:00 Noon.

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## THIRTIETH DAY

HOUSE OF REPRESENTATIVES  
Thursday, March 17, 2005

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

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

"Most Merciful God:

"You are the Author and the Perfector of life. All that we are and all that we have is a gift from You. For these gifts we offer You our thanks and praise; and we honor You. As this Body goes about its business, we are not immune to the same trials, aches and pains that others experience. Our work at home awaits us. Our families need and want us. Our own health and well-being forsakes us from time to time. And, our loved ones and our friends grow older. They become ill. And we, too, experience the sting of death. Today, we are saddened by the sudden death of our friend and colleague, Representative John Hall. We thank You for the gift of his life and the time we had to know and love him. We pray for his family and everyone who mourns with them today. Great God of heaven, remind us of our human frailty and let the pain that we now experience serve as a reminder of our need to more fully trust in Your love...Your mercy...Your kindness...and Your sovereignty over the precious gift of life itself. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 16 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 Current, Gibson, Hilton, McMahan, and Vinson for today.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committee and permanent subcommittee are presented:

By Representatives Glazier and Parmon, Chairs, for the Education Subcommittee on Pre-School, Elementary and Secondary Education, with approval of standing committee Chairs for report to be made directly to the floor of the House:

**H.B. 403**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PURCHASE OF THE PRELIMINARY SCHOLASTIC APTITUDE TEST (PSAT) FOR THE PUBLIC SCHOOLS, with a favorable report.

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

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

**H.B. 514**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY MOTION FILED IN A CIVIL ACTION WHEN THE ACTION IS PENDING IN A SUPERIOR COURT OF A COUNTY THAT IS IN A SUPERIOR COURT DISTRICT CONSISTING OF MORE THAN ONE COUNTY MAY BE HEARD IN ANY SUPERIOR COURT IN THAT SUPERIOR COURT DISTRICT, with a favorable report.

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

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representative Holliman:

**H.B. 672**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF A DEMUTUALIZED INSURANCE COMPANY, is referred to the Committee on Insurance.

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By Representative Holliman:

**H.B. 673**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT, TO REQUIRE THE COMMISSIONER OF INSURANCE TO REPORT WHETHER CONTINUED PARTICIPATION BY THIS STATE IN THE COMPACT IS IN THE BEST INTEREST OF THE CITIZENS AND POLICYHOLDERS OF THIS STATE, AND TO PROVIDE A SUNSET FOR PARTICIPATION IN THE COMPACT, is referred to the Committee on Insurance.

By Representative Holliman:

**H.B. 674**, A BILL TO BE ENTITLED AN ACT TO ENSURE THE DEPARTMENT OF INSURANCE CAN CONDUCT PROPER EXAMINATIONS OF PROFESSIONAL EMPLOYER ORGANIZATIONS (PEO) BY EXCLUDING APPLICATION OF THE MONETARY LIMITATION IN THE EXAMINATION LAW TO EXAMINATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, is referred to the Committee on Insurance.

By Representative Holliman:

**H.B. 675**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS OF THE STATE, is referred to the Committee on Insurance.

By Representative Tolson:

**H.B. 676**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE OFFICE OF STATE BUDGET AND MANAGEMENT MUST APPROVE CERTAIN FEES RELATING TO GOVERNMENT E-COMMERCE IN CONSULTATION WITH THE STATE CHIEF INFORMATION OFFICER AND THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS, is referred to the Committee on State Government.

By Representatives Tolson, Sauls, and England (Primary Sponsors):

**H.B. 677**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TREASURER TO DESIGNATE A PERSON TO REPRESENT THE TREASURER ON THE STATE BOARD OF COMMUNITY COLLEGES, is referred to the Education Subcommittee on Community Colleges.

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By Representatives Tolson and Glazier:

**H.B. 678**, A BILL TO BE ENTITLED AN ACT ALLOWING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL TO OBTAIN BIDS ON CERTAIN SERVICE CONTRACTS WITHOUT OBTAINING APPROVAL FROM THE STATE PURCHASING OFFICER, is referred to the Education Subcommittee on Universities.

By Representatives Capps, Almond, Blackwood, Blust, Brown, Cleveland, Dollar, Eddins, Folwell, Frye, Hilton, Hollo, Holloway, Johnson, Pate, Rhodes, Sauls, Stam, Starnes, Steen, Vinson, and Wiley:

**H.B. 679**, A BILL TO BE ENTITLED AN ACT PERMITTING PHYSICIANS TO NOTIFY THE PARENT OR GUARDIAN OF A MINOR AFTER TREATING THE MINOR FOR VENEREAL DISEASE, PREGNANCY, ABUSE OF CONTROLLED SUBSTANCES OR ALCOHOL, OR EMOTIONAL DISTURBANCE, is referred to the Committee on Health.

By Representatives Capps, Dollar, Eddins, Frye, Hilton, Hollo, Holloway, Johnson, Pate, Sauls, Starnes, Steen, and Wiley:

**H.B. 680**, A BILL TO BE ENTITLED AN ACT TO REQUIRE MANDATORY JAIL TIME, IN ADDITION TO ANY OTHER PUNISHMENT, FOR ANY PERSON CONVICTED OF DRIVING WHILE IMPAIRED WITH A BLOOD ALCOHOL LEVEL OF 0.20 OR MORE, is referred to the Committee on Judiciary I.

By Representatives Capps, Blackwood, Dollar, Eddins, Frye, Hilton, Johnson, LaRoque, Moore, Pate, Starnes, and Steen:

**H.B. 681**, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA RELIGIOUS FREEDOM RESTORATION ACT, is referred to the Committee on Judiciary I.

By Representatives Capps, Blackwood, Eddins, Faison, Frye, Hilton, Hollo, Johnson, Martin, Moore, Pate, Steen, Vinson, and Wiley:

**H.B. 682**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE "OPERATION IRAQI FREEDOM" SPECIAL REGISTRATION PLATES, is referred to the Committee on Finance.

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By Representatives Haire, Fisher, and Justice (Primary Sponsors); and Jones:

**H.B. 683**, A BILL TO BE ENTITLED AN ACT TO INCLUDE INFORMATION IN THE SCHOOL HEALTH EDUCATION PROGRAM ABOUT THE MANNER IN WHICH A PARENT MAY LAWFULLY ABANDON A NEWBORN BABY WITH A RESPONSIBLE PERSON AND TO DIRECT LOCAL BOARDS OF EDUCATION TO ENSURE THAT HIGH SCHOOL STUDENTS RECEIVE THAT INFORMATION, is referred to the Education Subcommittee on Pre-School, Elementary and Secondary Education.

By Representatives Moore, Daughtridge, McGee, and LaRoque (Primary Sponsors); Blackwood, Pate, and Setzer:

**H.B. 684**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GARNISHMENT OF THE JUDGMENT DEBTOR'S WAGES AS AN ADDITIONAL MEANS OF ENFORCING A JUDGMENT, is referred to the Committee on Judiciary II.

By Representatives Gibson and Martin:

**H.B. 685**, A BILL TO BE ENTITLED AN ACT TO CREATE A UNIFORM SYSTEM FOR THE REGULATION OF PRIVATE AND PUBLIC ANIMAL SHELTERS, is referred to the Committee on Agriculture.

By Representatives Gibson and Faison:

**H.B. 686**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE LAW ALLOWING SERVICE ANIMALS IN TRAINING TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS, is referred to the Committee on Health.

By Representatives Gibson, Wright, Brubaker, and McComas (Primary Sponsors); and Stiller:

**H.B. 687**, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIO-VISUAL RECORDING DEVICE, is referred to the Committee on Judiciary IV.

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By Representatives Gibson and Culp (Primary Sponsors):

**H.B. 688**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS, is referred to the Committee on Finance.

By Representative Gibson:

**H.B. 689**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, is referred to the Committee on Finance.

By Representative Gibson:

**H.B. 690**, A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN ANSON COUNTY, is referred to the Committee on Public Utilities.

By Representatives Insko and Hackney (Primary Sponsors):

**H.B. 691**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE TOWN TO RAISE THE MOTOR VEHICLE TAX FROM FIFTEEN TO TWENTY-FIVE DOLLARS, is referred to the Committee on Finance.

By Representatives Jeffus, Adams, Blust, Harrison, Jones, and Wiley:

**H.B. 692**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A GUILFORD BATTLEGROUND COMPANY SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representatives Glazier and Parmon (Primary Sponsors); Farmer-Butterfield, Jones, and Wainwright:

**H.B. 693**, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO WEIGHT THE CLASS-SIZE FUNDING FORMULA TO ACCOMMODATE THE LEARNING NEEDS OF SPECIAL POPULATIONS OF CHILDREN, is referred to the Committee on Education and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Insko, Alexander, Faison, and Farmer-Butterfield:

**H.B. 694**, A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL ADMINISTRATIVE AGENCIES TO ANNUALLY COLLECT AND REPORT DATA ON THE BODY MASS INDEX (BMI) OF SCHOOL CHILDREN IN CERTAIN GRADES, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Insko, Adams, Fisher, Parmon, and Wainwright:

**H.B. 695**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE EXISTING TUITION WAIVER PROGRAM AND TO PROVIDE AN EXCEPTION TO THE TWELVE-MONTH RESIDENCY REQUIREMENT FOR CERTAIN UNIVERSITY OF NORTH CAROLINA EMPLOYEES AND THEIR CHILDREN, is referred to the Education Subcommittee on Universities and, if favorable, to the Committee on Appropriations.

By Representatives Insko, Adams, Alexander, Faison, Farmer-Butterfield, Jones, Luebke, Parmon, Wainwright, and Weiss:

**H.B. 696**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF INDIRECT COSTS ASSOCIATED WITH THE INTEGRITY OF THE CHILD NUTRITION SERVICES PROGRAM IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Insko, Adams, Alexander, Farmer-Butterfield, Fisher, Glazier, Luebke, Wainwright, and Weiss:

**H.B. 697**, 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 THE DEVELOPMENT AND OPERATION OF TEN MENTAL HEALTH CRISIS CENTERS THROUGHOUT THE STATE, is referred to the Committee on Appropriations.

By Representatives Owens and Culpepper (Primary Sponsors); and Williams:

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**H.B. 698**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE FINDINGS, THE PURPOSE, AND THE APPROVED PRACTICES OF THE CURRENT FOREST DEVELOPMENT ACT, is referred to the Committee on Environment and Natural Resources.

By Representative Owens:

**H.B. 699**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION, is referred to the Committee on State Government.

By Representatives Brubaker and Saunders (Primary Sponsors); and LaRoque:

**H.B. 700**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REGULATION OF TELECOMMUNICATIONS SERVICES TO REFLECT THE MODERN MARKET-BASED COMPETITIVE ENVIRONMENT AND TO PRESERVE UNIVERSAL ACCESS TO BASIC TELECOMMUNICATIONS SERVICES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Faison, Adams, Brown, Farmer-Butterfield, Frye, Pate, and Wainwright:

**H.B. 701**, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED SCHOOL PRINCIPALS, ASSISTANT PRINCIPALS, AND CENTRAL OFFICE ADMINISTRATIVE PERSONNEL TO RETURN TO EMPLOYMENT WITH THE PUBLIC SCHOOLS WITHOUT LOSING RETIREMENT BENEFITS, is referred to the Committee on Pensions and Retirement.

By Representative Crawford:

**H.B. 702**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE, is referred to the Committee on Judiciary I.

By Representative Crawford:

**H.B. 703**, A BILL TO BE ENTITLED AN ACT AMENDING THE SEVERANCE PAY AND REDUCTION IN FORCE PROVISIONS OF

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THE STATE PERSONNEL ACT, is referred to the Committee on State Personnel.

By Representative Crawford:

**H.B. 704**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ALLOCATION OF FUNDS AND CONTRIBUTION COMMITMENTS FOR THE DISTINGUISHED PROFESSOR ENDOWMENT TRUST FUND AND THE SUM REQUIRED TO ESTABLISH AN ENDOWED CHAIR, is referred to the Committee on Appropriations.

By Representatives Hill and Faison:

**H.B. 705**, A BILL TO BE ENTITLED AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS, is referred to the Committee on Finance.

By Representatives Yongue, Carney, Preston, and Johnson (Primary Sponsors); L. Allen, Barnhart, Bell, Brown, Brubaker, Cole, Coleman, Dickson, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Frye, Gillespie, Glazier, Goforth, Haire, Harrison, Hill, Holmes, Insko, Jones, Justice, Justus, LaRoque, Lucas, Luebke, McGee, McLawhorn, Parmon, Pate, Pierce, Ray, Ross, Sauls, Steen, Stiller, Sutton, Underhill, Warren, Weiss, Wiley, Wilkins, and Womble:

**H.B. 706**, A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS, is referred to the Committee on Education.

By Representatives Alexander and McLawhorn (Primary Sponsors); Farmer-Butterfield, Glazier, Insko, and Luebke:

**H.B. 707**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES, is referred to the Committee on Children, Youth and Families.

By Representatives Insko, Adams, Alexander, Coleman, Farmer-Butterfield, Glazier, Luebke, Stiller, and Weiss:

**H.B. 708**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,

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DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, FOR COMMUNITY CAPACITY DEVELOPMENT, AS RECOMMENDED BY COALITION 2001, is referred to the Committee on Appropriations.

By Representatives Howard, LaRoque, and Moore:

**H.B. 709**, A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND CAREER FIREFIGHTERS AND CAREER EMERGENCY MEDICAL SERVICES WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETIRE WITH UNREDUCED BENEFITS AFTER COMPLETING TWENTY-FIVE YEARS OF SERVICE, is referred to the Committee on Pensions and Retirement.

By Representatives Bell and Wainwright:

**H.B. 710**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, is referred to the Committee on Pensions and Retirement.

By Representatives Bell, Coleman, Faison, Farmer-Butterfield, and Wainwright:

**H.B. 711**, A BILL TO BE ENTITLED AN ACT TO PROVIDE COST-OF-LIVING INCREASES FOR 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.

By Representative West:

**H.B. 712**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MACON, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative West:

**H.B. 713**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 120TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Coleman and Wainwright:

**H.B. 714**, A BILL TO BE ENTITLED AN ACT ALLOWING STATE AGENCIES UNDER CERTAIN CIRCUMSTANCES TO WITHHOLD INFORMATION THAT WOULD OTHERWISE BE OPEN TO INSPECTION BY THE PUBLIC, is referred to the Committee on State Personnel.

By Representatives Coleman, Parmon, and Wainwright:

**H.B. 715**, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO PROTECT THE PRIVACY OF CERTAIN PERSONAL AND EMPLOYMENT-RELATED INFORMATION PERTAINING TO STATE EMPLOYEES, is referred to the Committee on State Personnel.

By Representatives Coleman, Dollar, Parmon, and Wainwright:

**H.B. 716**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE MEDIATION OF STATE EMPLOYEE GRIEVANCES UNDER THE STATE PERSONNEL ACT AND RELATING TO THE TIME FRAME FOR CONTESTED CASES UNDER G.S. 126-34.1, is referred to the Committee on State Personnel.

By Representatives Coleman, Dollar, Faison, Jones, Parmon, and Wainwright:

**H.B. 717**, A BILL TO BE ENTITLED AN ACT RELATING TO THE STATE EMPLOYEE INCENTIVE BONUS PROGRAM, is referred to the Committee on State Personnel.

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

**H.B. 718**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS, AND FOR OTHER PURPOSES, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Crawford, Earle, Nye, and Owens (Primary Sponsors):

**H.B. 719**, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, is referred to the Committee on Appropriations.

By Representatives Sutton, Pierce, and Yongue (Primary Sponsors):

**H.B. 720**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EMERGENCY INFRASTRUCTURE REPAIRS AT THE RIVERSIDE GOLF COURSE ON THE SITE OF THE NORTH CAROLINA INDIAN CULTURAL CENTER IN ROBESON COUNTY, is referred to the Committee on Appropriations.

By Representatives Sutton, Pierce, and Yongue (Primary Sponsors); and Faison:

**H.B. 721**, 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 Sutton, Pierce, and Yongue (Primary Sponsors); Adams, Faison, and Jones:

**H.B. 722**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR IMPROVEMENTS TO THE NORTH CAROLINA INDIAN CULTURAL CENTER IN ROBESON COUNTY, is referred to the Committee on Appropriations.

By Representatives Glazier and Dickson (Primary Sponsors); and Insko:

**H.B. 723**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN CRIMINAL RECORD CHECKS, TO ALLOW CERTAIN FEES TO BE CHARGED FOR THE CRIMINAL RECORD CHECK, AND TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE FALSE INFORMATION THAT IS THE BASIS OF A CRIMINAL RECORD CHECK, is referred to the Committee on Judiciary IV and, if favorable, to the Committee on Finance.

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By Representatives Ross and Martin:

**H.B. 724**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Ross, Howard, and Goforth (Primary Sponsors); Carney and Parmon:

**H.B. 725**, A BILL TO BE ENTITLED AN ACT TO REGULATE THE PRACTICE OF REAL ESTATE RESALE DEALERS IN THIS STATE, is referred to the Committee on Judiciary I.

By Representative Brubaker:

**H.B. 726**, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS RELATING TO THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR IMPROVEMENTS TO THE FACILITIES OF THE UNIVERSITY OF NORTH CAROLINA, is referred to the Committee on Finance.

By Representatives Holliman and Wright (Primary Sponsors); Coleman and Wainwright:

**H.B. 727**, A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT REGARDING THE TYPE OF COVERAGE THAT CONSTITUTES CREDITABLE COVERAGE; TO PROVIDE SPECIAL ENROLLMENT PERIODS WITHOUT PENALTY FOR PERSONS ENROLLED UNDER A GROUP PLAN WHOSE COVERAGE IS TERMINATED WHEN AN INSURER DISCONTINUES WRITING A CERTAIN TYPE OF GROUP HEALTH INSURANCE COVERAGE THROUGHOUT THAT ENTIRE SMALL OR LARGE GROUP MARKET; AND TO PROVIDE CONTINUED GUARANTEED ISSUE RIGHTS TO A PERSON WHO IS HIPAA ELIGIBLE, WHO IS INSURED IN THE INDIVIDUAL MARKET, AND WHOSE INSURER DISCONTINUES WRITING A CERTAIN TYPE OF HEALTH INSURANCE COVERAGE THROUGHOUT THE ENTIRE INDIVIDUAL MARKET, is referred to the Committee on Insurance.

By Representative Holliman:

**H.B. 728**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING TO ENSURE ADEQUATE REGULATORY OVERSIGHT IN

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THE LICENSING OF PROFESSIONAL EMPLOYER ORGANIZATIONS, is referred to the Committee on Appropriations.

By Representative Glazier:

**H.B. 729**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Crawford and Sherrill (Primary Sponsors):

**H.B. 730**, A BILL TO BE ENTITLED AN ACT AMENDING THE POWERS OF THE STATE PERSONNEL COMMISSION REGARDING DEMONSTRATION PROJECTS AND PROVIDING STATE AGENCIES WITH THE BUDGET FLEXIBILITY TO IMPLEMENT THE PROJECTS, is referred to the Committee on State Personnel.

By Representative Crawford:

**H.B. 731**, A BILL TO BE ENTITLED AN ACT PROSPECTIVELY ELIMINATING LONGEVITY PAY FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT WHO ARE HIRED ON OR AFTER JANUARY 1, 2006, AND PROVIDING THAT THE SAVINGS GENERATED SHALL BE USED FOR PAY IMPROVEMENTS, is referred to the Committee on State Personnel.

By Representatives L. Allen, Lucas, Walker, and Frye (Primary Sponsors); Bordsen, Carney, Dickson, Farmer-Butterfield, Gillespie, Glazier, Justice, McLawhorn, Parmon, Pierce, Setzer, and Womble:

**H.B. 732**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR REGIONAL COUNCILS OF GOVERNMENT TO DEVELOP AND IMPLEMENT A WATER RESOURCE MANAGEMENT PROGRAM, is referred to the Committee on Appropriations.

By Representative Holliman:

**H.B. 733**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE, is referred to the Committee on Insurance.

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By Representatives Holliman and Wright (Primary Sponsors):

**H.B. 734**, A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; CLARIFY THAT SERVICES COVERED ONLY FOR CERTAIN MEDICAL CONDITIONS OR DIAGNOSES MUST BE TREATED AS UTILIZATION REVIEW DECISIONS WHEN IT IS NECESSARY TO REVIEW THE COVERED PERSON'S CONDITION OR DIAGNOSIS IN ORDER TO DETERMINE IF THE SERVICE IS EXCLUDED OR COVERED; ENSURE THAT COVERED PERSONS RECEIVING EXTERNAL REVIEW KNOW WHAT INFORMATION THEIR INSURER PROVIDES TO THE EXTERNAL REVIEW ORGANIZATION PERFORMING THE REVIEW; AND ELIMINATE EXTERNAL REVIEW OUTSIDE OF NORMAL BUSINESS HOURS, is referred to the Committee on Insurance.

By Representatives Holliman and Wright (Primary Sponsors):

**H.B. 735**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANNUAL FILING AND ACTUARIAL CERTIFICATION OF RATES FOR INSURERS PROVIDING INDIVIDUAL ACCIDENT AND HEALTH INSURANCE BENEFITS AND TO BETTER PROTECT CONSUMERS FROM THE HARMFUL IMPACT OF BLOCKS OF BUSINESS BEING CLOSED, is referred to the Committee on Insurance.

By Representative Holliman:

**H.B. 736**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES, is referred to the Committee on Finance.

By Representatives Holliman and Wright (Primary Sponsors):

**H.B. 737**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED, LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE;

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EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS FOR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO SIX; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; AND AMEND THE UTILIZATION REVIEW LAWS TO CLARIFY THAT SUCH LAWS PLAINLY APPLY TO INDIVIDUAL INSURANCE COVERAGE AS WELL AS GROUP COVERAGE, is referred to the Committee on Insurance.

By Representative Hackney:

**H.B. 738**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE BOARD OF GOVERNORS MAY DELEGATE SOME OF ITS STATUTORY DUTIES TO THE PRESIDENT OF THE UNIVERSITY OF NORTH CAROLINA, is referred to the Education Subcommittee on Universities.

By Representative Hackney:

**H.B. 739**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PURCHASE OF ALTERNATIVE PROPERTY INSURANCE FOR BUILDINGS THAT ARE NOT FUNDED BY THE STATE, is referred to the Education Subcommittee on Universities.

By Representatives Coates and Cole (Primary Sponsors):

**H.B. 740**, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE

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SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED POSITIVE DRUG AND ALCOHOL TEST RESULT, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR OTHER PUBLIC TRANSIT VEHICLES UNTIL SUCCESSFUL COMPLETION OF TREATMENT, is referred to the Committee on Transportation.

By Representatives Coates, Brown, and Steen:

**H.B. 741**, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA DEPARTMENT OF VETERANS AFFAIRS, is referred to the Committee on Military, Veterans and Indian Affairs.

By Representatives Coates and Steen (Primary Sponsors); Barnhart and Carney:

**H.B. 742**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE NORTH CAROLINA TRANSPORTATION MUSEUM AND TO TRANSFER OVERSIGHT OF THE MUSEUM FROM THE DEPARTMENT OF CULTURAL RESOURCES TO THE DEPARTMENT OF TRANSPORTATION, is referred to the Committee on Appropriations.

By Representative Coates:

**H.B. 743**, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EAST SPENCER, is referred to the Committee on Finance.

By Representatives Coates, McLawhorn, Steen, Wainwright, and Warren:

**H.J.R. 744**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STORYTELLER JACQUELINE CARSON "JACKIE" TORRENCE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Coates, Frye, Steen, and Williams:

**H.B. 745**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL

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WILD TURKEY FEDERATION SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representatives Cole and Coates (Primary Sponsors):

**H.B. 746**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO RECEIVE MITIGATION CREDIT FOR JOINT PURCHASES WITH THE CLEAN WATER MANAGEMENT TRUST FUND, is referred to the Committee on Transportation.

By Representatives Cole and Coates (Primary Sponsors):

**H.B. 747**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS, is referred to the Committee on Transportation.

By Representatives Cole and Coates (Primary Sponsors):

**H.B. 748**, A BILL TO BE ENTITLED AN ACT TO GOVERN DEBARMENT OF CONTRACTORS ON DEPARTMENT OF TRANSPORTATION CONSTRUCTION PROJECTS, is referred to the Committee on Transportation.

By Representatives Cole and Coates (Primary Sponsors); and Brown:

**H.B. 749**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE PARTNERSHIP AGREEMENTS TO MAKE NEEDED TRANSPORTATION IMPROVEMENTS, is referred to the Committee on Transportation.

By Representatives Cole and Coates (Primary Sponsors); and Brown:

**H.B. 750**, A BILL TO BE ENTITLED AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS, is referred to the Committee on Transportation.

By Representatives Crawford and Holliman (Primary Sponsors):

**H.B. 751**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE CENTRALIZATION OF STATE EMPLOYEE BENEFITS UNDER THE OFFICE OF STATE PERSONNEL, is referred to the Committee on State Personnel.

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By Representatives Hill, Alexander, Brubaker, Carney, Ross, Underhill, Weiss, and Williams:

**H.B. 752**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE UMSTEAD ACT THE SALE BY NORTH CAROLINA STATE UNIVERSITY OF PRODUCTS PRODUCED BY THE DAIRY AND PROCESS APPLICATION LABORATORY, is referred to the Committee on Agriculture.

By Representative Harrell:

**H.B. 753**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNIVERSITY OF NORTH CAROLINA IS NOT REQUIRED TO HAVE CONSULTANT CONTRACTS PREAPPROVED BY THE GOVERNOR OR HIS DESIGNEE, is referred to the Education Subcommittee on Universities.

By Representative Harrell:

**H.B. 754**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CAMPUSES OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH CAMPUS STANDARDS FOR BUILDING COMPONENTS AND TO SPECIFY THE COMPONENTS BY BRAND WHEN WRITING CONSTRUCTION SPECIFICATIONS, is referred to the Education Subcommittee on Universities.

By Representatives Insko, Alexander, Carney, Farmer-Butterfield, Fisher, Jones, Luebke, and Weiss:

**H.B. 755**, A BILL TO BE ENTITLED AN ACT PERTAINING TO SNACK AND BEVERAGE VENDING IN PUBLIC SCHOOLS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Sauls:

**H.B. 756**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LEE COUNTY TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES, is referred to the Committee on Finance.

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By Representatives Gibson and Brubaker (Primary Sponsors):

**H.B. 757**, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES PROPOSING PERMANENT RULES TO CONSIDER THE ADVERSE ECONOMIC IMPACT OF THE PROPOSED RULE ON SMALL BUSINESS; TO REQUIRE STATE AGENCY REVIEW OF EXISTING RULES PRIOR TO AMENDMENT TO DETERMINE THE IMPACT ON SMALL BUSINESS; TO ESTABLISH THE SMALL BUSINESS REGULATORY COMMITTEE IN THE DEPARTMENT OF COMMERCE; TO PROVIDE FOR SMALL BUSINESS REGULATORY COMMITTEE REVIEW OF PROPOSED PERMANENT RULES THAT MAY HAVE AN ADVERSE IMPACT ON SMALL BUSINESS AND SMALL BUSINESS REGULATORY COMMITTEE RECOMMENDATIONS TO THE AGENCY AND GENERAL ASSEMBLY; TO AUTHORIZE PETITION BY A SMALL BUSINESS OBJECTING TO A PERMANENT RULE ON SPECIFIED GROUNDS; PROVIDING FOR SMALL BUSINESS REGULATORY COMMITTEE REVIEW OF THE AGENCY'S RESPONSE TO THE PETITION; AND AUTHORIZING AGENCY WAIVER OF ADMINISTRATIVE FINES OR PENALTIES FOR VIOLATIONS BY SMALL BUSINESS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Justus:

**H.B. 758**, A BILL TO BE ENTITLED AN ACT RELATING TO ABANDONED CEMETERIES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Justus:

**H.B. 759**, A BILL TO BE ENTITLED AN ACT RELATING TO ABANDONED CEMETERIES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Nye and Farmer-Butterfield (Primary Sponsors):

**H.B. 760**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING RESIDENTIAL SCHOOLS TO MAKE THEIR ACCOUNTABILITY SYSTEM AND THEIR SCHOOL IMPROVEMENT PLANS LIKE THOSE OF OTHER PUBLIC SCHOOLS, is referred to the Committee on Education.

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By Representative Williams:

**H.B. 761**, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR CARRIER SAFETY STATUTES, is referred to the Committee on Transportation.

By Representatives Culpepper, Faison, LaRoque, and Martin:

**H.B. 762**, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is referred to the Committee on Judiciary IV.

By Representatives Culpepper, Faison, LaRoque, Martin, Moore, Pierce, and Wainwright:

**H.B. 763**, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS FOR CAREER FIREFIGHTERS AND CAREER RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement.

By Representatives Culpepper and LaRoque:

**H.B. 764**, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN SUBORDINATION AGREEMENTS AND TO CLARIFY THE LAW ON THE PRIORITY OF INSTRUMENTS REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is referred to the Committee on Judiciary IV.

By Representative Culpepper:

**H.B. 765**, A BILL TO BE ENTITLED AN ACT TO ALLOW ATTORNEYS' FEES TO BE AWARDED TO THE PREVAILING PARTY IN AN ACTION TO ENFORCE PROVISIONS OF THE ARTICLES OF INCORPORATION, DECLARATION, BYLAWS, OR RULES OF A PLANNED COMMUNITY CREATED PRIOR TO JANUARY 1, 1999, IF RECOVERY OF ATTORNEYS' FEES IS ALLOWED IN THE DECLARATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is referred to the Committee on Judiciary IV.

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By Representative Howard:

**H.B. 766**, A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA, is referred to the Committee on Finance.

By Representatives Howard and Jones:

**H.B. 767**, A BILL TO BE ENTITLED AN ACT ENHANCING THE MIGRANT HOUSING LAWS OF NORTH CAROLINA, is referred to the Committee on Agriculture.

By Representative Howard:

**H.B. 768**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA, is referred to the Committee on Judiciary II.

By Representatives McLawhorn, Warren, and Williams:

**H.B. 769**, A BILL TO BE ENTITLED AN ACT TO INCLUDE ENROLLMENT FUNDING FOR THE UNIVERSITY OF NORTH CAROLINA IN THE CONTINUATION BUDGET, is referred to the Committee on Appropriations.

By Representatives Dickson, Faison, and Glazier:

**H.B. 770**, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR AN INCOME TAX DEDUCTION FOR CERTAIN CONTRIBUTIONS TO THE PARENTAL SAVINGS TRUST FUND, is referred to the Committee on Finance.

By Representative Dickson:

**H.B. 771**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE PROHIBITION AGAINST CERTAIN SPOUSES OF MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, MEMBERS OF THE BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION, OR MEMBERS OF THE STATE BOARD OF COMMUNITY COLLEGES FROM BEING EMPLOYEES OR

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OFFICERS OF THE STATE, is referred to the Education Subcommittee on Universities.

By Representatives Williams and Steen (Primary Sponsors); Barnhart, Church, Coates, England, Fisher, Goforth, Harrell, Hill, Hilton, Hollo, Johnson, LaRoque, Martin, McGee, Owens, Pate, Ray, Stam, and Tolson:

**H.B. 772**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COMPUTER-ASSISTED REMOTE HUNTING, is referred to the Committee on Wildlife Resources.

By Representatives Insko, Faison, Fisher, Ross, and Weiss:

**H.B. 773**, A BILL TO BE ENTITLED AN ACT REQUIRING NORTH CAROLINA PUBLIC SCHOOLS TO PROVIDE TO STUDENTS A RANGE OF PHYSICAL ACTIVITY REQUIRED EACH WEEK, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Owens:

**H.J.R. 774**, A JOINT RESOLUTION HONORING THOSE WHO CONTRIBUTED TO THE CONSTRUCTION OF THE DISMAL SWAMP CANAL ON THE TWO HUNDREDTH ANNIVERSARY OF THIS HISTORIC LANDMARK, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Earle and Insko:

**H.B. 775**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE UNIVERSITY OF NORTH CAROLINA TO PROCEED WITH A HEALTH CARE INITIATIVE FOR ITS EMPLOYEES AND TO ESTABLISH A PILOT PROJECT OF THE STATE HEALTH PLAN TO IMPROVE EMPLOYEE CHOICE, INCREASE AFFORDABILITY OF DEPENDENT COVERAGE, AND INCREASE EMPHASIS ON WELLNESS AND DISEASE MANAGEMENT, is referred to the Committee on Health.

By Representatives Earle, Nye, and Clary (Primary Sponsors):

**H.B. 776**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS OF STATE AGENCIES,

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DEPARTMENTS, AND INSTITUTIONS, AND FOR OTHER PURPOSES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Fisher:

**H.B. 777**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEVILLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Fisher:

**H.B. 778**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEVILLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Fisher, Carney, Church, Dollar, Farmer-Butterfield, Insko, Ross, Walend, and Weiss:

**H.B. 779**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF EIGHTEEN AND TO INCREASE THE PENALTY FOR TRUANCY, is referred to the Committee on Education.

By Representatives Yongue, Jones, Pierce, and Wainwright:

**H.B. 780**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCESS BY WHICH THE NEED-BASED SCHOLARSHIP LOAN FUND IS ADMINISTERED, is referred to the Committee on Education.

By Representatives Church, Gillespie, Starnes, and Frye (Primary Sponsors):

**H.B. 781**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FOOTHILLS REGIONAL AIRPORT AUTHORITY TO ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A CORRECTIONAL FACILITY AS PART OF THE STATE PRISON SYSTEM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wright:

**H.B. 782**, A BILL TO BE ENTITLED AN ACT TO MAKE STATUTORY CHANGES TO IMPROVE QUALITY AND SAFETY IN HOME CARE SERVICES, MENTAL HEALTH FACILITIES, ADULT

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CARE HOMES, AND CERTAIN HOSPITAL FACILITIES, is referred to the Committee on Finance.

By Representative Wright:

**H.B. 783**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN LICENSED FACILITIES OR PROVIDERS OF MEDICATION ADMINISTRATION SERVICES TO UTILIZE UNLICENSED HEALTH CARE PERSONNEL TO PERFORM THE TECHNICAL ASPECTS OF MEDICATION ADMINISTRATION, is referred to the Committee on Health.

By Representatives Wright, Faison, and Wainwright:

**H.B. 784**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CREDITABLE SERVICE IN THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM SHALL INCLUDE PERIODS OF EMPLOYER-APPROVED LEAVES OF ABSENCE WHEN IN RECEIPT OF WORKERS' COMPENSATION BENEFITS, is referred to the Committee on Pensions and Retirement.

By Representatives Wright and Wainwright:

**H.B. 785**, A BILL TO BE ENTITLED AN ACT TO AMEND THE INVESTMENT AUTHORITY OF PUBLIC HOSPITALS, is referred to the Committee on Health.

By Representative Cole:

**H.B. 786**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE DEALERS LICENSING ACT, is referred to the Committee on Transportation.

By Representative Wilson:

**H.B. 787**, A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Eddins and Holliman (Primary Sponsors); Faison, LaRoque, Pate, and Setzer:

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**H.B. 788**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE COLLECTION AND DISTRIBUTION OF RESTITUTION FOR CRIME VICTIMS IN NORTH CAROLINA AND TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO STUDY THIRD-PARTY COLLECTION FOR THE COLLECTION OF RESTITUTION AND OTHER COURT COSTS, is referred to the Committee on Judiciary I.

By Representative Walend:

**H.B. 789**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO BE USED TOWARD THE CAPITAL COSTS OF CONVERTING AN EXISTING LOG BUILDING LOCATED IN DUPONT STATE FOREST INTO A VISITORS' CENTER FOR DUPONT STATE FOREST, is referred to the Committee on Appropriations.

By Representatives Nye, Faison, Insko, Jones, Pierce, and Wainwright:

**H.B. 790**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ENERGY ASSISTANCE ACT FOR LOW-INCOME PERSONS, is referred to the Committee on Health.

By Representatives Nye, Moore, Pate, Pierce, and Wainwright:

**H.B. 791**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE MATCHING LIMIT FOR COUNTY VETERANS SERVICE OFFICES AND TO APPROPRIATE FUNDS FOR THIS PURPOSE, is referred to the Committee on State Government and, if favorable, to the Committee on Appropriations.

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

**H.B. 792**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE MAY RETAIN THE PROCEEDS FROM THE SALE OF REAL PROPERTY AND USE THE PROCEEDS TO CONSTRUCT OR ACQUIRE A NEW CHANCELLOR'S RESIDENCE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Farmer-Butterfield, Alexander, L. Allen, Carney, Jones, Parmon, Pierce, Ross, Stam, Wainwright, and Womble:

**H.B. 793**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE

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SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL, is referred to the Committee on Education and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Allred, Moore, Current, and Hollo (Primary Sponsors); and LaRoque:

**H.B. 794**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT VOTERS PROVIDE IDENTIFICATION BEFORE VOTING, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representative Barnhart:

**H.B. 795**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO CONTRACT DIRECTLY WITH PRIVATE VENDORS TO OPERATE THE COUNTY BILLING SYSTEM FOR MEDICAID CLAIMS, is referred to the Committee on Health.

By Representatives Grady, Earle, and Clary (Primary Sponsors); Alexander, Brown, Brubaker, Carney, Church, Cole, Daughtridge, Farmer-Butterfield, Howard, Jeffus, Justice, LaRoque, Martin, McLawhorn, Moore, Pate, Pierce, Preston, Sauls, Underhill, Wainwright, Walend, Warren, Weiss, Womble, and Wright:

**H.B. 796**, 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 Appropriations.

### CALENDAR

Action is taken on the following:

**H.B. 317**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison,

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Farmer-Butterfield, Fisher, Folwell, Frye, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 107.

Voting in the negative: Representatives Cleveland, Gillespie, Hollo, Holloway, and Rhodes - 5.

Excused absences: Representatives Current, Gibson, Hilton, McMahan, and Vinson - 5.

**H.B. 350** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN 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: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 107.

Voting in the negative: Representatives Cleveland, Gillespie, Hollo, Holloway, and Rhodes - 5.

Excused absences: Representatives Current, Gibson, Hilton, McMahan, and Vinson - 5.

**H.B. 131**, A BILL TO BE ENTITLED AN ACT TO ADD ONSLOW COUNTY TO THOSE COUNTIES AUTHORIZED TO USE A TAX

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CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES, 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. 218** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALTER THE DISTRIBUTION OF THE NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES AT THE TOWN OF CLINTON ALCOHOLIC BEVERAGE CONTROL STORES, 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. 11** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS, passes its second reading, by electronic vote (110-1), 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 BILLS FROM CALENDAR**

On motion of the Chair, pursuant to Rule 38 and without objection, the following bills are withdrawn from the Calendar of March 21 and referred to the Committee on Finance.

**H.B. 317**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN.

**H.B. 350** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE.

#### **CALENDAR (continued)**

**H.B. 458**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE, passes its second reading, by electronic vote (112-0), 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.

**H.B. 508**, A BILL TO BE ENTITLED AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE DIVORCE WAS GRANTED, 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. 239**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL HEALTH DEPARTMENTS AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED.

Representative Wainwright offers Amendment No. 1 which is adopted by electronic vote (95-15).

Representative Moore requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (96-15).

The bill, as amended, passes its second reading by electronic vote (94-18).

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

#### **POINT OF PERSONAL PRIVILEGE**

On motion of the Chair and without objection, the following remarks by Representative Lucas are spread upon the Journal in memory of John Hall.

"Take time to work,  
It is the price of success.  
Take time to think,  
It is the source of power.  
Take time to play,  
It is the secret of perpetual youth.  
Take time to read,  
It is the foundation of wisdom.  
Take time to be friendly,  
It is the road to happiness.  
Take time to love and be loved,  
It is the privilege of the gods.  
Take time to share,

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Life is too short to be selfish.  
Take time to laugh,  
Laughter is the music of the soul."

### RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 12**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT ON HIGHWAYS OF FOUR OR MORE LANES A VEHICLE TRAVELING AT LESS THAN THE NORMAL SPEED OF OTHER VEHICLES SHALL NOT BE DRIVEN IN THE LEFTMOST LANE, is withdrawn from the Committee on Judiciary II 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. 787**, A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES, is withdrawn from the Committee on Local Government I and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Culpepper moves, seconded by Representative L. Allen, that the House adjourn, subject to the receipt of Committee Reports and in memory of John Hall, Member of the 1999, 2001, 2003, and 2005 House of Representatives, to reconvene Monday, March 21, 2005, at 7:00 p.m.

The motion carries.

### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

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

**H.J.R. 252**, A JOINT RESOLUTION HONORING THE 75TH ANNIVERSARY OF THE STATE HIGHWAY PATROL AND PAYING TRIBUTE TO THOSE WHO HAVE DIED IN THE LINE OF DUTY, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of March 21.

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**H.J.R. 511**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF CORNELIUS ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY, with a favorable report as to the committee substitute resolution, unfavorable as to the original resolution.

Pursuant to Rule 36(b), the committee substitute resolution is placed on the Calendar of March 21. The original resolution is placed on the Unfavorable Calendar.

**H.J.R. 627**, A JOINT RESOLUTION HONORING THE MEMORY OF DR. WILLA B. PLAYER, WHILE OBSERVING WOMEN'S HISTORY MONTH, with a favorable report as to the committee substitute resolution, unfavorable as to the original resolution.

Pursuant to Rule 36(b), the committee substitute resolution is placed on the Calendar of March 21. The original resolution is placed on the Unfavorable Calendar.

By Representative Holliman, Chair, for the Committee on Insurance:

**H.B. 20**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SMALL BUSINESSES THAT PROVIDE EMPLOYEE HEALTH INSURANCE, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

The House stands adjourned at 2:47 p.m.

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## THIRTY-FIRST DAY

HOUSE OF REPRESENTATIVES  
Monday, March 21, 2005

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

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

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"Great God of Heaven:

"New every day is Your love for us and all day long You are working for good in the world. Thus, it is right and good that we begin our week together in a moment of silence and prayer and to beckon our hearts before You seeking guidance, wisdom and Godly direction. Endow us with touches of Your grace and paint upon our minds the windows of heaven to remind us that You, indeed, are watching us and are mindful of our work. Grant unto the Members of this Chamber the gifts necessary to carry out their work; and in all that we do, keep true in us the humility of heart and sincerity of the soul. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

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

Leaves of absence are granted Representatives Church, Farmer-Butterfield, Gibson, LaRoque, Miller, Starnes, and Walend for today.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.J.R. 468**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF HOWARD N. LEE TO THE UTILITIES COMMISSION, 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 report from standing committee is presented:

By Representative Womble, Chair, for the Committee on Ways and Means:

**H.B. 56**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LEGISLATIVE MILEAGE ALLOWANCE TO BE THE SAME AS THAT PROVIDED TO STATE EMPLOYEES, 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.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Pierce, B. Allen, Bell, Coleman, Cunningham, Faison, Farmer-Butterfield, Glazier, Harrison, Hill, Hunter, Jones, Lucas, Martin, McAllister, Miller, Parmon, Sutton, Wainwright, Womble, Wray, Wright, and Yongue:

**H.B. 797**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF RESEARCH, DEMONSTRATIONS, AND RURAL HEALTH DEVELOPMENT, TO EVALUATE THE HEALTH CARE NEEDS IN HOKE COUNTY AND OTHER UNDERSERVED AREAS OF THE STATE, is referred to the Committee on Health and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Lewis, Sauls, and Lucas (Primary Sponsors):

**H.B. 798**, 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 Adams, B. Allen, Faison, Farmer-Butterfield, Jones, McAllister, Parmon, Wainwright, and Womble:

**H.B. 799**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF LAPSED SALARY FUNDS TO ACHIEVE EQUAL EMPLOYMENT OPPORTUNITY AND ENCOURAGE SOUND MANAGEMENT PRACTICES, is referred to the Committee on State Personnel.

By Representatives Glazier, Farmer-Butterfield, Frye, and Hilton (Primary Sponsors); Dickson, Faison, Harrison, Insko, Luebke, and Stiller:

**H.B. 800**, A BILL TO BE ENTITLED AN ACT REQUIRING VENDORS BIDDING ON STATE CONTRACTS TO DISCLOSE WHETHER SERVICES WILL BE PERFORMED OUTSIDE THE UNITED STATES, is referred to the Committee on Federal Relations and Trade Issues.

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By Representatives Glazier, Alexander, and Dickson (Primary Sponsors); Bell, Harrison, and Insko:

**H.B. 801**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE TO RESOLVE THE ISSUE OF CONFLICTING CHILD CUSTODY ORDERS; TO CLARIFY THE EFFECT OF TERMINATING JURISDICTION IN CERTAIN JUVENILE CASES; TO GIVE THE COURT AUTHORITY TO CONVERT A JUVENILE COURT CUSTODY ORDER INTO A PERMANENT CUSTODY ORDER UNDER CHAPTER 50 OF THE GENERAL STATUTES; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW, is referred to the Committee on Judiciary IV.

By Representatives Insko and Hackney (Primary Sponsors):

**H.B. 802**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO CREATE SPECIAL TAX DISTRICTS TO UNDERGROUND ELECTRIC UTILITY LINES, is referred to the Committee on Finance.

By Representative Holliman:

**H.B. 803**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO CHARGE AND COLLECT A LATE FILING FEE FOR LICENSEES THAT APPLY FOR RENEWAL OF THE LICENSE AFTER THE LICENSE HAS EXPIRED AND TO ELIMINATE SUPPLEMENTAL LICENSING BY THE MANUFACTURED HOUSING BOARD, is referred to the Committee on Finance.

By Representatives Hackney and Goodwin (Primary Sponsors):

**H.B. 804**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ORDER OF PAYMENT OF A CLAIM FOR EQUITABLE DISTRIBUTION UNDER THE LAWS RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES, is referred to the Committee on Judiciary I.

By Representatives Glazier, Parmon, B. Allen, and Lucas (Primary Sponsors); Faison, Insko, and Wainwright:

**H.B. 805**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO UPDATE THE LIST OF SCHOOLS DESIGNATED AS HIGH PRIORITY SCHOOLS, is referred to the Committee on Education.

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By Representative Blust:

**H.B. 806**, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE A RULE ADOPTED BY THE NORTH CAROLINA DEPARTMENT OF LABOR, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Warren:

**H.B. 807**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FARMVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, is referred to the Committee on Local Government I.

By Representative B. Allen:

**H.B. 808**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RELATIONSHIP BETWEEN LOCAL AND STATE CONTROL OF ALCOHOLIC BEVERAGE CONTROL REGULATION, is referred to the Committee on Alcoholic Beverage Control.

By Representative Crawford:

**H.B. 809**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CAROLINA BALLET, INC., A PROFESSIONAL BALLET, is referred to the Committee on Appropriations.

By Representatives Gillespie and Gibson (Primary Sponsors); and Vinson:

**H.B. 810**, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT, is referred to the Committee on Ways and Means.

By Representatives Williams, Warren, and McLawhorn (Primary Sponsors):

**H.B. 811**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT COUNTY, is referred to the Committee on Local Government I.

By Representative Preston:

**H.B. 812**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SCUBA SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

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By Representative Allred:

**H.B. 813**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Allred:

**H.B. 814**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO ALLOW THE CITY TO IMPOSE CERTAIN RESTRICTIONS ON PERSONS SOLICITING ON STATE HIGHWAYS AND STREETS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Blust and Brown (Primary Sponsors); Adams, Folwell, Harrison, Jeffus, Jones, McGee, Parmon, Wiley, and Womble:

**H.B. 815**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA, is referred to the Committee on Finance.

By Representatives Pate, McGee, Sutton, and Underhill (Primary Sponsors); Barnhart, Blust, Brubaker, Cleveland, Coleman, Faison, Grady, Holloway, Langdon, Martin, McLawhorn, Preston, Rhodes, Setzer, Steen, Tucker, Vinson, Wainwright, Warren, Wiley, Williams, and Wright:

**H.B. 816**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROPERTY TAX EXCLUSION FOR HONORABLY DISCHARGED DISABLED VETERANS AND THEIR SURVIVING SPOUSES, AND TO REIMBURSE LOCAL GOVERNMENTS FOR THE RESULTING REVENUE LOSS, is referred to the Committee on Finance.

By Representatives Pate, Faison, LaRoque, McGee, and Preston:

**H.B. 817**, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENT THAT FIREMEN HAVE FIVE YEARS OF SERVICE IN ORDER TO BE ELIGIBLE FOR ASSISTANCE UNDER THE LOCAL FIREMEN'S RELIEF FUND, is referred to the Committee on Insurance.

By Representative Sutton:

**H.B. 818**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CURRENT STATUS OF DRIVERS AS EMPLOYEES OR INDEPENDENT

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CONTRACTORS UNDER THE WORKERS' COMPENSATION ACT, is referred to the Committee on Judiciary III.

By Representatives Saunders, Frye, and Walker (Primary Sponsors):

**H.B. 819**, A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY, is referred to the Committee on Ways and Means.

By Representative Wilkins:

**H.B. 820**, 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 Representatives Glazier and Kiser (Primary Sponsors):

**H.B. 821**, A BILL TO BE ENTITLED AN ACT RELATING TO THE ADMISSIBILITY OF THE RESULTS OF SPEED-MEASURING INSTRUMENTS, is referred to the Committee on Judiciary IV.

By Representatives Glazier, Haire, Ross, and Stam (Primary Sponsors); Harrison and Michaux:

**H.B. 822**, A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON, is referred to the Committee on Judiciary IV.

By Representatives Jeffus, Harrison, and Howard (Primary Sponsors); and Wainwright:

**H.B. 823**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE RESTORATION OF THE JOHN H. RACE ADMINISTRATION BUILDING, is referred to the Committee on Appropriations.

By Representatives Tucker, Nye, and England (Primary Sponsors); Bell and Faison:

**H.B. 824**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MUSCADINE INSTITUTE FOR OPERATING FUNDS, is referred to the Committee on Appropriations.

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By Representative Tucker:

**H.B. 825**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE TOWN OF KENANSVILLE ALCOHOLIC BEVERAGE CONTROL BOARD, is referred to the Committee on Local Government I.

By Representative Gibson:

**H.B. 826**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANSONVILLE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, is referred to the Committee on Local Government II.

#### MESSAGES FROM THE SENATE

The following is received from the Senate:

**S.J.R. 426**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF HOWARD N. LEE TO THE UTILITIES COMMISSION, is read the first time and referred to the Committee on Public Utilities.

#### WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Setzer and without objection, **H.J.R. 252**, A JOINT RESOLUTION HONORING THE 75TH ANNIVERSARY OF THE STATE HIGHWAY PATROL AND PAYING TRIBUTE TO THOSE WHO HAVE DIED IN THE LINE OF DUTY, is withdrawn from the Calendar and placed on the Calendar of March 30.

#### CALENDAR

Action is taken on the following:

**H.J.R. 627** (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF DR. WILLA B. PLAYER, WHILE OBSERVING WOMEN'S HISTORY MONTH, passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

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

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**POINT OF PERSONAL PRIVILEGE**

On motion of Representative Hunter, the Speaker orders the following remarks of Representative Adams spread upon the Journal:

"Mr. Speaker, ladies and gentlemen of the House:

"An old Chinese proverb says, 'God could not be everywhere so he gave us women.'

"I am honored and humbled tonight to stand in support of and present Proposed Committee Substitute for House Joint Resolution 627 honoring the memory of the late Dr. Willa B. Player while observing Women's History Month.

"Women have greatly inspired our society since its inception: women who have dared to speak up in the face of grave injustice, or who even in their silence say more than presidents and kings.

"Members of the House, since 1987, the month of March has been designated as Women's History Month - when we take time (as we appropriately should) to honor and pay tribute to the many diverse accomplishments made by women from all backgrounds, ethnic affiliations, race, class and national origins throughout this Nation (many with roots and affiliation) to our beloved State of North Carolina.

"For decades women were locked out of mainstream American life and even though our contributions have been enormous, women's role in history has been consistently inadequate in the teaching and studying of American History.

"And while this resolution attempts to highlight many outstanding women and some of the extraordinary contributions they have made, it barely touches the surface - for there are still many 'Sheroes' who have helped build this State and Nation and have lifted others as they have climbed.

"After graduating from high school in 1964 and coming to Greensboro from Newark, New Jersey, to attend college, I knew I was coming to a place where remarkable things were happening that ultimately would change my life as well as change the face of America and our State.

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"Much of what was going on, and the climate at that time, and what had been shaped earlier even before I arrived at age 18, was due in part to one such extraordinary woman - Dr. Willa B. Player.

"While I didn't have the opportunity or pleasure of knowing Dr. Willa B. Player (as my college president) because I studied across the tracks at North Carolina A&T, I did have the pleasure of meeting her on several occasions.

"You might say her reputation and the reputation of her students - the Bennett Belles (especially their dress, demeanor and rules) set them apart and became a known fixture in the City of Greensboro, North Carolina.

"You see, Bennett Belles could never leave the campus going downtown or anywhere else - not even to football games without their hat, gloves, stockings, and heels.

"Like her Belles, Dr. Player always made an impression. She was not the kind of person you could easily forget. Polished, well dressed, poised, soft spoken but firm, Dr. Player was a no nonsense lady whom everybody respected and everybody paid attention to.

"When Dr. Player spoke, everybody listened.

"Dr. Player was a dynamic leader and an extraordinary educator known for many accomplishments and many firsts; and the only one of her kind in many different leadership roles.

"After receiving her master's degree from Oberlin College at the young age of 21, she was hired by Dr. David Dallas Jones, then President of Bennett College, to teach Latin and French.

"She advanced quickly up the ranks at the college in a variety of positions: serving as Director of Religious Activities, Director of Admissions, Coordinator of Instruction, Vice President and Acting President.

"In 1956, she became the first female president of Bennett College (the first Black woman ever to serve as President of a four-year fully accredited liberal arts college).

"She held that position until 1966 and went on to serve as the first woman leader in the Department of 'Developing Institutions' in the U. S. Department

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of Health, Education and Welfare under President Lyndon B. Johnson until her retirement in 1986.

"Dr. Player received many honors and awards including eight honorary doctorates and a long list of citations from national, federal and local organizations.

"Dr. Player was always a woman with a mission and purpose. She reminded students of President Jones' question to them about why they were in college, often stopping students with the question: 'Young lady what is your purpose?' she would ask.

"She was a President who cared about her college, her students and the community that Bennett College was a part of.

"She didn't just talk the talk. She walked the walk. She was a brave example for students and faculty to follow, encouraging them to be active participants in issues of social justice to bring about change.

"As an education leader, she promoted educational excellence which embraced independent thinking, declaring that: 'Bennett College would teach her students how to think, not what to think.'

"Her legacy - standing for right and student support and doing the right thing was admirable and taught all of us many lessons.

"Our community remembers when Bennett women marched to protest the racist National Movie Theater in Greensboro in the 1930's and when Bennett women were arrested for protesting and supporting the sit-ins.

"Dr. Player visited her students every day in jail, making sure they were cared for and encouraging them to stand fast and firm in their position for justice and fairness.

"She reassured them if they were not out of jail by examination time that the college would arrange for their professors to administer their exams in jail.

"Dr. Willa B. Player was a focused, forward moving college president who always knew what her mission and purpose was and used her knowledge and passion about her work to advance and develop the work of Bennett College in her role to educate women.

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"Bennett Belles and the community respected her courage.

Our community remembers how difficult it was for Dr. Martin Luther King, Jr., to find a place to speak when he came to Greensboro in 1958. Fear permeated the community and no one would provide a place for him to speak.

"It was Bennett's President, Dr. Willa B. Player, who took a stand and said: 'Dr. Martin Luther King can speak in the Bennett College Chapel.'

"Having served on the Bennett College faculty for more than 32 years, I am proud to be a part of this rich history and to have witnessed Dr. Willa B. Player's legacy and philosophy as it permeates our work and what we do to educate and shape today's young woman for tomorrow's world.

"Dr. Player set the tone for good, solid leadership which continues today with our 14th President and fourth female President, Dr. Johnnetta B. Cole whose dedicated, focused leadership is, too, a cut above the rest and helps Bennett soar.

"I hope, Mr. Speaker, that you will at the proper time acknowledge Dr. Cole, the niece of Dr. Player, Dr. Linda Brown, and other members of the Bennett family who have joined us tonight.

"Ladies and gentlemen of the House, it is important and significant to acknowledge and preserve women's history. By doing so we celebrate North Carolina's history and America's history.

"What better way to do that, Ladies and Gentlemen of the House, than to support this resolution.

"I commend the resolution to you.

"Thank you, Mr. Speaker. Thank you, Members of the House."

#### **POINT OF PERSONAL PRIVILEGE**

On motion of Representative Hunter, the Speaker orders the following remarks of Representative McAllister spread upon the Journal.

"In honor of the Strong Women in this House, please indulge me in reciting a speech delivered at the 1851 Women's Convention in Akron, Ohio, by Sojourner Truth.

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"Well, Children, where there is so much racket there must be something out of kilter. I think that 'twixt the Negroes of the South and the women at the North, all talking about rights,

"The white men will be in a fix pretty soon.

"But what's all this here talking about?

"That man over there says that women need to be helped into carriages,

"And lifted over ditches, and to have the best place everywhere.

"Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place!

AND AIN'T I A WOMAN?

"Look at me! Look at my arm!

"I have ploughed and planted, and gathered into barns, and no man could head me!

AND AIN'T I A WOMAN?

"I could work as much and eat as much as a man - when I could get it - and bear the lash as well!

AND AIN'T I A WOMAN?

"I have borne thirteen children, and seen most all sold off to slavery,

"And when I cried out with my mother's grief, none but Jesus heard me!

AND AIN'T I A WOMAN?

"Then they talk about this thing in the head; what's this they call it?  
(Member of audience whispers, 'intellect')

"That's it, honey.

"What's that got to do with women's rights or Negroes' rights?

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"If my cup won't hold but a pint, and yours holds a quart, wouldn't you be mean not to let me have my little half measure full?"

"Then that little man in black there, he says women can't have as much rights as men, 'cause Christ wasn't a woman!"

"Where did your Christ come from? From God and a woman! Man had nothing to do with Him.

"If the first woman God ever made was strong enough to turn the world upside down all alone,

"These women together ought to be able to turn it back, and get it right side up again!"

"And now they is asking to do it, the men better let them.

"Obliged to you for hearing me, and now old Sojourner ain't got nothing more to say.

**BUT AIN'T I A WOMAN?"**

#### **INTRODUCTION OF PAGES**

Pages for the week of March 21 are introduced to the membership. They are: Colby Anderson of Mecklenburg; Ben Azevedo of Wake; Reginald Cameron of Wake; Alisa Cassil of Surry; Darrell Coston, Jr., of Wake; Myles Coston of Wake; Christopher Craven of Iredell; Justin Creasman of Forsyth; Darby Crouch of Catawba; Brian Dlugosz of Mecklenburg; Andrea Edwards of Yancey; William Fanning of Wake; Jennifer Fuller of Wake; Hudson Goldsmith of Wake; Nicole Green of Wake; Monte Henry of Wake; Ashlee Hilton of Forsyth; Hallie Hulse of Wayne; Lorenzo Johnson of Wake; Kylie Mason of Wake; Chris Peele of Onslow; Sarah Stroud of Wake; Geoffrey Thompson of Moore; and Ashley Vaughn of Union.

Representative Culpepper moves, seconded by Representative B. Allen, that the House adjourn, subject to committee assignments, to reconvene March 22 at 8:00 a.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 8:20 p.m.

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**THIRTY-SECOND DAY**

HOUSE OF REPRESENTATIVES  
Tuesday, March 22, 2005

The House meets at 8:00 a.m. pursuant to adjournment and is called to order by the Speaker.

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

"Most Merciful God:

"We gather in earnest early on this day in order to fulfill our duties as Representatives. Today, as many House Members prepare to offer themselves as gifts of grace to Representative John Hall's family and friends, we humbly ask Thee to make this Body an instrument of Thy grace as, collectively, we offer witness to Representative Hall's life. We pray for his family and ask Thee to comfort them in their time of grief. Remind them; and remind all of us, that amidst things we cannot fully understand, You are a very present help in the midst of life's stormy seas and You alone are a lamp unto our feet. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 21 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Gibson, Johnson, and Walend for today.

**ENROLLED BILLS**

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

**H.J.R. 627**, A JOINT RESOLUTION HONORING THE MEMORY OF DR. WILLA B. PLAYER, WHILE OBSERVING WOMEN'S HISTORY MONTH. (RESOLUTION 2005-17)

**WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 38, **H.B. 56** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LEGISLATIVE MILEAGE

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ALLOWANCE TO BE THE SAME AS THAT PROVIDED TO STATE EMPLOYEES, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Appropriations.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Stiller:

**H.B. 827**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO REGULATE GOLF CARTS, is referred to the Committee on Local Government II.

By Representative Stiller:

**H.B. 828**, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE, is referred to the Committee on Finance.

By Representatives Capps, Owens, Crawford, and Langdon (Primary Sponsors); Almond, Barnhart, Blust, Brown, Cleveland, Culp, Current, Frye, Gillespie, Gully, Hilton, Hollo, Holloway, Pate, Rayfield, Stam, Steen, and Wiley:

**H.B. 829**, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG, is referred to the Committee on Judiciary I.

By Representatives Tolson and Faison:

**H.B. 830**, A BILL TO BE ENTITLED AN ACT (1) APPROPRIATING FUNDS TO THE E-NC AUTHORITY FOR CREATION OF JOBS AND BUSINESSES BY CONTINUATION OF E-NC ACTIVITIES TO SUPPORT INFRASTRUCTURE DEPLOYMENT AND TECHNOLOGY-BASED ECONOMIC DEVELOPMENT IN THE RURAL AND DISTRESSED URBAN AREAS OF THE STATE AND FOR THE DEVELOPMENT OF TWO ADDITIONAL E-NC BUSINESS AND TECHNOLOGY TELECENTERS AND (2) PROVIDING THAT ALL MEMBERS OF THE E-NC GOVERNING COMMISSION MAY VOTE, is referred to the Committee on Science and Technology and, if favorable, to the Committee on Appropriations.

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By Representatives Adams, B. Allen, Hackney, Harrison, Hunter, Jones, and Wainwright:

**H.B. 831**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT AND EQUIP THE JOHN COLTRANE MUSIC HALL AT THE COMMUNITY ARTS CENTER IN HIGH POINT, is referred to the Committee on Appropriations.

By Representatives Dollar, Capps, Gulley, and Starnes:

**H.B. 832**, A BILL TO BE ENTITLED AN ACT TO REPEAL, WITH A THREE-YEAR PHASEOUT, THE ANNUAL TRANSFER OF ONE HUNDRED SEVENTY MILLION DOLLARS IN HIGHWAY USE TAX COLLECTIONS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND AND TO PROVIDE THAT THOSE FUNDS SHALL BE USED BY THE DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION AND MAINTENANCE OF COMMUTER THOROUGHFARES, is referred to the Committee on Appropriations.

By Representatives Tolson, Sauls, and England (Primary Sponsors); and Coleman:

**H.B. 833**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO SET NON-ACADEMIC CRITERIA FOR ADMISSION INTO CERTAIN PROGRAMS, is referred to the Education Subcommittee on Community Colleges.

By Representative Walker:

**H.B. 834**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON, is referred to the Committee on Local Government II.

By Representatives McGee, Moore, and Brown (Primary Sponsors); Almond, Blust, Capps, Cleveland, Daughtride, Daughtry, Dockham, Dollar, Eddins, Folwell, Frye, Gillespie, Glazier, Gulley, Hilton, Hollo, Holloway, Holmes, Justice, Kiser, Lewis, Owens, Parmon, Pate, Preston, Rhodes, Stam, Starnes, Steen, Stiller, Walend, Wiley, and Williams:

**H.B. 835**, A BILL TO BE ENTITLED AN ACT TO PROVIDE LAW ENFORCEMENT OFFICERS WITH AN EXPEDITED PROCESS AND

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REDUCED COSTS IN OBTAINING CONCEALED CARRY PERMITS, is referred to the Committee on Judiciary II and, if favorable, to the Committee on Finance.

By Representatives Bell, Pate, Pierce, and Wainwright:

**H.B. 836**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO STUDENTS, is referred to the Committee on Education.

By Representative Harrison:

**H.B. 837**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE "WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION" SCHOOL COMPETITION, is referred to the Committee on Appropriations.

By Representative Setzer:

**H.B. 838**, A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN CATAWBA COUNTY, is referred to the Committee on Public Utilities.

By Representative Setzer:

**H.B. 839**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONTINUED CHILD SUPPORT OF DISABLED CHILDREN BEYOND THE AGE OF MAJORITY, is referred to the Committee on Children, Youth and Families.

By Representatives Alexander, Luebke, and Weiss:

**H.B. 840**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO ADOPT ORDINANCES REGULATING SMOKING IN PUBLIC PLACES, is referred to the Committee on Health.

By Representative Tucker:

**H.J.R. 841**, A JOINT RESOLUTION HONORING THE MEMORY OF THADDEUS LOVE ON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF WARSAW, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Tucker, Nye, and England (Primary Sponsors); and Faison:

**H.B. 842**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA STATE UNIVERSITY FOR RESEARCH AND DEVELOPMENT OF MUSCADINE GRAPES IN NORTH CAROLINA, is referred to the Committee on Appropriations.

By Representative Tucker:

**H.B. 843**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is referred to the Committee on Finance.

By Representatives Moore, Brubaker, Pate, and Sauls (Primary Sponsors); Alexander, B. Allen, Allred, Barnhart, Bell, Blackwood, Blust, Brown, Clary, Cleveland, Coates, Cole, Coleman, Culp, Daughtridge, Eddins, England, Faison, Folwell, Frye, Gillespie, Glazier, Goforth, Grady, Hackney, Hill, Hilton, Hollo, Holloway, Holmes, Howard, Hunter, Johnson, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McGee, McLawhorn, Michaux, Owens, Parmon, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Underhill, Vinson, Wainwright, Walend, Walker, Warren, West, Wiley, Wilkins, Williams, Wilson, and Womble:

**H.B. 844**, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPACE ON THE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE DONATIONS TO THE NORTH CAROLINA NATIONAL GUARD SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, is referred to the Committee on Finance.

By Representative Harrell:

**H.B. 845**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE LAW ENFORCEMENT OFFICERS TO USE ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS IN SURRY COUNTY, is referred to the Committee on Local Government II.

By Representative Harrell:

**H.B. 846**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF ELKIN, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Harrell:

**H.B. 847**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SURRY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Harrell:

**H.B. 848**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SURRY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Harrell:

**H.B. 849**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ALLEGHANY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Harrell:

**H.B. 850**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ALLEGHANY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Ross, McComas, Parmon, and Holliman (Primary Sponsors); Alexander, Bell, Carney, Coleman, England, Faison, Harrison, Luebke, Pierce, Rapp, Wainwright, and Weiss:

**H.B. 851**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP EARLY VOTING SITES; AND TO APPROPRIATE FUNDS TO THE STATE BOARD OF ELECTIONS TO IMPLEMENT AND STUDY THE CHANGE, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Setzer, Hilton, Hollo, and Kiser:

**H.J.R. 852**, A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE CITY OF NEWTON ON THE CITY'S ONE HUNDRED FIFTIETH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Insko, Coleman, Pierce, and Wainwright:

**H.B. 853**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BETWEEN THE OPTIONAL RETIREMENT PROGRAM FOR STATE INSTITUTIONS OF HIGHER EDUCATION AND THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement.

By Representatives Insko and Barnhart (Primary Sponsors); Moore, Pierce, Steen, and Wainwright:

**H.B. 854**, 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.

By Representatives Insko and Hackney:

**H.B. 855**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A SPECIAL PURCHASE-TRANSPORTATION PERMIT FOR KEGS CONTAINING ALCOHOLIC BEVERAGES, is referred to the Committee on Finance.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**H.B. 75** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON AND THE TOWN OF LOUISBURG, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Local Government II.

Upon concurrence the Senate committee substitute bill changes the title.

**S.B. 14** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE, is read the first time and referred to the Committee on Finance.

**S.B. 179**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF LAURINBURG TO CONVEY CERTAIN PROPERTY AT A

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PRIVATE SALE, is read the first time and referred to the Committee on Local Government I.

**S.B. 294**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK, is read the first time and referred to the Committee on Local Government II.

**S.B. 329**, A BILL TO BE ENTITLED AN ACT TO APPOINT A MEMBER OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY LEADER OF THE SENATE, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 332**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENSBORO TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES, is read the first time and referred to the Committee on Local Government II.

**S.B. 348**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON, is read the first time and referred to the Committee on Local Government II.

**S.B. 388**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, is read the first time and referred to the Committee on Local Government II.

### CALENDAR

Action is taken on the following:

**H.B. 239**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL HEALTH DEPARTMENTS AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED.

Representative Wainwright offers Amendment No. 2 which is adopted by electronic vote (100-3).

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The bill, as amended, passes its third reading, by electronic vote (94-9), and is ordered engrossed and sent to the Senate.

**H.J.R. 511** (Committee Substitute), A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF CORNELIUS ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY, passes its second reading, by electronic vote (101-0), and there being no objection is read a third time.

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

#### **DELEGATION ANNOUNCED**

The following Members serve as a delegation to attend the funeral service of Representative John Hall, who died on Thursday, March 17, 2005: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Bell, Carney, Coleman, Cunningham, Daughtridge, Dollar, Earle, England, Faison, Farmer-Butterfield, Glazier, Hackney, Haire, Harrell, Hunter, Jeffus, Jones, Lucas, Martin, McAllister, McLawhorn, Michaux, Morgan, Parmon, Pierce, Ross, Sauls, Stam, Sutton, Tolson, Wainwright, Warren, Weiss, Wilkins, Womble, Wray, Wright, and Yongue.

On motion of Representative Culpepper, seconded by Representative Fisher, the House adjourns at 8:25 a.m. to reconvene March 23 at 4:00 p.m.

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### **THIRTY-THIRD DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, March 23, 2005

The House meets at 4:00 p.m. pursuant to adjournment and is called to order by the Speaker.

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

"Almighty God:

"Creator of all that is seen and unseen...You placed the sun and the moon in their celestial orbit. You have made a playground for us where we can run and explore as far as the east is removed from the west. More often than not, our prayers focus on us and upon our receiving something from

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You rather than focusing on You and the giving of ourselves to Thee. So, today we simply wish to thank You for the gift of Your creation, and for who You are rather than what You can do for us. Accept our humble thanks and praise for the glory of Your creation; and as spring begins to renew the earth, may we be ever mindful and grateful for the opportunity we have to work for good in Your world. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 22 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Fisher, Gibson, Insko, Ray, and Sherrill for today.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Bell and Wilson, Chairs, for the Committee on Pensions and Retirement:

**H.B. 129**, A BILL TO BE ENTITLED AN ACT TO PROVIDE COST-OF-LIVING INCREASES FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND 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. 144**, 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.

The bill is re-referred to the Committee on Appropriations.

**H.B. 711**, A BILL TO BE ENTITLED AN ACT TO PROVIDE COST-OF-LIVING INCREASES FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE

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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 Representative Tucker, Chair, for the Committee on Local Government I:

**H.B. 489**, A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, 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 March 24. The original bill is placed on the Unfavorable Calendar.

**S.B. 43**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE, with a favorable report.

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

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 370**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF LANDIS, with a favorable report.

Pursuant to Rule 38(b), the bill is re-referred to the Committee on Finance.

By Representative Womble, Chair, for the Committee on Ways and Means:

**H.B. 89**, A BILL TO BE ENTITLED AN ACT TO CREATE THE JOINT LEGISLATIVE COMMISSION ON EXPANDING RAIL SERVICE, with a favorable report.

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Pursuant to Rule 32(a), the bill is re-referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

**S.J.R. 426**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF HOWARD N. LEE TO THE UTILITIES COMMISSION, with a favorable report.

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

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Wainwright and Underhill (Primary Sponsors):

**H.B. 856**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY, is referred to the Committee on Local Government II.

By Representatives Ross, Weiss, Stam, and Barnhart (Primary Sponsors); B. Allen, Dollar, and Pate:

**H.B. 857**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DATE WHEN THE STATE PROPERTY OFFICE MUST SUBMIT A MASTER PLAN FOR THE USE OF THE DOROTHEA DIX PROPERTY TO THE DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hill and Stiller (Primary Sponsors); Barnhart, Faison, Folwell, and Glazier:

**H.B. 858**, A BILL TO BE ENTITLED AN ACT DESIGNATING MAY OF EACH YEAR AS MOTORCYCLE AWARENESS MONTH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Brubaker, Church, and LaRoque (Primary Sponsors):

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**H.B. 859**, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING THE CONTINUING EDUCATION OF MORTGAGE BROKERS BY ESTABLISHING REQUIREMENTS FOR LIVE BROADCASTS OF CONTINUING EDUCATION COURSES, is referred to the Committee on Financial Institutions.

By Representative Frye:

**H.B. 860**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE GOVERNING BOARD OF THE TOWN OF BAKERSVILLE FROM THE BOARD OF ALDERMEN TO THE TOWN COUNCIL, TO PROVIDE THAT THE MAYOR SHALL BE ELECTED TO A FOUR-YEAR TERM, AND TO PROVIDE THAT THE TOWN COUNCIL SHALL BE ELECTED FOR TWO AND FOUR-YEAR TERMS, is referred to the Committee on Local Government II.

By Representative Wilson:

**H.B. 861**, A BILL TO BE ENTITLED AN ACT AUTHORIZING ASHE COUNTY TO USE WIND-POWERED ELECTRICITY GENERATION PROJECTS ON MOUNTAIN RIDGES, is referred to the Committee on Environment and Natural Resources.

By Representative Wilson:

**H.B. 862**, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW PROHIBITING THE REMOVAL OF ELECTRONIC COLLARS FROM DOGS APPLY STATEWIDE, is referred to the Committee on Judiciary III.

By Representatives Warren, McLawhorn, and Williams:

**H.B. 863**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, is referred to the Committee on Local Government I.

By Representatives Cole and Holloway (Primary Sponsors):

**H.B. 864**, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE AUTHORITY OF THE STATE TO CONDEMN PROPERTY FOR

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MAYO STATE PARK IN ROCKINGHAM COUNTY, is referred to the Committee on State Government.

By Representatives Bell, Alexander, Bordsen, Faison, Insko, Jeffus, Luebke, McLawhorn, Pierce, Wainwright, and Weiss:

**H.B. 865**, A BILL TO BE ENTITLED AN ACT TO PROMOTE HEALTHY, ACTIVE CHILDREN IN KINDERGARTEN THROUGH EIGHTH GRADE, is referred to the Committee on Education.

By Representative Lewis:

**H.B. 866**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HARNETT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Lewis:

**H.B. 867**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HARNETT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Tolson:

**H.B. 868**, A BILL TO BE ENTITLED AN ACT TO ALLOCATE TANF BLOCK GRANT FUNDS FOR WORK CENTRAL, INC., is referred to the Committee on Appropriations.

By Representative Wright:

**H.B. 869**, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS, is referred to the Committee on Health.

By Representative Preston:

**H.B. 870**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A BUDDY PELLETIER SURFING FOUNDATION SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

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By Representative Preston:

**H.B. 871**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF EMERALD ISLE TO IMPOSE A CANAL DREDGING FEE, is referred to the Committee on Finance.

By Representative Preston:

**H.B. 872**, A BILL TO BE ENTITLED AN ACT TO ADD BEAUFORT TO THE CITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, is referred to the Committee on Rules, Calendar, and Operations of the House.

### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 15**, A BILL TO BE ENTITLED AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER, is read the first time and referred to the Committee on Finance.

**S.B. 16** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TABOR CITY, is read the first time and referred to the Committee on Finance.

**S.B. 170**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN, is read the first time and referred to the Committee on Finance.

**S.B. 350**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE, 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.

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**H.B. 62**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL, 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. 403**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PURCHASE OF THE PRELIMINARY SCHOLASTIC APTITUDE TEST (PSAT) FOR THE PUBLIC SCHOOLS, 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. 514**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY MOTION FILED IN A CIVIL ACTION WHEN THE ACTION IS PENDING IN A SUPERIOR COURT OF A COUNTY THAT IS IN A SUPERIOR COURT DISTRICT CONSISTING OF MORE THAN ONE COUNTY MAY BE HEARD IN ANY SUPERIOR COURT IN THAT SUPERIOR COURT DISTRICT, passes its second reading, by electronic vote (112-1), and there being no objection is read a third time.

Representative Johnson requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (113-0).

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

#### **BILL PLACED ON CALENDAR**

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.J.R. 426**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF HOWARD N. LEE TO THE UTILITIES COMMISSION, is placed on today's Calendar for immediate consideration.

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

The resolution passes its third reading and is ordered enrolled.

March 23, 2005

**APPOINTMENT OF SELECT COMMITTEES****OFFICE OF THE SPEAKER**

North Carolina House of Representatives

**James B. Black, Speaker**

State Legislative Building, Room 2304

Raleigh, NC 27601-1096

Pursuant to Rule 26(a) of the Permanent Rules of the 2005 House of Representatives, the Speaker hereby establishes the House Select Committee on the NC State Employee's Disability Plans. The Committee shall consist of the following Members, who shall serve at the pleasure of the Speaker:

Representative Edd Nye, Chair	Representative Joe Kiser
Representative Bernard Allen	Representative Ray Rapp
Representative Linda Coleman	Representative Karen Ray
Representative Bob England	Representative Deborah Ross
Representative Pryor Gibson	Representative Drew Saunders
Representative Bruce Goforth	Representative Mitchell Setzer
Representative Carolyn Justus	

The Committee shall study the plan design, funding, and administration of the Disability Income Plan of North Carolina established pursuant to Article 6 of Chapter 135 of the General Statutes, the Death Benefit Plan established pursuant to G.S. 135-5(1), and the Separate Insurance Benefits Plan for State and Local Governmental Law Enforcement Officers established pursuant to G.S. 143-166.60 to determine what changes, if any, should be made to those Plans. The Committee shall consider what changes could be made to the Plans that would enhance the efficiency of and reduce the cost of the Plans to the State and its employees.

The Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

The Committee shall report its findings and recommendations to the House of Representatives by June 1, 2005. The Committee shall terminate upon the submission of its report or June 1, 2005, whichever shall first occur.

S/ James B. Black  
Speaker of the House of Representatives

March 16, 2005  
Date

March 23, 2005



**OFFICE OF THE SPEAKER**

North Carolina House of Representatives

**James B. Black, Speaker**State Legislative Building, Room 2304  
Raleigh, NC 27601-1096

Pursuant to Rule 26(a) of the Permanent Rules of the 2005 House of Representatives, the Speaker hereby establishes the House Select Committee on Homeland Security, Military, and Emergency Management. The Committee shall consist of the following Members, who shall serve at the pleasure of the Speaker:

Representative W. Pete Cunningham, Co-Chair	Representative Pricey Harrison
Representative R. Phillip Haire, Co-Chair	Representative Mark K. Hilton
Representative Bill Culpepper, Vice-Chair	Representative Joe L. Kiser
Representative Rick Glazier, Vice-Chair	Representative Grier Martin
Representative Joe Hackney, Vice-Chair	Representative Bill Owens
Representative Henry M. Michaux, Jr., Vice-Chair	Representative Alice Graham
Representative Jean Farmer-Butterfield	Underhill
Representative Phillip Frye	Representative William L.
Representative D. Bruce Goforth	Wainwright
Representative Melanie Wade Goodwin	Representative Laura I. Wiley
	Representative Thomas Wright

S/ James B. Black	March 23, 2005
Speaker of the House of Representatives	Date

**RE-REFERRALS**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 33**, A BILL TO BE ENTITLED AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER, is withdrawn from the Committee on State Government and re-referred to the Committee on Rules, Calendar, and Operations of the House.

March 23, 2005

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 392**, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS, is withdrawn from the Committee on Alcoholic Beverage Control and re-referred to the Committee on Commerce.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 813**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Transportation.

Representative Culpepper moves, seconded by Representative Wright, that the House adjourn, subject to the receipt of Committee Reports and committee assignments, to reconvene March 24 at 12:00 Noon.

The motion carries.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

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

**H.B. 857**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DATE WHEN THE STATE PROPERTY OFFICE MUST SUBMIT A MASTER PLAN FOR THE USE OF THE DOROTHEA DIX PROPERTY TO THE DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of March 24.

#### **APPOINTMENT OF SELECT COMMITTEE**

##### **OFFICE OF THE SPEAKER**

North Carolina House of Representatives

March 23, 2005



examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brubaker, Gibson, Insko, Luebke, McMahan, Sherrill, and West for today.

### ENROLLED BILLS

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

**S.J.R. 426**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF HOWARD N. LEE TO THE UTILITIES COMMISSION. (RESOLUTION 2005-18)

### WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 43**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE, 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 Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 9**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, with a favorable report.

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

**H.B. 476**, A BILL TO BE ENTITLED AN ACT RELATING TO THE BOUNDARY SETTLEMENT BETWEEN WILSON AND GREENE COUNTIES AND PERTAINING TO CERTAIN REAL PROPERTY RECORDS IN THOSE COUNTIES, with a favorable report.

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

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**H.B. 498**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE, with a favorable report.

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

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

**H.B. 490**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW WITH REGARD TO MAKING A FALSE REPORT CONCERNING A DESTRUCTIVE DEVICE, with a favorable report.

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

By Representatives Bell and Wilson, Chairs, for the Committee on Pensions and Retirement:

**H.B. 23**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP, 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 Representative Miller, Chair, for the Committee on Science and Technology:

**H.B. 641**, A BILL TO BE ENTITLED AN ACT CREATING THE LEGISLATIVE STUDY COMMISSION ON NANOTECHNOLOGY, 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.

#### **SUBCOMMITTEE REFERRALS**

Representatives Bell, Lucas, and McLawhorn, Chairs for the Standing Committee on Education, refer **H.B. 780**, A BILL TO BE ENTITLED AN

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ACT TO MODIFY THE PROCESS BY WHICH THE NEED-BASED SCHOLARSHIP LOAN FUND IS ADMINISTERED, to the Education Subcommittee on Universities.

Representatives Bell, Lucas, and McLawhorn, Chairs for the Standing Committee on Education, refer **H.B. 706**, A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS, to the Education Subcommittee on Pre-School, Elementary and Secondary Education.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Dickson, L. Allen, Carney, Daughtridge, Ross, and Weiss:

**H.B. 873**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR OPERATING EXPENSES AT THE STATE CAPITOL, is referred to the Committee on Appropriations.

By Representative Goodwin:

**H.B. 874**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE TITLE OF THE SAFETY AND HEALTH REVIEW BOARD UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA TO THE NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, is referred to the Committee on State Government.

By Representatives Insko and Hackney (Primary Sponsors):

**H.B. 875**, A BILL TO BE ENTITLED AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Rapp and Haire (Primary Sponsors):

**H.B. 876**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY A ONE-HALF CENT LOCAL SALES

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AND USE TAX FOR COMMUNITY COLLEGE CAPITAL OUTLAY PURPOSES, is referred to the Committee on Finance.

By Representative Justus:

**H.B. 877**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL NOTICES OF SALE INDICATE THAT THE SALE MAY BE DELAYED AND TO DIRECT THE DISPOSITION OF PROCEEDS FROM FORECLOSURE SALES TO PROTECT SECOND AND SUCCESSOR MORTGAGEES AND JUDGMENT CREDITORS, is referred to the Committee on Judiciary IV.

By Representatives Justus and Faison:

**H.B. 878**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONFERENCE OF CLERKS OF SUPERIOR COURT, is referred to the Committee on Judiciary IV.

By Representatives Justus and Faison:

**H.B. 879**, A BILL TO BE ENTITLED AN ACT TO COUNT SERVICE AS A DEPUTY CLERK OR AS A MAGISTRATE IN DETERMINING LONGEVITY PAY FOR CLERKS OF SUPERIOR COURT, is referred to the Committee on Appropriations.

By Representative Justice:

**H.B. 880**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Justice:

**H.B. 881**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Sutton:

**H.B. 882**, A BILL TO BE ENTITLED AN ACT TO INCLUDE ROBESON COUNTY IN THE LIST OF COUNTIES THAT MAY REQUIRE THE REGISTER OF DEEDS TO REQUIRE A TAX CERTIFICATION

March 24, 2005

BEFORE ACCEPTING ANY DEED, is referred to the Committee on Judiciary III.

By Representatives Insko, B. Allen, Farmer-Butterfield, Glazier, Pierce, Wainwright, and Weiss:

**H.B. 883**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE FOR RATE AND INFLATIONARY INCREASES IN STATE-FUNDED MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES THAT CORRESPOND TO RATE AND INFLATIONARY INCREASES FOR EQUIVALENT MEDICAID SERVICES, is referred to the Committee on Appropriations.

By Representative Luebke:

**H.B. 884**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DURHAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Luebke:

**H.B. 885**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DURHAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Luebke:

**H.B. 886**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DURHAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Allred and Bordsen (Primary Sponsors):

**H.B. 887**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO ALLOW THE CITY TO IMPOSE CERTAIN RESTRICTIONS ON PERSONS SOLICITING ON STATE HIGHWAYS AND STREETS, is referred to the Committee on Local Government I.

By Representatives Allred, Bordsen, Culp, Jones, and McGee:

**H.B. 888**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR COCKFIGHTING, is referred to the Committee on Judiciary III.

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By Representative Alexander:

**H.B. 889**, A BILL TO BE ENTITLED AN ACT RELATING TO CHARLOTTE CULTURAL FACILITIES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Alexander:

**H.B. 890**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A MUNICIPAL CRIME LABORATORY, is referred to the Committee on Finance.

By Representatives Alexander and Glazier:

**H.B. 891**, A BILL TO BE ENTITLED AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES, is referred to the Committee on Judiciary I.

By Representative Alexander:

**H.B. 892**, A BILL TO BE ENTITLED AN ACT REGULATING THE SALE OF KEGS CONTAINING MALT BEVERAGE, is referred to the Committee on Commerce.

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

**H.B. 893**, A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE COVERAGE FOR MENTAL ILLNESS AND CHEMICAL DEPENDENCY, is referred to the Committee on Health.

By Representative Hunter:

**H.B. 894**, A BILL TO BE ENTITLED AN ACT TO IMPOSE AN ADVANCE DISPOSAL FEE ON NEW AND USED MOBILE HOMES, TO REQUIRE COUNTIES TO DEVELOP PLANS THAT PROVIDE FOR THE DECONSTRUCTION OF OBSOLETE MOBILE HOMES AND THE REMOVAL OF REUSABLE OR RECYCLABLE COMPONENTS, AND TO PROVIDE FOR THE ABATEMENT OF NUISANCE OBSOLETE MOBILE HOMES, is referred to the Committee on Finance.

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By Representatives Jeffus, Sherrill, and Fisher (Primary Sponsors); Adams, Alexander, Carney, Dickson, England, Glazier, Harrison, Jones, Justus, McLawhorn, Pierce, Rapp, Ross, Vinson, Wainwright, Walend, Weiss, and West:

**H.B. 895**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE KIDS VOTING OF NORTH CAROLINA PROGRAM, is referred to the Committee on Appropriations.

By Representative Haire:

**H.B. 896**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE STATE BAR WITH AN APPEAL OF RIGHT FROM FINAL ORDERS OF THE DISCIPLINARY HEARING COMMISSION AND TO INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL MEMBERSHIP FEES FOR MEMBERS OF THE STATE BAR, is referred to the Committee on Finance.

By Representatives Owens, Faison, Pate, Pierce, Preston, Vinson, and Wainwright:

**H.B. 897**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, is referred to the Committee on Military, Veterans and Indian Affairs and, if favorable, to the Committee on Appropriations.

By Representatives Owens, Faison, Pate, Pierce, Preston, Vinson, and Wainwright:

**H.B. 898**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEPENDENTS OF MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD PAY IN-STATE TUITION, is referred to the Committee on Military, Veterans and Indian Affairs and, if favorable, to the Committee on Appropriations.

By Representatives Owens, Daughtridge, and LaRoque (Primary Sponsors); Faison and Preston:

**H.B. 899**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ONE NORTH CAROLINA SMALL BUSINESS FUND AND TO APPROPRIATE FUNDS TO THE ONE NORTH CAROLINA FUND, is referred to the Committee on Appropriations.

March 24, 2005

**CALENDAR**

Action is taken on the following:

**H.B. 489** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, passes its second reading.

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

**H.B. 857**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DATE WHEN THE STATE PROPERTY OFFICE MUST SUBMIT A MASTER PLAN FOR THE USE OF THE DOROTHEA DIX PROPERTY TO THE DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION, 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 by Special Message.

**RE-REFERRAL**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 811**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT COUNTY, is withdrawn from the Committee on Local Government I and re-referred to the Committee on Wildlife Resources.

On motion of Representative Culpepper, seconded by Representative Womble, the House adjourns at 12:21 p.m. to reconvene Monday, March 28, 2005, at 7:00 p.m.

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**THIRTY-FIFTH DAY**

HOUSE OF REPRESENTATIVES  
Monday, March 28, 2005

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

March 28, 2005

The following prayer is offered by the Reverend Robert Sessoms, Roanoke Salem Baptist Church, Garysburg, North Carolina:

"Our Father and Our God, we pause at this time to say 'Thank You' for the many blessings You have bestowed upon us. We recognize that it is only by Your hand that we reap these many wonderful benefits of life. We thank You, Lord, for life, liberty, health and strength. We beseech You today Lord to be our Guide in the midst of our journey through life. We ask a special blessing upon the men and women of our State Legislature who labor untiringly for the betterment and the advancement of our State and the citizens thereof. We are especially grateful for the life and leadership of Reverend Sherley Edwards whose life exemplified that of a caring and loving Prophet of God. His dedication to advancing the Kingdom of God and lifting mankind to a higher level will always be remembered. Thank You for those whose hearts were moved to present a Memorial Resolution in his honor.

"We as a people are wonderfully blessed, and we are not ashamed nor are we too caught up in self to give You the glory and honor for all things. It is with humble hearts and a Spirit of submission to You, Lord, that we offer this prayer. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

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

Leaves of absence are granted Representatives Barnhart, Brubaker, Church, Cunningham, Hill, Howard, Insko, McAllister, Sauls, Sutton, and Vinson for today.

### **CHAPTERED BILLS**

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

**S.B. 41, AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORD CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH**

March 28, 2005

CAROLINA STUDY COMMISSION ON AGING, AND TO MAKE OTHER CONFORMING CHANGES. (S.L. 2005-4)

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Glazier and Parmon, Chairs, for the Education Subcommittee on Pre-School, Elementary and Secondary Education:

**H.B. 469**, A BILL TO BE ENTITLED AN ACT TO ALLOW A LOCAL SCHOOL ADMINISTRATIVE UNIT THAT OPERATES A CENTRAL KITCHEN TO ACQUIRE BY LEASE PURCHASE OR INSTALLMENT PURCHASE A WAREHOUSE FOR THE CENTRAL KITCHEN, 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. 496**, A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES PERMITTING STUDENTS DIAGNOSED WITH ASTHMA TO POSSESS AND SELF-ADMINISTER CERTAIN ASTHMA OR ANAPHYLAXIS MEDICATIONS, 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 Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

**H.J.R. 520**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ASHLEY B. FUTRELL, FORMER MEMBER OF THE GENERAL ASSEMBLY, with a favorable report.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of March 29.

**H.J.R. 578**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVEREND SHERLEY W. EDWARDS OF POTECASTI,

March 28, 2005

NORTH CAROLINA, A CIVIL RIGHTS ADVOCATE AND ARDENT SUPPORTER OF EDUCATION, with a favorable report.

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

By Representatives Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

**H.B. 88**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED OF A NEW POLITICAL PARTY AND OF A STATEWIDE UNAFFILIATED CANDIDATE TO ACHIEVE BALLOT ELIGIBILITY; TO REDUCE THE NUMBER OF VOTES A NEW POLITICAL PARTY MUST GAIN FOR A NOMINEE IN ORDER TO MAINTAIN BALLOT ELIGIBILITY; AND TO MOVE TO A DATE BEFORE THE POLITICAL PARTY PRIMARIES THE DEADLINES FOR FILING NEW POLITICAL PARTY PETITIONS AND NOMINATING NEW POLITICAL PARTY CANDIDATES, 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 Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 634**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE THE JUDICIAL DEPARTMENT WITH CRIMINAL BACKGROUND CHECKS FROM THE STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORIES, 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.

**H.B. 650**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES AND TO AUTHORIZE A LARGER FEE FOR THOSE CASES, 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.

March 28, 2005

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

By Representative Womble, Chair, for the Committee on Ways and Means:

**H.B. 272**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO SANITARY DISTRICTS THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES, 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.

By Representatives England and Sauls, Chairs, for the Education Subcommittee on Community Colleges:

**H.B. 552**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CUSTOMIZED INDUSTRY TRAINING PROGRAM AND TO APPROPRIATE FUNDS FOR THE PROGRAM, 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. 576**, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS, 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. 583**, A BILL TO BE ENTITLED AN ACT DESIGNATING THE COMMUNITY COLLEGE SYSTEM AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE, with a favorable report.

March 28, 2005

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

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

**H.B. 231** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER TO CLARIFY THAT THE CONTROLLER MAY CONDUCT COMPLIANCE REVIEWS OF STATE AGENCIES AND TO EXEMPT THE WORKING PAPERS FROM THOSE REVIEWS FROM THE PUBLIC RECORDS LAWS, 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.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 38(b), **H.B. 88** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED OF A NEW POLITICAL PARTY AND OF A STATEWIDE UNAFFILIATED CANDIDATE TO ACHIEVE BALLOT ELIGIBILITY; TO REDUCE THE NUMBER OF VOTES A NEW POLITICAL PARTY MUST GAIN FOR A NOMINEE IN ORDER TO MAINTAIN BALLOT ELIGIBILITY; TO MOVE TO A DATE BEFORE THE POLITICAL PARTY PRIMARIES THE DEADLINES FOR FILING NEW POLITICAL PARTY PETITIONS AND NOMINATING NEW POLITICAL PARTY CANDIDATES; TO EXTEND FILING FEE PROVISIONS TO NEW PARTY AND UNAFFILIATED CANDIDATES; AND TO PROVIDE THAT A CANDIDATE WHO RAN IN A PARTY PRIMARY FOR AN OFFICE IS NOT ELIGIBLE FOR NOMINATION BY ANOTHER PARTY TO FILL A VACANCY IN ITS NOMINATION FOR THE SAME OFFICE IN THE SAME YEAR, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Finance.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Goforth and Brubaker (Primary Sponsors):

**H.B. 900**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS FOR THE ISSUANCE OF AN IMPROVEMENT PERMIT

March 28, 2005



FOR AN ON-SITE SUBSURFACE WASTEWATER SYSTEM BY REQUIRING THE COMPLETION OF A SOIL AND SITE EVALUATION PRIOR TO THE ISSUANCE OF AN IMPROVEMENT PERMIT; TO AUTHORIZE LOCAL HEALTH DEPARTMENTS, AUTHORIZED AGENTS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, LICENSED SOIL SCIENTISTS, AND PROFESSIONAL ENGINEERS TO COMPLETE SOIL AND SITE EVALUATIONS; AND TO MAKE OTHER CHANGES, is referred to the Committee on Health.

By Representatives Goforth and Brubaker (Primary Sponsors):

**H.B. 901**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF SOIL CONDITIONS RELATED TO THE SUITABILITY OF SITES FOR ON-SITE WASTEWATER DISPOSAL, is referred to the Committee on Health.

By Representative England:

**H.B. 902**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO INCREASE CERTAIN FEES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative England:

**H.B. 903**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, is referred to the Committee on Finance.

By Representative Saunders:

**H.B. 904**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT NOTIFICATION OF THE DISPOSITION OF CERTAIN UNCLAIMED FIREARMS MAY BE DONE BY POSTING NOTICE AT THE HEAD-QUARTERS OR ON THE WEB SITE OF THE APPROPRIATE LAW ENFORCEMENT AGENCY RATHER THAN BY PUBLICATION IN A NEWSPAPER, is referred to the Committee on Judiciary III.

By Representative Culpepper:

**H.B. 905**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS, is referred to the Committee on Rules, Calendar, and Operations of the House.

March 28, 2005

By Representatives Preston and Harrison:

**H.B. 906**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CORE SOUND WATERFOWL MUSEUM IN CARTERET COUNTY, is referred to the Committee on Appropriations.

By Representatives Stam and Daughtry (Primary Sponsors):

**H.J.R. 907**, A JOINT RESOLUTION TO CREATE A JUDICIAL REDISTRICTING COMMISSION TO RECOMMEND TO THE GENERAL ASSEMBLY PLANS FOR REDISTRICTING IN THOSE SUPERIOR COURT AND DISTRICT COURT DISTRICTS THAT HAVE DIVIDED COUNTIES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Goodwin and Almond (Primary Sponsors); and Steen:

**H.B. 908**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONE OF THE FIFTEEN MEMBERS OF THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION MAY BE FROM A WATER OR SEWER MUNICIPAL UTILITY RATHER THAN AN AUTHORITY, is referred to the Committee on Environment and Natural Resources.

By Representatives Gillespie, Brown, Brubaker, Cleveland, Dollar, Folwell, Frye, Grady, Johnson, Justice, McGee, Pate, Starnes, Steen, Walker, West, and Wilson:

**H.B. 909**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "CHOOSE LIFE" SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representatives Glazier, Dickson, Tolson, and Lucas (Primary Sponsors); Faison, Farmer-Butterfield, Martin, and Wainwright:

**H.B. 910**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A DEFENSE TECHNOLOGY INNOVATION CENTER, is referred to the Committee on Appropriations.

By Representatives Glazier, Carney, Parmon, and Dickson (Primary Sponsors); B. Allen, Farmer-Butterfield, Goforth, Harrison, and Wainwright:

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**H.B. 911**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM AND ADDITIONAL END-OF-COURSE TESTS EXCEPT AS REQUIRED BY FEDERAL LAW, is referred to the Committee on Education.

By Representatives Warren and LaRoque (Primary Sponsors):

**H.B. 912**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ALTERNATIVE WATER SUPPLY FOR FARMVILLE AND GREENE COUNTY, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 913**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF ORANGE COUNTY AND PROVIDE FOR DISTRICT ELECTION OF MOST OF ITS MEMBERS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Crawford:

**H.B. 914**, 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, is referred to the Committee on Appropriations.

By Representative Hill:

**H.J.R. 915**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TABOR CITY ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gillespie:

**H.B. 916**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET FROM THE LAW EXEMPTING FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED

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FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS, is referred to the Committee on Health.

By Representatives Justus, Faison, and Steen:

**H.B. 917**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES, is referred to the Committee on Judiciary IV.

By Representatives McComas and Harrell (Primary Sponsors); Faison and Steen:

**H.B. 918**, A BILL TO BE ENTITLED AN ACT TO ATTRACT AND RETAIN FILM INDUSTRY JOBS IN THIS STATE BY PROVIDING FOR A TAX INCENTIVE FOR PRODUCTION COMPANIES IN THE STATE, is referred to the Committee on Finance.

By Representative Alexander:

**H.B. 919**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING DURING A PILOT PROGRAM IN DESIGNATED CORRIDORS, is referred to the Committee on Judiciary I.

By Representative Alexander:

**H.B. 920**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT RULES REQUIRING FOOD ESTABLISHMENTS TO POST INFORMATION ABOUT CERTAIN FOOD ALLERGIES, is referred to the Committee on Health.

By Representative Owens:

**H.B. 921**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CURRITUCK COUNTY DEER HUNTING LAW TO PROVIDE FOR THE TAKING OF EITHER SEX DEER, is referred to the Committee on Wildlife Resources.

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By Representative Williams:

**H.B. 922**, A BILL TO BE ENTITLED AN ACT TO ASSIST BEAUFORT COUNTY WITH EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, is referred to the Committee on Local Government I.

By Representatives Hackney and Goodwin (Primary Sponsors):

**H.B. 923**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING POSTSEPARATION SUPPORT, is referred to the Committee on Judiciary I.

By Representative Nye:

**H.B. 924**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A LAW ENFORCEMENT TRAINING CENTER ON THE CAMPUS OF BLADEN COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

By Representatives Preston, Harrison, and Wainwright:

**H.B. 925**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANSION OF THE NORTH CAROLINA MARITIME MUSEUM, is referred to the Committee on Appropriations.

By Representative Preston:

**H.B. 926**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONCEAL THE DEATH OF A PERSON, is referred to the Committee on Judiciary II.

By Representatives Yongue, Bordsen, Faison, Glazier, Pierce, Rapp, Sauls, Wainwright, and Womble:

**H.B. 927**, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE SCHOLARSHIP LOAN FUND FOR PROSPECTIVE TEACHERS FROM THE DEPARTMENT OF PUBLIC INSTRUCTION TO THE STATE EDUCATION ASSISTANCE AUTHORITY AND TO APPROPRIATE FUNDS FOR ADDITIONAL SCHOLARSHIP LOANS, is referred to the Committee on Appropriations.

By Representatives Ross, Earle, Alexander, and Weiss (Primary Sponsors); Adams, L. Allen, Bordsen, Carney, Coleman, Cunningham,

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Dickson, Farmer-Butterfield, Fisher, Glazier, Goforth, Harrison, Insko, Jones, Lucas, Luebke, McAllister, Michaux, Miller, Parmon, Pierce, Rapp, Tucker, Underhill, and Wainwright:

**H.B. 928**, A BILL TO BE ENTITLED AN ACT ESTABLISHING A MINIMUM FAIR WAGE FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT; CREATING THE STATE GOVERNMENT FAIR PAY STUDY COMMISSION; AND APPROPRIATING FUNDS FOR THESE PURPOSES, is referred to the Committee on State Personnel and, if favorable, to the Committee on Appropriations.

By Representatives Ross, Coleman, Faison, and Weiss:

**H.B. 929**, A BILL TO BE ENTITLED AN ACT AMENDING THE LABOR LAWS OF NORTH CAROLINA TO ALLOW PUBLIC SAFETY OFFICERS EMPLOYED BY THE STATE OR ITS POLITICAL SUBDIVISIONS TO ORGANIZE FOR THE PURPOSE OF COLLECTIVE BARGAINING, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Ross and Coleman (Primary Sponsors):

**H.J.R. 930**, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE TOWN OF GARNER ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stam:

**H.B. 931**, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INDIVIDUAL INCOME TAX CREDIT FOR PART OF THE EXPENSE OF AVOIDED PUBLIC EDUCATION AND TO AUTHORIZE COUNTIES TO APPROPRIATE FUNDS FOR CHILDREN EDUCATED OTHER THAN IN PUBLIC SCHOOLS, is referred to the Committee on Finance.

By Representative Hunter:

**H.B. 932**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GATES COUNTY TO LEVY A ONE PERCENT EXCISE TAX ON INSTRUMENTS CONVEYING REAL PROPERTY, is referred to the Committee on Finance.

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By Representatives Wilkins, Jeffus, Wiley, and Harrison (Primary Sponsors); Adams, Blust, Jones, and Luebke:

**H.J.R. 933**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CAROLYN AND DOROTHY MCNAIRY, FORMER EDUCATORS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McLawhorn, Faison, Holliman, Martin, Pierce, Rapp, and Wainwright:

**H.B. 934**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM MONTHLY PENSION BENEFITS FOR RETIRED MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, is referred to the Committee on Pensions and Retirement.

By Representatives Goforth and Harrell (Primary Sponsors); Barnhart, Church, Daughtridge, Dollar, Hill, Hilton, Holliman, Justice, Kiser, LaRoque, Pate, Rapp, Ray, Sauls, Saunders, Setzer, Steen, Stiller, Williams, and Wilson:

**H.B. 935**, A BILL TO BE ENTITLED AN ACT TO MAKE LARCENY FROM A CONSTRUCTION SITE A FELONY, is referred to the Committee on Judiciary II.

By Representatives McLawhorn, Coleman, Faison, Holliman, Martin, Pierce, Rapp, and Wainwright:

**H.B. 936**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX CERTAIN COMPENSATION PAID TO MILITARY PERSONNEL, is referred to the Committee on Finance.

By Representative Stiller:

**H.B. 937**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF OCEAN ISLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stiller:

**H.B. 938**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF OAK ISLAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Stiller:

**H.B. 939**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF NAVASSA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stiller:

**H.B. 940**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LELAND TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE, is referred to the Committee on Local Government II.

By Representative Stiller:

**H.B. 941**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO REMOVE ABANDONED AIRPLANES FROM PUBLIC PROPERTY, is referred to the Committee on Local Government II.

By Representatives Glazier, Dickson, Underhill, and Pate (Primary Sponsors); Harrison, Martin, Pierce, Rapp, Steen, and Wainwright:

**H.B. 942**, A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AND GUARDSMEN SUPPORT ACT, is referred to the Committee on Appropriations.

### CALENDAR

Action is taken on the following:

**H.B. 489** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY.

Representative Dollar offers Amendment No. 1 which is adopted.

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

### BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.J.R. 578**, A JOINT RESOLUTION HONORING THE LIFE AND

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MEMORY OF REVEREND SHERLEY W. EDWARDS OF POTECASTI, NORTH CAROLINA, A CIVIL RIGHTS ADVOCATE AND ARDENT SUPPORTER OF EDUCATION, is placed on today's Calendar for immediate consideration.

The resolution passes its second reading, by electronic vote (100-0), 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.

### **APPOINTMENT OF SELECT COMMITTEE**

#### **OFFICE OF THE SPEAKER**

North Carolina House of Representatives

#### **James B. Black, Speaker**

State Legislative Building, Room 2304  
Raleigh, NC 27601-1096

Pursuant to Rule 26(a) of the Permanent Rules of the 2005 House of Representatives, the Speaker hereby establishes the House Select Committee on the Lottery. The Committee shall consist of the following Members, who shall serve at the pleasure of the Speaker:

Representative Bill Culpepper, Chair	Representative Pryor Gibson
Representative Bernard Allen, Vice Chair	Representative Robert Grady
Representative Hugh Holliman, Vice Chair	Representative Wilma Sherrill
Representative Stephen LaRoque, Vice Chair	Representative Russell Tucker
Representative Bill Owens, Vice Chair	Representative Roger West
Representative Becky Carney	Representative Arthur Williams
Representative Margaret Dickson	Representative Doug Yongue
	Representative Nelson Cole

The Committee shall study the establishment of a lottery in this State to fund education, which shall include the examination and formulation of legislation to create and implement a lottery and allocate its proceeds.

The Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

The Committee shall report its findings and recommendations, including proposed legislation, to the House of Representatives by April 11, 2005.

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The Committee shall terminate upon the submission of its report or April 11, 2005, whichever shall first occur.

S/ James B. Black 3/28/05  
Speaker of the House of Representatives Date

### INTRODUCTION OF PAGES

Pages for the week of March 28 are introduced to the membership. They are: Amisha Bell of Cumberland; Amanda Brown of Orange; Alice Dees of Pender; Ashley Emory of Durham; Ashley Fox of McDowell; Julie Gregory of Wilkes; Katy Hill of Guilford; Nigel Hood of Mecklenburg; Jason Howard of Randolph; Quincy Jones of Union; Clifton "CJ" Kenon of Duplin; Benjamin LaRoque of Carteret; Dana Lucas of Cumberland; Clarke Mann of Lee; Downing McDade of Iredell; William McLeod of Henderson; Jakay Pierce of Craven; Richard Pridgen, Jr., of Wayne; Abby Robbins of Pender; Jody Shearin of Franklin; Lauren Stewart of Franklin; Chelsea Turner of Franklin; Harris Walker of Nash; and Acy Watson of Johnston.

### 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 Select Committee on the Lottery.

**H.B. 3**, 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 AND TO USE ADDITIONAL FUNDS TO IMPLEMENT AND ENHANCE EDUCATIONAL PROGRAMS.

**H.B. 223**, A BILL TO BE ENTITLED AN ACT AUTHORIZING A REFERENDUM FOR THE ESTABLISHMENT OF AN EDUCATION LOTTERY.

**H.B. 493**, A BILL TO BE ENTITLED AN ACT TO CREATE A NORTH CAROLINA LOTTERY FOR EDUCATION.

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On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 887**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO ALLOW THE CITY TO IMPOSE CERTAIN RESTRICTIONS ON PERSONS SOLICITING ON STATE HIGHWAYS AND STREETS, is withdrawn from the Committee on Local Government I and re-referred to the Committee on Transportation.

Representative Culpepper moves, seconded by Representative Miller, that the House adjourn, subject to committee assignments, to reconvene March 29 at 3:30 p.m.

The motion carries.

#### **ADDENDA TO COMMITTEE ASSIGNMENTS**

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The Speaker makes the following committee assignment:

**ALCOHOLIC BEVERAGE CONTROL:** Add Representatives Goforth and Tucker.

The House stands adjourned at 7:50 p.m.

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### **THIRTY-SIXTH DAY**

HOUSE OF REPRESENTATIVES  
Tuesday, March 29, 2005

The House meets at 3:30 p.m. pursuant to adjournment and is called to order by the Speaker.

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

"Almighty God:

"As the warm winds of spring finally begin to break the stranglehold on the cool chilly air of winter, so too may the gentle winds of Your Holy Spirit break forth in us. Allow the air that we breathe to circulate warmly

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within us melting away any leftover ice that may have hardened our hearts in days past. Point us in new directions of hope for today and tomorrow and allow us to leave the past of yesterday behind. Set a new and right spirit within us, O God, that we might truly seek to offer You our best efforts of personal devotion and service to those whom we have been sent here to serve. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 28 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Clary and Cunningham for today.

#### **WITHDRAWAL OF BILLS FROM CALENDAR**

Pursuant to Rule 38(b), **H.B. 469** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A LOCAL SCHOOL ADMINISTRATIVE UNIT THAT OPERATES A CENTRAL KITCHEN TO ACQUIRE BY LEASE PURCHASE OR INSTALLMENT PURCHASE A WAREHOUSE FOR THE CENTRAL KITCHEN, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Finance.

Pursuant to Rule 36(b)(2), **H.B. 641** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CREATING THE LEGISLATIVE STUDY COMMISSION ON NANOTECHNOLOGY, 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 Harrell and Justice, Chairs, for the Committee on Environment and Natural Resources:

**H.B. 236**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER PROPERTY ACQUIRED BY THE FEDERAL GOVERNMENT, with a favorable

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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 Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 446**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF ROANOKE RAPIDS, TO ADD CERTAIN DESCRIBED TERRITORY TO THE EXTRATER-RITORIAL PLANNING JURISDICTION OF THE CITY OF ROANOKE RAPIDS, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WELDON, with a favorable report.

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

**H.B. 631**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY, 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. 743**, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EAST SPENCER, with a favorable report.

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

**H.B. 828**, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE, with a favorable report.

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

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

**H.B. 50**, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA STREET GANG PREVENTION ACT AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STREET GANG

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PREVENTION, 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. 97**, 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 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, Lucas, and McLawhorn, Chairs, for the Committee on Education:

**H.B. 28**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR A STUDY OF THE FUNDING FORMULA FOR PUBLIC SCHOOL TRANSPORTATION, 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. 404**, A BILL TO BE ENTITLED AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT, with a favorable report.

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

**H.B. 535**, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE, 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 Pensions and Retirement.

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

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

**H.B. 859**, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING THE CONTINUING EDUCATION OF MORTGAGE BROKERS BY ESTABLISHING REQUIREMENTS FOR LIVE BROADCASTS OF CONTINUING EDUCATION COURSES, with a favorable report.

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

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Almond, Goodwin, and Kiser (Primary Sponsors); Culp and LaRoque:

**H.B. 943**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PAY THE COSTS OF NONBETTERMENT RELOCATION OF SOME WATER AND SEWER LINES, is referred to the Committee on Transportation.

By Representatives Goodwin, Coleman, Jones, Steen, and Wainwright:

**H.B. 944**, A BILL TO BE ENTITLED AN ACT ADOPTING THE SALUTE TO THE FLAG OF NORTH CAROLINA AS THE OFFICIAL PLEDGE TO THE STATE FLAG, is referred to the Committee on State Government.

By Representatives Luebke, Michaux, Miller, and Wilkins (Primary Sponsors):

**H.B. 945**, A BILL TO BE ENTITLED AN ACT TO AMEND THE DURHAM COUNTY OCCUPANCY TAX, is referred to the Committee on Finance.

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By Representatives Allred and Bordsen:

**H.B. 946**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OSSIPPEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS TO SHOW CONFORMANCE WITH G.S. 136-41.2, is referred to the Committee on Local Government II.

By Representatives Owens, Gibson, and Daughtridge (Primary Sponsors); Glazier, Goforth, and Wray:

**H.B. 947**, A BILL TO BE ENTITLED AN ACT TO REPLACE THE TAX CREDITS GENERALLY AVAILABLE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT WITH MORE NARROWLY FOCUSED CREDITS FOR JOB CREATION AND BUSINESS INVESTMENT; AND TO EXTEND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, is referred to the Committee on Commerce and, if favorable, to the Committee on Finance.

By Representatives Owens, Earle, Sherrill, and Wright (Primary Sponsors); Faison, Fisher, Goforth, Jones, Steen, and Wainwright:

**H.B. 948**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE REVENUE LAWS AND ESTABLISH A GRANT PROGRAM TO STIMULATE FILM PRODUCTION IN THIS STATE, is referred to the Committee on Finance and, if favorable, to the Committee on Appropriations.

By Representative Owens:

**H.B. 949**, A BILL TO BE ENTITLED AN ACT TO ADD CURRITUCK COUNTY TO THOSE COUNTIES WITH AN EXTENDED BEAR HUNTING SEASON, is referred to the Committee on Wildlife Resources.

By Representative Owens (By Request):

**H.B. 950**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY AN EXCISE TAX ON INSTRUMENTS CONVEYING REAL PROPERTY, is referred to the Committee on Finance.

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By Representative Stiller:

**H.B. 951**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF SOUTHPORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stiller:

**H.B. 952**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF SHALLOTTE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stiller:

**H.B. 953**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF ST. JAMES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Stiller:

**H.B. 954**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF LELAND, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Stiller, Hill, McComas, and LaRoque (Primary Sponsors); Folwell, Gulley, and McGee:

**H.B. 955**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET WITHIN THREE NAUTICAL MILES OF THE SHORELINE OF BRUNSWICK AND NEW HANOVER COUNTIES FROM MAY 1 THROUGH OCTOBER 31 OF EACH YEAR, is referred to the Committee on Environment and Natural Resources.

By Representative Stiller:

**H.B. 956**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF HOLDEN BEACH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Howard, Faison, and LaRoque:

**H.B. 957**, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE TOBACCO COMPANIES TO USE DOMESTIC TOBACCO, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Howard:

**H.B. 958**, A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN DAVIE COUNTY, is referred to the Committee on Public Utilities.

By Representative Gulley:

**H.B. 959**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MINT HILL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gulley:

**H.B. 960**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MATTHEWS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gulley:

**H.B. 961**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MATTHEWS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gulley:

**H.B. 962**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, is referred to the Committee on Local Government II.

By Representative Gulley:

**H.B. 963**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF MATTHEWS, is referred to the Committee on Local Government II.

By Representatives Brown, Faison, and Dollar (Primary Sponsors); Blackwood, Folwell, and LaRoque:

**H.B. 964**, A BILL TO BE ENTITLED AN ACT TO SUSPEND INVOLUNTARY ANNEXATIONS AND TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY INVOLUNTARY ANNEXATIONS,

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

By Representatives Miller, Luebke, Michaux, and Wilkins (Primary Sponsors):

**H.B. 965**, A BILL TO BE ENTITLED AN ACT TO ALLOW DURHAM COUNTY TO IMPOSE IMPACT FEES FOR SCHOOLS, is referred to the Committee on Finance.

By Representatives Miller and Luebke (Primary Sponsors):

**H.B. 966**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DURHAM COUNTY BOARD OF ELECTIONS TO MOVE TWO PRECINCT BOUNDARIES, is referred to the Committee on Local Government I.

By Representative Tucker:

**H.B. 967**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A VALIDLY EXECUTED HEALTH CARE POWER OF ATTORNEY AUTHORIZES THE HEALTH CARE AGENT TO EXERCISE RIGHTS WITH RESPECT TO ANATOMICAL GIFTS, AUTOPSY, OR DISPOSITION OF THE PRINCIPAL'S REMAINS, THE AUTHORIZING PROVISION WILL CONTINUE IN EFFECT AFTER THE DEATH OF THE PRINCIPAL FOR PURPOSES OF EXERCISING THE AUTHORIZED RIGHTS, is referred to the Committee on Judiciary I.

By Representatives Nye, Faison, Farmer-Butterfield, and Wainwright:

**H.B. 968**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILD-CARING INSTITUTIONS, is referred to the Committee on Appropriations.

By Representatives Nye, Glazier, LaRoque, Moore, Pierce, and Wainwright:

**H.B. 969**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL STAFF FOR THE TEACCH AUTISM PROGRAM AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, is referred to the Committee on Appropriations.

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By Representatives Nye, Barnhart, Faison, Pierce, and Wainwright:

**H.B. 970**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA SPECIAL OLYMPICS, is referred to the Committee on Appropriations.

By Representatives Nye and Faison:

**H.B. 971**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE WOMEN'S CENTER OF WAKE COUNTY FOR SERVICES TO WOMEN AND CHILDREN WHO ARE HOMELESS OR AT RISK OF HOMELESSNESS, is referred to the Committee on Appropriations.

By Representatives Cole and Holloway (Primary Sponsors):

**H.B. 972**, A BILL TO BE ENTITLED AN ACT ALLOWING ROCKINGHAM COUNTY TO REDUCE FUNDING TO ITS PUBLIC LIBRARY SYSTEM WITHOUT RECEIVING A REDUCTION IN OR TERMINATION OF FUNDING FROM THE STATE AID TO PUBLIC LIBRARIES FUND, is referred to the Committee on Local Government I.

By Representatives Grady and Cleveland (Primary Sponsors):

**H.B. 973**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE, is referred to the Committee on Local Government II.

By Representatives Weiss, Hunter, L. Allen, and Harrison (Primary Sponsors); B. Allen, Coleman, Dollar, Eddins, Martin, Parmon, Ross, and Tolson:

**H.B. 974**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A RESIDENTIAL FACILITY AT THE PRAIRIE RIDGE ECOSTATION FOR WILDLIFE AND LEARNING, is referred to the Committee on Appropriations.

By Representatives Weiss, B. Allen, Coleman, and Martin (Primary Sponsors); Capps, Dollar, Ross, and Stam:

**H.B. 975**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH TWO NEW DISTRICT COURT JUDGES IN

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DISTRICT COURT DISTRICT 10, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representatives Blust, Capps, Cleveland, Culp, Daughtry, Gulley, Holloway, Lewis, McGee, McMahan, Moore, Rhodes, Setzer, Stam, Starnes, and Vinson:

**H.B. 976**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REIMBURSEMENT OF EXPENSES TO A PREVAILING TAXPAYER IN AN ADMINISTRATIVE APPEAL OR A LAWSUIT IF THE STATE WAS NOT SUBSTANTIALLY JUSTIFIED IN MAINTAINING ITS POSITION AGAINST THE TAXPAYER, is referred to the Committee on Finance.

By Representatives Blust, Blackwood, Capps, Cleveland, Culp, Gulley, Holloway, McMahan, Moore, Rhodes, Setzer, Starnes, and Vinson:

**H.B. 977**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO REQUIRE A TWO-THIRDS VOTE FOR THE GENERAL ASSEMBLY TO LEVY STATE TAXES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Blust and Cleveland:

**H.B. 978**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ALLOW RECALL ELECTIONS FOR ANY OFFICE ESTABLISHED BY THE CONSTITUTION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Blust, Cleveland, Culp, Daughtry, Lewis, McGee, McMahan, Moore, Starnes, and Walend:

**H.B. 979**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE OFFICERS OR MEMBERS OF THEIR IMMEDIATE HOUSEHOLDS FROM APPEARING IN STATE-ADMINISTERED PUBLIC SERVICE ANNOUNCEMENTS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Blust, Capps, Cleveland, Culp, Daughtry, Gulley, Holloway, Lewis, McMahan, Moore, Rhodes, Setzer, Stam, Starnes, Vinson, and Walend:

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**H.B. 980**, A BILL TO BE ENTITLED AN ACT TO CONFORM THE STATE INCOME TAX PERSONAL EXEMPTION AND STANDARD DEDUCTION AMOUNTS TO THE FEDERAL AMOUNTS, is referred to the Committee on Finance.

By Representatives Blust, Blackwood, Cleveland, Lewis, Moore, Rhodes, and Setzer:

**H.B. 981**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE TO THE PEOPLE THE POWER OF INITIATIVE, is referred to the Committee on Rules, Calendar, and Operations of the House.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 408**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE, is read the first time and referred to the Committee on Education.

**S.B. 506**, A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH PUBLIC LAW 107-260, THE BENIGN BRAIN TUMOR CANCER REGISTRIES AMENDMENT, is read the first time and referred to the Committee on Health.

**S.B. 571**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL, is read the first time and referred to the Committee on Education.

**S.B. 572**, A BILL TO BE ENTITLED AN ACT TO CREATE A LICENSURE CATEGORY FOR ASSISTED LIVING COMMUNITIES THAT SERVE ONLY ELDERLY ADULTS, is read the first time and referred to the Committee on Aging.

**S.B. 586**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF NEW STATE PARKS AT CARVERS CREEK AND IN THE HICKORY NUT GORGE/CHIMNEY ROCK AREA TO THE

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STATE PARKS SYSTEM, is read the first time and referred to the Committee on Environment and Natural Resources.

**S.B. 606**, A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF COMMISSIONERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION, is read the first time and referred to the Committee on Commerce.

### CALENDAR

Action is taken on the following:

**H.J.R. 520**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ASHLEY B. FUTRELL, FORMER MEMBER OF THE GENERAL ASSEMBLY, passes its second reading, by electronic vote (116-0), and there being no objection is read a third time.

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

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

**H.B. 9**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson,

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Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 117.

Voting in the negative: None.

Excused absences: Representatives Clary and Cunningham - 2.

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

**H.B. 476**, A BILL TO BE ENTITLED AN ACT RELATING TO THE BOUNDARY SETTLEMENT BETWEEN WILSON AND GREENE COUNTIES AND PERTAINING TO CERTAIN REAL PROPERTY RECORDS IN THOSE COUNTIES, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 117.

Voting in the negative: None.

Excused absences: Representatives Clary and Cunningham - 2.

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

**H.B. 498**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE, 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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 117.

Voting in the negative: None.

Excused absences: Representatives Clary and Cunningham - 2.

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

**H.B. 490**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW WITH REGARD TO MAKING A FALSE REPORT CONCERNING A DESTRUCTIVE DEVICE, passes its second reading, by electronic vote (117-0), 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 report from standing committee is presented:

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

**H.B. 569**, A BILL TO BE ENTITLED AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, TO AMEND THE DOMESTIC VIOLENCE STATUTES AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC VIOLENCE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, with a favorable report as to the Committee substitute bill, which changes the title, unfavorable as to the original bill,

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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.

### **BILLS RE-REFERRED**

On motion of Representative Culpepper and without objection, all bills that would normally be placed on the Calendar of March 30 and those that would be calendared pursuant to Rule 36(b), will be placed on the Calendar of March 31.

### **RE-REFERRAL**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 792**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE MAY RETAIN THE PROCEEDS FROM THE SALE OF REAL PROPERTY AND USE THE PROCEEDS TO CONSTRUCT OR ACQUIRE A NEW CHANCELLOR'S RESIDENCE, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Appropriations.

Representative Culpepper moves, seconded by Representative Miller, that the House adjourn, subject to the receipt of Messages from the Senate, referral of bills to committee, and committee assignments, to reconvene March 30 at 4:00 p.m.

The motion carries.

### **SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

**S.B. 685** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, DECREASING THE FEE FOR LIMITED LICENSES, ESTABLISHING THE REQUIREMENTS FOR LIMITED LICENSES, REQUIRING THE COMMISSIONER OF INSURANCE TO PROVIDE FOR ALTERNATIVE LICENSES, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS'

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COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JUNE 30, 2005, CHANGING THE EFFECTIVE DATE FOR LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS TO JULY 1, 2005, PROVIDING A TRANSITION PERIOD FOR ORGANIZATIONS REGISTERING UNDER ARTICLE 89 OF CHAPTER 58 OF THE GENERAL STATUTES, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, is read the first time and referred to the Committee on Insurance.

#### **ADDENDA TO COMMITTEE ASSIGNMENTS**

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The Speaker makes the following committee assignment:

**SELECT COMMITTEE ON THE LOTTERY:** Add Representative Harrell.

The House stands adjourned at 4:38 p.m.

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### **THIRTY-SEVENTH DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, March 30, 2005

The House meets at 4:00 p.m. pursuant to adjournment and is called to order by Representative Morgan, Speaker Pro Tempore.

The following prayer is offered by Pastor Brenda Smith, Prayer of Faith Ministry, Milton, North Carolina:

"Father God, we come today to thank You for this day. We thank You because You have been so good to each and every one of us. If it had not been for You, Lord, who was on our side, we could not have come this far.

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"Yes, Lord, we say thank You for Your Grace and for Your mercy. We come right now to ask You for all of our forgiveness. We ask that You would wash and cleanse us that we would have new hearts - that we would love one another - that we would be able to help our fellow man - that the joy of the Lord would overtake us. Lord, we thank You for that Joy and we ask You for that Peace.

"But most of all, Lord, we thank You that you did die on that Cross for every one of our sins. Realizing that You looked beyond our faults and You saw our needs, and gave us a chance to live this day, Lord. We thank You for another chance to be before You this day.

"Lord, we thank You. And Father, we ask right now, that you would bless those that are less fortunate than we are.

"Lord, we pray that You would bless this meeting right now, for You know what we need, God, before we even ask. Father, I pray that You would work out every problem and work out every situation. For God, You said that You would supply all our needs according to Your riches in glory. God, we say thank You.

"God, we thank You for Mr. Bill Faison, who asked me to come and all those that accepted me to be here today.

"God, we want to say thank You. Now God, we ask that You would be in the midst. And once again, God, we say thank You. Amen. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 29 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Cunningham and Gibson for today.

### **ENROLLED BILLS**

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

**H.B. 857, AN ACT TO EXTEND THE DATE WHEN THE STATE PROPERTY OFFICE MUST SUBMIT A MASTER PLAN FOR THE USE OF THE DOROTHEA DIX PROPERTY TO THE DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION.**

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

**H.J.R. 520**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ASHLEY B. FUTRELL, FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 2005-19)

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

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

**H.B. 626**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO SELL PERSONAL UNIFORMS AND EQUIPMENT TO PUBLIC SAFETY EMPLOYEES UPON THE EMPLOYEES LEAVING THE CITY'S EMPLOYMENT, 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. 825**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE TOWN OF KENANSVILLE ALCOHOLIC BEVERAGE CONTROL BOARD, 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. 179**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF LAURINBURG TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, with a favorable report.

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

By Representative Wright, Chair, for the Committee on Health:

**H.B. 686**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE

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LAW ALLOWING SERVICE ANIMALS IN TRAINING TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS, with a favorable report.

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

**H.B. 797**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF RESEARCH, DEMONSTRATIONS, AND RURAL HEALTH DEVELOPMENT, TO EVALUATE THE HEALTH CARE NEEDS IN HOKE COUNTY AND OTHER UNDERSERVED AREAS OF THE STATE, 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 Representative Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 277**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE ABUSED, 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 Hill, Chair, for the Committee on Agriculture:

**H.B. 752**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE UMSTEAD ACT THE SALE BY NORTH CAROLINA STATE UNIVERSITY OF PRODUCTS PRODUCED BY THE DAIRY AND PROCESS APPLICATION LABORATORY, with a favorable report.

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

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By Representatives Steen and Williams, Chairs, for the Committee on Wildlife Resources:

**H.B. 422**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RESIDENTS OF FORSYTH COUNTY TO FISH IN THE WATERS OF TRIAD PARK WITHOUT A FISHING LICENSE, with a favorable report.

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

**H.B. 772**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COMPUTER-ASSISTED REMOTE HUNTING, with a favorable report.

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

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 834**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

Pursuant to Rule 38(b), the committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative Holliman, Chair, for the Committee on Insurance:

**S.B. 685** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, DECREASING THE FEE FOR LIMITED LICENSES, ESTABLISHING THE REQUIREMENTS FOR LIMITED LICENSES, REQUIRING THE COMMISSIONER OF INSURANCE TO PROVIDE FOR ALTERNATIVE LICENSES, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS

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APPLYING FOR LICENSURE ON OR BEFORE JUNE 30, 2005, CHANGING THE EFFECTIVE DATE FOR LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS TO JULY 1, 2005, PROVIDING A TRANSITION PERIOD FOR ORGANIZATIONS REGISTERING UNDER ARTICLE 89 OF CHAPTER 58 OF THE GENERAL STATUTES, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, 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 Appropriations.

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

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Crawford and Wray (Primary Sponsors):

**H.B. 982**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND THE DISCHARGE OF HIGH-POWERED RIFLES FROM THE RIGHTS-OF-WAY OF PUBLIC ROADS IN VANCE COUNTY, AND TO INCREASE THE FINES FOR VIOLATIONS OF THE LAW REGULATING HUNTING ON REGISTERED LAND IN VANCE COUNTY, is referred to the Committee on Wildlife Resources.

By Representative Haire:

**H.B. 983**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HELP CONSTRUCT THE NEW JACKSON COUNTY SENIOR CENTER, is referred to the Committee on Appropriations.

By Representative L. Allen:

**H.B. 984**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FRANKLIN, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative L. Allen:

**H.B. 985**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HALIFAX, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McLawhorn, Warren, and Williams (Primary Sponsors):

**H.B. 986**, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF GREENVILLE, is referred to the Committee on Finance.

By Representative McLawhorn:

**H.B. 987**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF GRIFTON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWN'S WEEDED LOT ORDINANCE, is referred to the Committee on Local Government I.

By Representatives Blackwood and Church (Primary Sponsors); and Gulley:

**H.B. 988**, A BILL TO BE ENTITLED AN ACT TO EXCLUDE HIGHWAY USE TAXES AS A FACTOR IN DETERMINING THE TRUE VALUE IN MONEY OF MOTOR VEHICLES FOR PROPERTY TAX PURPOSES, is referred to the Committee on Finance.

By Representatives Starnes and Frye (Primary Sponsors):

**H.J.R. 989**, A JOINT RESOLUTION HONORING THE FOUNDERS OF HUDSON ON THE TOWN'S 100TH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Starnes and Faison:

**H.B. 990**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF FARMER FOR PURPOSES OF APPLYING THE SALES AND USE TAX TO PURCHASES MADE BY FARMERS, is referred to the Committee on Finance.

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By Representative Starnes:

**H.B. 991**, A BILL TO BE ENTITLED AN ACT TO DECREASE HEALTH AND ADDICTION PROBLEMS ASSOCIATED WITH UNDER-AGE USE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, is referred to the Committee on Judiciary IV.

By Representative Starnes:

**H.B. 992**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON MALT BEVERAGES BASED ON THE ALCOHOL BY VOLUME OF THE BEVERAGE, is referred to the Committee on Finance.

By Representatives Gillespie, Gibson, and Jones (Primary Sponsors):

**H.B. 993**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES, is referred to the Committee on Finance.

By Representative Folwell:

**H.B. 994**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Folwell:

**H.B. 995**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 74TH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Folwell:

**H.B. 996**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Howard:

**H.B. 997**, A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF DAVIE COUNTY AS TO AN EMERGENCY

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MEDICAL SERVICES STATION, is referred to the Committee on Local Government II.

On motion of Representative Culpepper, seconded by Representative Walker, the House adjourns at 4:20 p.m. to reconvene March 31 at 1:00 p.m.

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## THIRTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES  
Thursday, March 31, 2005

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Norman T. Umstead, Jr., Mt. Moriah Baptist Church, Mebane, North Carolina.

"Our Father, which art in heaven, Hallowed be Thy name.  
"Thy kingdom come, Thy will be done in earth, as it is in heaven.  
"Give us this day our daily bread.

"O gracious and mighty God our Father, we come in prayer to first say, thanks to You. For You have kept us through the night, and now blessed us to see this another beautiful day. O God, we realize that it's not anything so good that we've done. But we are here, because of Your grace and mercy towards us. So Father, we say thanks to You.

"Now, Lord, we pray, that You move in a very special way, among this Body today. Realizing that they are ordained by You, and for You. Father God, they have left their homes, from all across this State, to come and serve this people of North Carolina. O God, we ask Your blessings upon these men and these women, who thought it not robbery, to give of their time and services, that we in North Carolina might enjoy the simplest things in life.

"Oh God, we pray, for unity of spirit, we pray for love among everyone, we ask Your blessings dear Father, for the leadership of this great State that we might have a better quality of life. O God, bless the families of all of our State's lawmakers. O God, we pray, that when the day is done, this Body can adjourn - let it be on one accord. Father, we pray for forgiveness of sins and all unrighteousness.

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"Father, bless now, as this day progresses, and we shall always give You the praise, give You the glory, give You the honor, for all that You have done. So Father God, as we surrender our will to You, use us for Your divine glory. If You will do this for us, we will honor You all the days of our lives. This we ask in the name that is above all names. Amen."

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

Leaves of absence are granted Representatives Brubaker, Cunningham, Holmes, McLawhorn, Saunders, and Underhill for today. Representatives Holliman and Sutton are excused for a portion of the session.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 821**, A BILL TO BE ENTITLED AN ACT RELATING TO THE ADMISSIBILITY OF THE RESULTS OF SPEED-MEASURING INSTRUMENTS, with a favorable report.

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

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

**H.B. 862**, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW PROHIBITING THE REMOVAL OF ELECTRONIC COLLARS FROM DOGS APPLY STATEWIDE, with a favorable report.

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

**H.B. 888**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR COCKFIGHTING, 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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By Representatives L. Allen, Allred, Carney, and Stiller, Chairs, for the Committee on Transportation:

**H.B. 664**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR AN ENGINEERING, CONSULTING, OR CONTRACTING FIRM EMPLOYEE, SUPERVISOR, OR OFFICER TO FALSIFY A DEPARTMENT OF TRANSPORTATION REQUIRED HIGHWAY INSPECTION OR TEST REPORT, 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 Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

**H.B. 127**, A BILL TO BE ENTITLED AN ACT TO ALLOW LEAVE TO PUBLIC EMPLOYEES FOR WORKING AS PRECINCT OFFICIALS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS, 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 Tucker, Chair, for the Committee on Local Government I:

**H.B. 807**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FARMVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, 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 April 4. The original bill is placed on the Unfavorable Calendar.

By Representative Miller, Chair, for the Committee on Science and Technology:

**H.B. 639**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TRAVELING SCIENCE AND TECHNOLOGY EDUCATION PROGRAM AT THE UNIVERSITY OF NORTH CAROLINA

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AT CHAPEL HILL, with a favorable report and recommendation that the bill be re-referred to the Appropriations Subcommittee on Education.

The bill is re-referred to the Appropriations Subcommittee on Education.

By Representatives Steen and Williams, Chairs, for the Committee on Wildlife Resources:

**H.B. 505**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA WILDLIFE RESOURCES COMMISSION TO STUDY THE ISSUE OF ALLOWING HUNTING ON SUNDAY AT A LIMITED NUMBER OF STATE GAME LANDS IN NORTH CAROLINA, 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 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.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 626** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO SELL PERSONAL UNIFORMS AND EQUIPMENT TO PUBLIC SAFETY EMPLOYEES UPON THE EMPLOYEES LEAVING THE CITY'S EMPLOYMENT, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representative Cole:

**H.B. 998**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE ROCKINGHAM COUNTY AND CITY OF EDEN OCCUPANCY TAX, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Cole:

**H.B. 999**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE ROCKINGHAM COUNTY AND REIDSVILLE OCCUPANCY TAX, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative LaRoque:

**H.B. 1000**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE BOARD OF GREENE COUNTY COMMISSIONERS MAY REQUIRE THE REGISTER OF DEEDS NOT TO ACCEPT DEEDS FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY, is referred to the Committee on Local Government I.

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

**H.B. 1001**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NEUSE REGIONAL WATER AND SEWER AUTHORITY TO COMPLETE THE CONSTRUCTION OF THE REGIONAL WATER SUPPLY TREATMENT PLANT, is referred to the Committee on Appropriations.

By Representatives LaRoque and Wainwright (Primary Sponsors):

**H.B. 1002**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RELOCATE AND PRESERVE THE CSS NEUSE GUNBOAT, is referred to the Committee on Appropriations.

By Representatives LaRoque and Wainwright (Primary Sponsors):

**H.B. 1003**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE ARTS CENTER IN KINSTON, is referred to the Committee on Appropriations.

By Representatives Gibson and Grady (Primary Sponsors); and Faison:

**H.B. 1004**, A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL GOVERNMENTS TO PLEDGE AND ENCUMBER HOSPITAL FACILITIES AND EQUIPMENT IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT, is referred to the Committee on Finance.

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By Representatives McMahan, Gulley, Rhodes, and Vinson:

**H.B. 1005**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE, is referred to the Committee on Finance.

By Representatives Womble and Jones:

**H.B. 1006**, A BILL TO BE ENTITLED AN ACT REQUIRING COMPANIES ENTERING INTO CONTRACTS WITH STATE DEPARTMENTS TO EXAMINE THEIR RECORDS FOR EVIDENCE OF PARTICIPATION IN OR PROFITING FROM SLAVERY, is referred to the Committee on State Government.

By Representatives Stam, McGee, and Capps (Primary Sponsors); Almond, Barnhart, Blackwood, Brown, Cleveland, Culp, Current, Dockham, Dollar, Folwell, Gillespie, Gulley, Hilton, Hollo, Howard, Langdon, Lewis, McAllister, Pate, Pierce, Preston, Starnes, Walend, Wiley, and Womble:

**H.B. 1007**, A BILL TO BE ENTITLED AN ACT TO REQUIRE WRITTEN PARENTAL CONSENT PRIOR TO THE ACQUISITION OF CERTAIN SURVEY INFORMATION FROM STUDENTS, is referred to the Committee on Education.

By Representatives Dickson, England, Lucas, and Glazier (Primary Sponsors); and Insko:

**H.B. 1008**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF NEW STATE PARKS AT CARVERS CREEK AND IN THE HICKORY NUT GORGE/CHIMNEY ROCK AREA TO THE STATE PARKS SYSTEM, is referred to the Committee on Environment and Natural Resources.

By Representatives Dickson, Glazier, Lucas, and McAllister (Primary Sponsors); and Martin:

**H.B. 1009**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE FORT BRAGG/POPE AIR FORCE BASE REGIONAL LAND USE ADVISORY COMMISSION, INC., FOR OPERATING EXPENSES, is referred to the Committee on Appropriations.

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

**H.B. 1010**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN

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PERMISSION IN WILSON COUNTY, is referred to the Committee on Wildlife Resources.

By Representative Gillespie:

**H.B. 1011**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY FOR AN INMATE TO BITE A STATE OR LOCAL GOVERNMENT EMPLOYEE, is referred to the Committee on Judiciary III.

By Representatives Sutton, Wray, and L. Allen (Primary Sponsors):

**H.B. 1012**, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF STATE-RECOGNIZED INDIAN TRIBES TO HUNT, TRAP, OR FISH ON TRIBAL LANDS WITHOUT OBTAINING A LICENSE ISSUED BY THE WILDLIFE RESOURCES COMMISSION, is referred to the Committee on Wildlife Resources.

By Representatives Hill and Wainwright:

**H.B. 1013**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE REQUIREMENT SO THAT ONE HUNDRED FIFTY APPLICATIONS NEED TO BE RECEIVED BEFORE THE DIVISION OF MOTOR VEHICLES MAY ISSUE A COUNTY COMMISSIONER SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representative Cole:

**H.B. 1014**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hackney, Coleman, Faison, and Insko:

**H.B. 1015**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION, is referred to the Committee on Judiciary I.

By Representatives Hilton, Almond, Blackwood, Blust, Capps, Cleveland, Coates, Culp, Faison, Folwell, Frye, Gillespie, Hollo, Holloway, Johnson, Justus, Lewis, McGee, Rayfield, Setzer, Starnes, Steen, Walend, Walker, and Wiley:

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**H.B. 1016**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISPOSITION OF A FIREARM TO PROVIDE THAT UPON ORDER OF THE APPROPRIATE COURT, A LAW ENFORCEMENT AGENCY MAY USE THE FIREARM FOR OFFICIAL USE OR MAY TRADE, EXCHANGE, OR SELL THE FIREARM TO A FEDERALLY LICENSED FIREARMS DEALER AND MAY USE THE PROCEEDS FROM THE SALE OF UNCLAIMED FIREARMS FOR LAW ENFORCEMENT PURPOSES, is referred to the Committee on Judiciary II.

By Representatives Rhodes and Gulley (Primary Sponsors):

**H.B. 1017**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EDUCATION FREEDOM FOR STUDENTS, PARENTS, AND TEACHERS IN MECKLENBURG COUNTY BY PROVIDING FOR THE MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT TO BE SEPARATED INTO MULTIPLE ADMINISTRATIVE UNITS, is referred to the Committee on Education.

By Representatives Rhodes, Almond, Blust, Brown, Capps, Cleveland, Current, Folwell, Holloway, and Moore:

**H.B. 1018**, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA TAXPAYER AND CITIZEN PROTECTION ACT, TO REQUIRE PROOF OF CITIZENSHIP TO REGISTER TO VOTE, AND TO PROVIDE THAT TO RECEIVE CERTAIN PUBLIC BENEFITS, AN APPLICANT FOR PUBLIC ASSISTANCE PROGRAM BENEFITS MUST PROVIDE PROOF THAT THE APPLICANT IS A UNITED STATES CITIZEN OR, IF NOT A UNITED STATES CITIZEN, IS LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL LAW; TO PROVIDE FOR TEMPORARY BENEFITS TO BE PAID IN CASES WHERE THE APPLICANT CANNOT PROVIDE PROOF AT THE TIME OF APPLICATION; TO REQUIRE CERTAIN STATE AGENCIES TO COOPERATE WITH LOCAL GOVERNMENTS AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO DEVELOP A SYSTEM FOR VERIFYING LAWFUL PRESENCE IN THE UNITED STATES; TO PROVIDE THAT A PERSON WHO WILLFULLY EMPLOYS AN INDIVIDUAL WHO IS INDIGENT AND IS NOT LAW-FULLY PRESENT IN THE UNITED STATES SHALL BE RESPONSIBLE FOR THE COST OF MEDICALLY NECESSARY SERVICES TO THE INDIVIDUAL EMPLOYED; AND TO AUTHORIZE ANY INDIVIDUAL TO FILE A COMPLAINT WITH THE AFFECTED STATE AGENCY FOR ITS

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FAILURE TO COMPLY WITH THIS ACT, is referred to the Committee on Election Law and Campaign Finance Reform and, if favorable, to the Committee on Health.

By Representatives Ray and Setzer:

**H.J.R. 1019**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TROUTMAN ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Ray and Howard (Primary Sponsors); and Setzer:

**H.B. 1020**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS, is referred to the Committee on Local Government II.

By Representative Wray:

**H.B. 1021**, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF NORTHAMPTON COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY, is referred to the Committee on Local Government I.

By Representatives Ross, B. Allen, Weiss, and Coleman (Primary Sponsors); Farmer-Butterfield, Fisher, Glazier, Martin, and Wainwright:

**H.B. 1022**, A BILL TO BE ENTITLED AN ACT ADDRESSING FAIR PAY IN STATE GOVERNMENT EMPLOYMENT BY REQUIRING MANAGEMENT ACCOUNTABILITY FOR PAY-RELATED PERSONNEL DECISIONS, is referred to the Committee on State Personnel.

By Representatives Owens, B. Allen, Holliman, and LaRoque (Primary Sponsors); Jones, McAllister, and Wray:

**H.B. 1023**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE LOTTERY, is referred to the Select Committee on the Lottery.

By Representatives Luebke, Fisher, and Harrison:

**H.B. 1024**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INSTANT RUNOFF VOTING IN STATEWIDE PARTY PRIMARIES

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AND CERTAIN STATEWIDE JUDICIAL VACANCY ELECTIONS, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Luebke, LaRoque, and Ross:

**H.B. 1025**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES, is referred to the Committee on Alcoholic Beverage Control.

By Representatives Gulley, Blackwood, Blust, Cleveland, Dollar, McMahan, Rhodes, Stam, Walend, and Womble:

**H.B. 1026**, A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED AT CERTAIN INTERSECTIONS IN RALEIGH, is referred to the Committee on Transportation.

By Representatives Nye and Hackney:

**H.B. 1027**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INSTITUTE OF MEDICINE AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, is referred to the Committee on Appropriations.

By Representative Wiley:

**H.B. 1028**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY, is referred to the Committee on Local Government I.

By Representatives Wilkins, Luebke, Michaux, and Miller (Primary Sponsors):

**H.B. 1029**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ESTABLISH EFFECTIVE PROCEDURES TO ALLOW THE CLEARING OF OBSTRUCTIONS FROM THE FLOODWAY OF STREAMS AND TO ENSURE THAT THE CLEARING OF STREAMS DOES NOT CONSTITUTE LEGAL ADOPTION OF STREAMS, is referred to the Committee on Local Government II.

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By Representative Stiller:

**H.B. 1030**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ACTS REGULATING THE BRUNSWICK COUNTY AIRPORT COMMISSION AND TO CLARIFY THE POWERS OF THE COMMISSION, is referred to the Committee on Finance.

By Representative Stiller:

**H.B. 1031**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SUNSET BEACH OPTIONAL COVERAGE UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, is referred to the Committee on Health.

By Representatives Glazier, Preston, Farmer-Butterfield, and Barnhart (Primary Sponsors); Alexander, Brown, Harrison, and Wainwright:

**H.B. 1032**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR, is referred to the Education Subcommittee on Pre-School, Elementary and Secondary Education.

By Representatives Wright and Jeffus (Primary Sponsors); Alexander, Fisher, Frye, Glazier, Pierce, and Wainwright:

**H.B. 1033**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EARLY CHILDHOOD INITIATIVES, is referred to the Committee on Appropriations.

By Representative Wright:

**H.B. 1034**, A BILL TO BE ENTITLED AN ACT REQUIRING THE NEW HANOVER COUNTY BOARD OF EDUCATION TO STUDY SUCCESS CENTERS BEFORE IMPLEMENTING THEM IN THE NEW HANOVER COUNTY SCHOOLS, is referred to the Committee on Local Government I.

By Representatives McComas, Justice, and Wright (Primary Sponsors):

**H.B. 1035**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REPLACE THE RESEARCH VESSEL DAN MOORE USED

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BY CAPE FEAR COMMUNITY COLLEGE FOR MARINE TECHNOLOGY PROGRAMS, is referred to the Committee on Appropriations.

By Representatives McComas and Harrison:

**H.B. 1036**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL NORTH CAROLINA AQUARIUM SOCIETY REGISTRATION PLATE, is referred to the Committee on Finance.

By Representative McComas:

**H.B. 1037**, A BILL TO BE ENTITLED AN ACT TO ALLOW WRIGHTSVILLE BEACH TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWN OF WRIGHTSVILLE BEACH, is referred to the Committee on Finance.

By Representative McComas:

**H.B. 1038**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF KURE BEACH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McComas:

**H.B. 1039**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF WILMINGTON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McComas:

**H.B. 1040**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CAROLINA BEACH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McComas:

**H.B. 1041**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF WRIGHTSVILLE BEACH, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative McComas:

**H.B. 1042**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NEW HANOVER, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McComas:

**H.B. 1043**, A BILL TO BE ENTITLED AN ACT RELATING TO BEACH RENOURISHMENT IN NEW HANOVER COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McComas:

**H.B. 1044**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CITY OF WILMINGTON ROOM TOURISM AND DEVELOPMENT TAX, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McComas:

**H.B. 1045**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NEW HANOVER COUNTY OCCUPANCY TAX, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McComas:

**H.B. 1046**, A BILL TO BE ENTITLED AN ACT AFFECTING PROPERTY TAXES IN NEW HANOVER COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McComas:

**H.B. 1047**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WRIGHTSVILLE BEACH TO ALLOW THE TOWN TO APPOINT A BOARD OF ADJUSTMENT AS PROVIDED BY GENERAL LAW, is referred to the Committee on Local Government II.

By Representatives Hackney, Alexander, B. Allen, Carney, Insko, and Weiss:

**H.B. 1048**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED, is referred to the Committee on Judiciary I.

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By Representatives Brubaker and Church (Primary Sponsors); and LaRoque:

**H.B. 1049**, A BILL TO BE ENTITLED AN ACT TO AMEND THE INTEREST RATE LAWS TO AUTHORIZE THE COMMISSIONER OF BANKS TO ALLOW CERTAIN AFFILIATES OF LICENSEES UNDER G.S. 53-176 TO BE EXEMPT FROM CERTAIN PROVISIONS OF CHAPTER 24 OF THE GENERAL STATUTES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Warren, McLawhorn, and Williams (Primary Sponsors):

**H.B. 1050**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PITT COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES OR COMMUNITY COLLEGE PLANT FUND PURPOSES, IF APPROVED BY THE VOTERS OF THE COUNTY, is referred to the Committee on Finance.

By Representatives Haire and West (Primary Sponsors):

**H.B. 1051**, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE THE EXISTING MACON COUNTY AIRPORT AUTHORITY AND THE EXISTING JACKSON COUNTY AIRPORT AUTHORITY TO CREATE A NEW MACON-JACKSON REGIONAL AIRPORT AUTHORITY, is referred to the Committee on Finance.

By Representative Stiller:

**H.B. 1052**, A BILL TO BE ENTITLED AN ACT TO PERMIT TRASH TRUCKS WHILE COLLECTING GARBAGE TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS IN BRUNSWICK COUNTY, is referred to the Committee on Transportation.

By Representative Stam:

**H.B. 1053**, A BILL TO BE ENTITLED AN ACT TO REALIGN SUPERIOR COURT DISTRICTS IN WAKE COUNTY, is referred to the Committee on Judiciary I.

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

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**H.B. 1054**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS THAT ARE A PARTY TO THE SWIFT CREEK MANAGEMENT PLAN AND CERTAIN CITIZENS OF THOSE LOCAL GOVERNMENTS HAVE STANDING TO ENFORCE THE PROVISIONS OF S.L. 1998-192, is referred to the Committee on Judiciary I.

By Representative Preston:

**H.B. 1055**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY, THE JONES COUNTY BOARD OF EDUCATION MUST APPOINT THE NOMINEE OF THE PARTY EXECUTIVE COMMITTEE OF THE VACATING OFFICER, is referred to the Committee on Local Government II.

By Representative Preston:

**H.B. 1056**, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, is referred to the Committee on Finance.

By Representative Wright:

**H.B. 1057**, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A REGIONAL NETWORK OF EMS PROVIDERS FOR CERTAIN PILOT COUNTIES, is referred to the Committee on Appropriations.

By Representative Wright:

**H.B. 1058**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2001 REVISIONS OF THE EMERGENCY MEDICAL SERVICES ACT OF 1973 AND MAKING CLARIFICATIONS CONCERNING AMBULANCE SERVICES PROVIDED UNDER COUNTY EMERGENCY MEDICAL SERVICES PLANS, is referred to the Committee on Health.

By Representatives Wright and B. Allen (Primary Sponsors); Alexander, Coleman, Faison, Farmer-Butterfield, Fisher, Glazier, Goodwin, Harrison, Insko, Luebke, McAllister, Pierce, Ross, Wainwright, Weiss, and Wray:

**H.B. 1059**, A BILL TO BE ENTITLED AN ACT TO CORRECT INACCURACIES IN THE USE OF CERTAIN TERMS IN THE GENERAL STATUTES PERTAINING TO THE ADMINISTRATION OF

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A SCHOOL HEALTH EDUCATION PROGRAM, is referred to the Committee on Education.

By Representatives Wright and Faison:

**H.B. 1060**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL LAW, is referred to the Committee on Health.

By Representatives Owens and Wray:

**H.B. 1061**, A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Insko and Hackney (Primary Sponsors):

**H.B. 1062**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ORANGE AND CHATHAM COUNTIES TO LEVY A LOCAL LAND TRANSFER TAX, is referred to the Committee on Finance.

By Representative Culpepper:

**H.B. 1063**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF KILL DEVIL HILLS TO MAKE CERTAIN ASSESSMENTS WITHOUT PETITION, is referred to the Committee on Finance.

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

**H.B. 1064**, A BILL TO BE ENTITLED AN ACT REGARDING THE PROVISION OF WATER SERVICE IN BUNCOMBE COUNTY, is referred to the Committee on Local Government II.

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

**H.B. 1065**, A BILL TO BE ENTITLED AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY, is referred to the Committee on Local Government II.

By Representatives Wilkins, Luebke, Michaux, and Miller (Primary Sponsors):

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**H.B. 1066**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH TWO NEW DISTRICT COURT JUDGES AND SUPPORTING STAFF IN DISTRICT COURT DISTRICT 14, THREE NEW ASSISTANT DISTRICT ATTORNEYS IN PROSECUTORIAL DISTRICT 14, A NEW MAGISTRATE FOR DURHAM COUNTY, AND FUNDING FOR THE YOUTH TREATMENT COURT IN DURHAM COUNTY, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representatives Insko and Hackney (Primary Sponsors):

**H.B. 1067**, A BILL TO BE ENTITLED AN ACT TO CONVERT THE ORANGE COUNTY AND CHATHAM COUNTY IMPACT FEES INTO IMPACT TAXES, is referred to the Committee on Finance.

By Representative Justice:

**H.B. 1068**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS BY THE TOWN OF SURF CITY, is referred to the Committee on Finance.

By Representative Stiller:

**H.B. 1069**, A BILL TO BE ENTITLED AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS FOR THE TOWN OF OAK ISLAND, is referred to the Committee on Local Government II.

By Representative Stiller:

**H.B. 1070**, A BILL TO BE ENTITLED AN ACT ALLOWING THE CONSTRUCTION OF TEMPORARY POROUS GROIN STRUCTURES ON BEACHES IN BRUNSWICK COUNTY TO SLOW BEACH EROSION, is referred to the Committee on Environment and Natural Resources.

By Representatives Tolson, Coleman, Faison, and Jones:

**H.B. 1071**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE BUSINESS EDUCATION TECHNOLOGY ALLIANCE, is referred to the Committee on Education and, if favorable, to the Committee on Appropriations.

By Representatives Bordsen and Allred (Primary Sponsors):

**H.B. 1072**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ALAMANCE COUNTY ROOM TOURISM AND DEVELOPMENT TAX,

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

By Representatives Rapp and McLawhorn (Primary Sponsors); Alexander, B. Allen, L. Allen, Bell, Bordsen, Carney, Coates, Cole, Coleman, Dickson, England, Farmer-Butterfield, Fisher, Glazier, Goforth, Hackney, Insko, Justus, LaRoque, McGee, Parmon, Preston, Ross, Saunders, Steen, Tolson, Wainwright, Warren, Weiss, Wright, and Yongue:

**H.B. 1073**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR ALLOWING RETIRED TEACHERS TO RETURN TO WORK AFTER SIX MONTHS WITHOUT LOSING RETIREMENT BENEFITS AND TO DIRECT A STUDY OF THE IMPACT OF ALLOWING RETIRED STATE EMPLOYEES TO RETURN TO WORK, is referred to the Committee on Pensions and Retirement.

By Representatives Daughtry and Holmes:

**H.B. 1074**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ENROLLING CHILDREN IN THE PUBLIC SCHOOLS, is referred to the Committee on Education.

By Representative Miller:

**H.B. 1075**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEEL LOCKS MAY BE USED ON LAWFULLY PARKED VEHICLES WITH MORE THAN THREE PARKING TICKETS OUTSTANDING FOR MORE THAN NINETY DAYS IN THE CITY OF DURHAM, is referred to the Committee on Local Government I.

By Representative Wright:

**H.B. 1076**, A BILL TO BE ENTITLED AN ACT REQUIRING THE NEW HANOVER COUNTY BOARD OF EDUCATION TO STUDY SUCCESS CENTERS AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE BEFORE IMPLEMENTING THEM IN THE NEW HANOVER COUNTY SCHOOLS, is referred to the Committee on Education.

By Representatives Sherrill and Jones:

**H.B. 1077**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH, is referred to the Committee on Judiciary III.

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By Representative Lewis:

**H.B. 1078**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANGIER TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, is referred to the Committee on Local Government II.

By Representatives Parmon, Glazier, Womble, and McLawhorn (Primary Sponsors); B. Allen, Carney, Farmer-Butterfield, Fisher, Pierce, Ross, Wainwright, and Weiss:

**H.B. 1079**, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE, is referred to the Committee on Education and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representative Daughtridge:

**H.B. 1080**, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES, is referred to the Committee on Finance.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 368** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE FRANKLIN COUNTY BOARD OF EDUCATION FROM PARTISAN TO NON-PARTISAN, is read the first time and referred to the Committee on Election Law and Campaign Finance Reform.

**S.B. 392** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO SELL PERSONAL UNIFORMS AND EQUIPMENT TO PUBLIC SAFETY EMPLOYEES UPON THE EMPLOYEES LEAVING THE CITY'S EMPLOYMENT, is read the first time and referred to the Committee on Local Government I.

**S.B. 421**, A BILL TO BE ENTITLED AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS FROM

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THE LAW GOVERNING THE SOLICITATION OF CONTRIBUTIONS, is read the first time and referred to the Committee on Ways and Means.

**S.B. 463** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE, is read the first time and referred to the Committee on Local Government II.

**S.B. 474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY AND THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, is read the first time and referred to the Committee on Local Government I.

### CALENDAR

Action is taken on the following:

**H.J.R. 252**, A JOINT RESOLUTION HONORING THE 75TH ANNIVERSARY OF THE STATE HIGHWAY PATROL AND PAYING TRIBUTE TO THOSE WHO HAVE DIED IN THE LINE OF DUTY, 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 sent to the Senate by Special Message.

### WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Culpepper and without objection, **H.B. 236** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER LANDS ACQUIRED BY THE FEDERAL GOVERNMENT, is withdrawn from the Calendar and placed on the Calendar of April 5.

On motion of Representative Culpepper and without objection, **H.B. 859**, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING THE CONTINUING EDUCATION OF MORTGAGE BROKERS BY ESTABLISHING REQUIREMENTS FOR LIVE BROADCASTS OF CONTINUING EDUCATION COURSES, is withdrawn from the Calendar and placed on the Calendar of April 4.

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**CALENDAR (continued)**

**H.B. 9**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Brubaker, Cunningham, Holmes, McLawhorn, Saunders, and Underhill - 6.

**H.B. 476**, A BILL TO BE ENTITLED AN ACT RELATING TO THE BOUNDARY SETTLEMENT BETWEEN WILSON AND GREENE COUNTIES AND PERTAINING TO CERTAIN REAL PROPERTY RECORDS IN THOSE COUNTIES, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McMahan, Michaux,

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Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Brubaker, Cunningham, Holmes, McLawhorn, Saunders, and Underhill - 6.

**H.B. 498**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Brubaker, Cunningham, Holmes, McLawhorn, Saunders, and Underhill - 6.

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

**H.B. 446**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF ROANOKE RAPIDS, TO ADD CERTAIN DESCRIBED TERRITORY TO THE EXTRA-TERRITORIAL PLANNING JURISDICTION OF THE CITY OF

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ROANOKE RAPIDS, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WELDON, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridg, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 110.

Voting in the negative: None.

Excused absences: Representatives Brubaker, Cunningham, Holliman, Holmes, McLawhorn, Saunders, and Underhill - 7.

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

**H.B. 631** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridg, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls,

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Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 109.

Voting in the negative: Representative Blust.

Excused absences: Representatives Brubaker, Cunningham, Holliman, Holmes, McLawhorn, Saunders, and Underhill - 7.

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

**H.B. 743**, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EAST SPENCER, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McComas, McGee, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Brubaker, Cunningham, Holliman, Holmes, McLawhorn, Saunders, and Underhill - 7.

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

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

**H.B. 828**, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE

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TOWN OF BELVILLE, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 110.

Voting in the negative: None.

Excused absences: Representatives Brubaker, Cunningham, Holliman, Holmes, McLawhorn, Saunders, and Underhill - 7.

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

**H.B. 97** (Committee Substitute), 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 (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.

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

**H.B. 231** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER TO CLARIFY THAT THE CONTROLLER MAY CONDUCT COMPLIANCE REVIEWS OF STATE AGENCIES AND TO EXEMPT THE WORKING PAPERS FROM THOSE REVIEWS FROM THE PUBLIC RECORDS LAWS, passes its second reading, by electronic vote (110-0), 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. 404**, A BILL TO BE ENTITLED AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT, 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.

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

**H.B. 576** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS.

Representative Tolson offers Amendment No. 1 which is adopted.

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

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

**H.B. 583**, A BILL TO BE ENTITLED AN ACT DESIGNATING THE COMMUNITY COLLEGE SYSTEM AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE, passes its second reading by electronic vote (109-1).

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

#### **RE-REFERRAL**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 290**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AS THE GENERAL RULE IN CIVIL ACTIONS THAT THE COURT AWARD ATTORNEYS' FEES TO THE PREVAILING

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PARTY, is withdrawn from the Committee on Judiciary II and re-referred to the Committee on Rules, Calendar, and Operations of the House.

**REPORTS OF STANDING COMMITTEES AND PERMANENT  
SUBCOMMITTEES**

The following reports from standing committee are presented:

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

**H.B. 702**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN 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.

**H.B. 804**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ORDER OF PAYMENT OF A CLAIM FOR EQUITABLE DISTRIBUTION UNDER THE LAWS RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES, 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.

Representative Culpepper moves, seconded by Representative L. Allen, that the House adjourn, subject to committee assignments, to reconvene Monday, April 4, 2005, at 7:00 p.m.

The motion carries.

**ADDENDA TO COMMITTEE ASSIGNMENTS**

March 31, 2005

The Speaker makes the following committee assignment:

**SELECT COMMITTEE ON THE LOTTERY:** Remove Representative Harrell.

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

March 31, 2005

**THIRTY-NINTH DAY**

HOUSE OF REPRESENTATIVES  
Monday, April 4, 2005

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

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

"Lord Almighty:

"Greater are You than anything in the world. Above You there is no other...in heaven, on earth, or under the earth. You are God; and You alone have complete dominion over the world. We thank You as we consider the vastness of Your creation yet alone Your graciousness in allowing us to share in its governance. We confess that many times we choose to act as the creator rather than the creation. Forgive us for the arrogance that would seek human sovereignty over Your Lordship. And, free us, O God, for joyful obedience as we attempt to find our way. As we do so, let us find ourselves in the midst of Your grace and act only upon those things which are good and acceptable in Thy sight. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

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

Leaves of absence are granted Representatives Church, Clary, England, Gibson, Holmes, Morgan, Parmon, Preston, Rhodes, Starnes, Sutton, Warren, and Wilkins for today.

**ENROLLED BILLS**

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

**H.B. 218**, AN ACT TO ALTER THE DISTRIBUTION OF THE NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES AT THE TOWN OF CLINTON ALCOHOLIC BEVERAGE CONTROL STORES.

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**REPORTS OF STANDING COMMITTEES AND PERMANENT  
SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittees are presented:

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

**H.B. 510**, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THIRD PARTIES TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY, 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 Dickson and Ray, Chairs, for the Education Subcommittee on Universities:

**H.B. 695**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE EXISTING TUITION WAIVER PROGRAM AND TO PROVIDE AN EXCEPTION TO THE TWELVE-MONTH RESIDENCY REQUIREMENT FOR CERTAIN UNIVERSITY OF NORTH CAROLINA EMPLOYEES AND THEIR CHILDREN, 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 Glazier and Parmon, Chairs, for the Education Subcommittee on Pre-School, Elementary and Secondary Education:

**H.B. 706**, A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS, 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.

April 4, 2005

By Representative Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 451**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, 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.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Walend:

**H.B. 1081**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A NEW VOCATIONAL BUILDING FOR THE BLUE RIDGE COMMUNITY COLLEGE-TRANSYLVANIA CENTER, is referred to the Committee on Appropriations.

By Representatives Weiss, Ross, B. Allen, and Stam (Primary Sponsors); Capps, Coleman, Dollar, Eddins, and Martin:

**H.B. 1082**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN INPATIENT PSYCHIATRIC UNIT IN WAKE COUNTY, is referred to the Committee on Appropriations.

By Representatives Martin, B. Allen, Almond, Brown, Capps, Coates, Coleman, Current, Dollar, Eddins, Farmer-Butterfield, Glazier, Goodwin, Gulley, Haire, Holliman, Lewis, Parmon, Pierce, Setzer, Stam, Underhill, Walend, Weiss, and Wray:

**H.B. 1083**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A FRIENDS OF THE NORTH CAROLINA STATE MUSEUM OF NATURAL SCIENCES SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representatives Bordsen and Crawford (Primary Sponsors); Adams, B. Allen, L. Allen, Carney, Cole, Coleman, Fisher, Glazier, Goforth, Haire,

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Harrison, Jones, Luebke, Michaux, Pierce, Rapp, Tolson, Wainwright, Warren, and Womble:

**H.B. 1084**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES, is referred to the Committee on Judiciary II.

By Representatives Insko and Parmon (Primary Sponsors); Adams, Alexander, Glazier, Haire, Luebke, and Weiss:

**H.B. 1085**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEFENDANT ARRESTED FOR USING DOGS FOR FIGHTING TO POST A DEPOSIT TO THE ANIMAL SHELTER TO PAY FOR THE DOG'S KEEP DURING THE PERIOD PRIOR TO ADJUDICATION OF THE CHARGES, is referred to the Committee on Judiciary I.

By Representatives Culpepper, Adams, Jones, LaRoque, and Wright:

**H.B. 1086**, A BILL TO BE ENTITLED AN ACT REVISING THE JURISDICTION OF THE GENERAL ASSEMBLY POLICE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culpepper:

**H.B. 1087**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF SOCIAL WORKER UNDER THE SOCIAL WORKER CERTIFICATION AND LICENSURE ACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Culp, Dockham, and McMahan:

**H.B. 1088**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CENTRAL BOYS AND GIRLS CLUB IN ASHEBORO, is referred to the Committee on Appropriations.

By Representative Blackwood:

**H.B. 1089**, A BILL TO BE ENTITLED AN ACT TO INCREASE PER PUPIL FUNDING IN PUBLIC SCHOOLS AND REDUCE THE BURDEN ON RAPIDLY GROWING COUNTIES OF CLASSROOM CONSTRUCTION BY ALLOWING AN INDIVIDUAL INCOME TAX CREDIT FOR PART OF THE EXPENSE OF EDUCATING CHILDREN VOLUNTARILY INCURRED BY PARENTS AND TO INCLUDE NONPUBLIC SCHOOL STUDENTS IN THE AVERAGE DAILY MEMBERSHIP OF LOCAL

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SCHOOL ADMINISTRATIVE UNITS, is referred to the Committee on Finance.

By Representatives Langdon and Moore (Primary Sponsors); Blust, Brown, Capps, Cleveland, Daughtry, Frye, Grady, Hilton, Hollo, Holmes, McGee, Preston, Stam, Starnes, and Walend:

**H.B. 1090**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT DOCUMENTS PREPARED FOR RECORDATION OR FILING SHALL NOT INCLUDE SOCIAL SECURITY NUMBERS AND THAT REGISTERS OF DEEDS AND CLERKS OF COURT MAY DECLINE ACCEPTANCE OF A DOCUMENT FOR RECORDATION OR FILING WHEN A PREPARER UNLAWFULLY INCLUDES A SOCIAL SECURITY NUMBER, is referred to the Committee on Judiciary II.

By Representatives McLawhorn, Warren, and Williams (Primary Sponsors); Farmer-Butterfield and LaRoque:

**H.B. 1091**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE BRODY SCHOOL OF MEDICINE AT EAST CAROLINA UNIVERSITY TO CONSTRUCT A FAMILY MEDICINE CENTER, is referred to the Committee on Appropriations.

By Representatives Gibson and McComas (Primary Sponsors); LaRoque and Steen:

**H.B. 1092**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, is referred to the Committee on Environment and Natural Resources.

By Representatives Gibson, Harrell, Justice, and McComas (Primary Sponsors):

**H.B. 1093**, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (2) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES;

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AND (3) PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION, is referred to the Committee on Environment and Natural Resources.

By Representatives Gibson, Harrell, Justice, and McComas (Primary Sponsors):

**H.B. 1094**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO CHANGE THE NAME OF THE WETLANDS RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND, is referred to the Committee on Environment and Natural Resources.

By Representatives Gibson, Harrell, Justice, and McComas (Primary Sponsors):

**H.B. 1095**, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS, is referred to the Committee on Environment and Natural Resources.

By Representatives Gibson, Harrell, Justice, and McComas (Primary Sponsors):

**H.B. 1096**, 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 referred to the Committee on Environment and Natural Resources.

By Representatives Gibson and L. Allen (Primary Sponsors):

**H.B. 1097**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO AWARD CONTRACTS FOR THE MANAGEMENT OF SLUDGE ON THE BASIS OF FACTORS OTHER THAN COST ALONE AND TO ENTER INTO CONTRACTS THAT PROVIDE FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF SLUDGE MANAGEMENT FACILITIES BY A SINGLE ENTITY, is referred to the Committee on Environment and Natural Resources.

By Representatives Daughtridg, Ross, Gibson, and Weiss (Primary Sponsors); Adams, Alexander, Bordsen, Coleman, Culp, Farmer-Butterfield,

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Fisher, Glazier, Goodwin, Hackney, Harrison, Insko, Jeffus, Justice, LaRoque, Lewis, Luebke, McAllister, McLawhorn, Pate, Pierce, Sauls, Steen, Stiller, and Wainwright:

**H.B. 1098**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE EXPANSION OF THE NORTH CAROLINA MUSEUM OF ART, is referred to the Committee on Appropriations.

By Representative Gibson:

**H.B. 1099**, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT BY FACILITATING THE REUSE OF CONTAMINATED REAL PROPERTY BY CLARIFYING THE CIRCUMSTANCES UNDER WHICH THE OWNERS OF REAL PROPERTY HAVE A DEFENSE AGAINST LIABILITY FOR THE CLEANUP OF ENVIRONMENTAL DAMAGE AND RESTORATION OF NATURAL RESOURCES AND BY MAKING THAT DEFENSE APPLICABLE TO STATE CLEANUP PROGRAMS, is referred to the Committee on Environment and Natural Resources.

By Representatives Walker, Bell, Langdon, and Cleveland (Primary Sponsors); Adams, Allred, Almond, Barnhart, Capps, Earle, Eddins, Faison, Farmer-Butterfield, Frye, Gibson, Glazier, Hilton, Holloway, Holmes, Howard, Jones, Justus, Kiser, LaRoque, Luebke, McComas, McGee, Moore, Pierce, Preston, Rayfield, Sauls, Setzer, Sherrill, Stam, Starnes, Stiller, Wainwright, Walend, West, Wilson, and Wray:

**H.B. 1100**, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF WORSHIP, is referred to the Committee on Judiciary II.

By Representative Allred:

**H.B. 1101**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PROMPT RELEASE OF ELECTION RESULTS AFTER THE CLOSE OF THE POLLS ON ELECTION DAY, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representative Allred:

**H.B. 1102**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS

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AT THE SAME TIME AS OTHER ABSENTEE BALLOTS, AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK PM, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Folwell, Brown, Womble, and Parmon (Primary Sponsors); and McGee:

**H.J.R. 1103**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANK EDWIN RHODES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Pursuant to Rule 32(a), the resolution is placed on the Calendar of April 4.

By Representatives McAllister, Adams, B. Allen, Harrell, Hunter, Jones, Luebke, Michaux, Parmon, Tolson, and Womble:

**H.B. 1104**, A BILL TO BE ENTITLED AN ACT TO MAKE USING A MOBILE PHONE UNLAWFUL WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY, is referred to the Committee on Public Utilities.

By Representatives West and Womble (Primary Sponsors); and Jones:

**H.B. 1105**, A BILL TO BE ENTITLED AN ACT TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT TRI-COUNTY COMMUNITY COLLEGE BY WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE COMMUNITY COLLEGE TUITION AND TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE UNIVERSITY TUITION, is referred to the Committee on Education.

By Representatives Weiss, Farmer-Butterfield, Harrison, and Rapp (Primary Sponsors); Alexander, L. Allen, Bordsen, Carney, Coates, Dickson, England, Fisher, Folwell, Glazier, Goodwin, Hackney, Holliman, Insko, Jeffus, Lucas, Luebke, Martin, Parmon, Ross, and Setzer:

**H.B. 1106**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS AND EMPLOYEES MAY LOBBY, is referred to the Committee on Rules, Calendar, and Operations of the House.

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**MESSAGES FROM THE SENATE**

The following are received from the Senate:

**S.B. 173**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA COURTS COMMISSION TO STUDY THE ORGANIZATION OF THE GENERAL COURT OF JUSTICE INTO DISTRICTS AND DIVISIONS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 462** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED MEASURING DURING A PILOT PROGRAM IN DESIGNATED CORRIDORS, is read the first time and referred to the Committee on Local Government II.

**S.B. 533** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CLARIFY THE LAW PROVIDING FOR A CHILD'S ALLOWANCE FROM A DECEDENT'S ESTATE, is read the first time and referred to the Committee on Judiciary IV.

**INTRODUCTION OF PAGES**

Pages for the week of April 4 are introduced to the membership. They are: Wisezah Buckman of Mecklenburg; Drake Day of Person; Amalia Fetting of Johnston; Dennis Foes of Cumberland; Justin Geringer of Randolph; Martin Gonzales of Wake; Le-Keisha Griffin of Wake; Ivy Hageman of Dare; Jake Huntington of Wake; Richard Long of Union; Matthew Setzer of Catawba; Terrence Valladares of Mecklenburg; McKenzie White of Dare; and Justin Wright of Wake.

**CALENDAR**

Action is taken on the following:

**H.J.R. 1103**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANK EDWIN RHODES, FORMER MEMBER OF THE GENERAL ASSEMBLY, passes its second reading, by electronic vote (104-0), and there being no objection is read a third time.

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

**H.B. 446**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF ROANOKE

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RAPIDS, TO ADD CERTAIN DESCRIBED TERRITORY TO THE EXTRA-TERRITORIAL PLANNING JURISDICTION OF THE CITY OF ROANOKE RAPIDS, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WELDON, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Cleveland, Coates, Cole, Coleman, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Nye, Owens, Pate, Pierce, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Steen, Stiller, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Weiss, West, Wiley, Williams, Wilson, Womble, Wray, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Church, Clary, England, Gibson, Holmes, Morgan, Parmon, Preston, Rhodes, Starnes, Sutton, Warren, and Wilkins - 13.

**H.B. 631** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Cleveland, Coates, Cole, Coleman, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Nye, Owens, Pate, Pierce, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Steen, Stiller,

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Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Weiss, West, Wiley, Williams, Wilson, Womble, Wray, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Church, Clary, England, Gibson, Holmes, Morgan, Parmon, Preston, Rhodes, Starnes, Sutton, Warren, and Wilkins - 13.

**H.B. 743**, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EAST SPENCER, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Cleveland, Coates, Cole, Coleman, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Nye, Owens, Pate, Pierce, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Steen, Stiller, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Weiss, West, Wiley, Williams, Wilson, Womble, Wray, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Church, Clary, England, Gibson, Holmes, Morgan, Parmon, Preston, Rhodes, Starnes, Sutton, Warren, and Wilkins - 13.

**H.B. 828**, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Cleveland, Coates, Cole, Coleman, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry,

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Dickson, Dockham, Dollar, Earle, Eddins, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Nye, Owens, Pate, Pierce, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Steen, Stiller, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Weiss, West, Wiley, Williams, Wilson, Womble, Wray, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Church, Clary, England, Gibson, Holmes, Morgan, Parmon, Preston, Rhodes, Starnes, Sutton, Warren, and Wilkins - 13.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Culpepper and without objection, **H.B. 807** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FARMVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE is withdrawn from the Calendar and placed on the Calendar of April 5.

#### **CALENDAR (continued)**

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

**H.B. 422**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RESIDENTS OF FORSYTH COUNTY TO FISH IN THE WATERS OF TRIAD PARK WITHOUT A FISHING LICENSE, 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.

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

**H.B. 825** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE TOWN OF KENANSVILLE ALCOHOLIC BEVERAGE CONTROL BOARD, passes its second reading, by electronic vote (104-0), and there being no objection is read a third time.

April 4, 2005

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

**H.B. 583**, A BILL TO BE ENTITLED AN ACT DESIGNATING THE COMMUNITY COLLEGE SYSTEM AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE.

Representative Stam offers Amendment No. 1 which is adopted by electronic vote (104-0).

The bill, as amended, passes its third reading, by electronic vote (103-0), and is ordered engrossed and sent to the Senate.

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

**H.B. 496** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES PERMITTING STUDENTS WITH ASTHMA OR STUDENTS SUBJECT TO ANAPHYLACTIC REACTIONS, OR BOTH, TO POSSESS AND SELF-ADMINISTER ASTHMA MEDICATION, AND TO RECODIFY CERTAIN STATUTES TO CREATE A NEW ARTICLE 26A IN CHAPTER 115C OF THE GENERAL STATUTES, 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.

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

**H.B. 859**, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING THE CONTINUING EDUCATION OF MORTGAGE BROKERS BY ESTABLISHING REQUIREMENTS FOR LIVE BROADCASTS OF CONTINUING EDUCATION COURSES, passes its second reading, by electronic vote (101-2), and there being no objection is read a third time.

Representative Hunter requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (102-2).

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

Representative Culpepper moves, seconded by Representative Blust, that the House adjourn, subject to committee assignments, to reconvene April 5 at 1:00 p.m.

April 4, 2005

The motion carries.

No committee assignments having been received, the House stands adjourned at 7:51 p.m.

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## FORTIETH DAY

HOUSE OF REPRESENTATIVES  
Tuesday, April 5, 2005

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

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

"Almighty God, Ruler of heaven and earth:

"Throughout the course of history You have made it Your practice to speak to human hearts providing us with divine wisdom. And, over this same course of history, all of us at times have both heeded and ignored Your guiding providence. Speak to us once more Your solemn message of truth and guide us in our thoughts, actions, and decision making, taking into account not just our own wishes but measuring them against the nature of Your divine will. Protect us from claiming those actions that may run counter to Your direction as God's will for us. Most importantly, give us the courage of our convictions so that the public policy and laws that we enact are authentic expressions of what we believe to be the best 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 April 4 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives England, Gibson, Insko, Sauls, Sutton, and Wilkins for today.

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

April 5, 2005

**THE APPOINTMENT OF EDWARD WALTER JONES  
2005-2006**

**BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA**

**A PROCLAMATION**

**WHEREAS**, the Honorable John D. Hall, elected Representative from the North Carolina House District 7, has died in office; and

**WHEREAS**, the provisions of General Statute § 163-11 require that the vacancy created by the death of the Honorable John D. Hall be filled by appointment of the person recommended by the North Carolina House District 7 Democratic Executive Committee; and

**WHEREAS**, the District 7 Democratic Party Executive Committee has notified me of its recommendation of Edward Walter Jones of Halifax County, North Carolina, to fill the unexpired term,

I do by these presents appoint

**EDWARD WALTER JONES**

as a member of the

**HOUSE OF REPRESENTATIVES**

**2005-2006 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 5th day of April, 2005.

S/ Michael F. Easley  
*Governor*

ATTEST:

S/ Elaine F. Marshall  
*Secretary of State*

The Speaker appoints Representatives Tolson and Wray to escort the Member to the podium for the administration of the oath.

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The following oath of office is administered to Edward Walter Jones by the Speaker, pursuant to G.S. 120-5.

**OATH FOR MEMBERS OF THE  
HOUSE OF REPRESENTATIVES  
2005 SESSION**

"I, EDWARD WALTER JONES, 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."

Representative Jones is escorted to Seat 60 and the Speaker appoints him to the following committees: Alcoholic Beverage Control; Appropriations; Appropriations Subcommittee on Justice and Public Safety; Health; Insurance, Vice Chair; and Judiciary II.

**CHAPTERED BILLS**

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

**H.B. 218**, AN ACT TO ALTER THE DISTRIBUTION OF THE NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES AT THE TOWN OF CLINTON ALCOHOLIC BEVERAGE CONTROL STORES. (S.L. 2005-5)

**REPORTS OF STANDING COMMITTEES AND PERMANENT  
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Bordsen and Farmer-Butterfield, Chairs, for the Committee on Aging:

**H.B. 44**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS AND TO DIRECT THE STATE AUDITOR TO CONDUCT AN AUDIT TO DETERMINE THE MEDICAL AND CLINICAL QUALITY AND THE ADEQUACY OF CARE AND SERVICES DELIVERED THROUGH THE COMMUNITY ALTERNATIVES PROGRAM FOR DISABLED ADULTS (CAP/DA), AS RECOMMENDED BY THE NORTH CAROLINA

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STUDY COMMISSION ON AGING, 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. 119**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LABOR ENHANCEMENT PAYMENTS FOR NURSE AIDES IN NONINSTITUTIONAL SETTINGS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, 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 Hill, Chair, for the Committee on Agriculture:

**H.B. 685**, A BILL TO BE ENTITLED AN ACT TO CREATE A UNIFORM SYSTEM FOR THE REGULATION OF PRIVATE AND PUBLIC ANIMAL SHELTERS, 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 Appropriations.

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

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 125**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON 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. 278**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WALKERTOWN, with a favorable report.

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

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**H.B. 351**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX FOR PASQUOTANK COUNTY AND ELIZABETH 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. 370**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF LANDIS, with a favorable report.

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

**H.B. 399**, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS, with a favorable report.

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

**H.B. 478**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF TOBACCOVILLE, with a favorable report.

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

**H.B. 540**, A BILL TO BE ENTITLED AN ACT TO AMEND THE HALIFAX COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX, 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. 544**, A BILL TO BE ENTITLED AN ACT TO AMEND THE MADISON COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

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

**H.B. 843**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY

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AND TOURISM DEVELOPMENT TAX, 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 Wright, Chair, for the Committee on Health:

**H.B. 869**, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS, with a favorable report.

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

### **SPECIAL MESSAGE TO THE SENATE**

The Speaker orders a Special Message sent to the Senate informing that Honorable Body of the seating of Representative Edward Jones as a Member of the 2005 House of Representatives.

### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Warren, McLawhorn, and Williams (Primary Sponsors):

**H.B. 1107**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE USE OF MEDICARE RECEIPTS BY BRODY SCHOOL OF MEDICINE AT EAST CAROLINA UNIVERSITY, is referred to the Committee on Appropriations.

By Representatives Warren, McLawhorn, and Williams (Primary Sponsors):

**H.B. 1108**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE USE OF MEDICARE RECEIPTS BY BRODY SCHOOL OF MEDICINE AT EAST CAROLINA UNIVERSITY, is referred to the Committee on Appropriations.

By Representatives Langdon and Daughtry:

**H.B. 1109**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS TO THE ARBORETUM ON

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THE CAMPUS OF THE JOHNSTON COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

By Representatives Adams, Bell, Pierce, and Wainwright:

**H.B. 1110**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY TO MATCH FEDERAL FUNDS FOR AGRICULTURAL RESEARCH, COOPERATIVE EXTENSION, AND TEACHING ACTIVITIES, is referred to the Committee on Appropriations.

By Representatives Adams, Bell, Farmer-Butterfield, Parmon, Pierce, and Wainwright:

**H.B. 1111**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY FOR LAND ACQUISITION, is referred to the Committee on Appropriations.

By Representative Justus:

**H.B. 1112**, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL REGISTRY OF AVAILABLE BEDS IN MENTAL HEALTH FACILITIES TO ASSIST IN THE PLACEMENT OF INDIVIDUALS INVOLUNTARILY COMMITTED TO THE FACILITIES, is referred to the Committee on Health.

By Representatives Coates, Faison, Hackney, Haire, Harrison, Hill, Insko, Luebke, McGee, McLawhorn, Pate, Pierce, Ross, Steen, Tucker, Wainwright, Weiss, West, Wilson, and Wray:

**H.J.R. 1113**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES ALLEN "JIM" GRAHAM, FORMER STATE COMMISSIONER OF AGRICULTURE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Holloway, Faison, and Setzer:

**H.B. 1114**, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR AN INCOME TAX DEDUCTION FOR CERTAIN EMERGENCY SERVICES AND LAW ENFORCEMENT PERSONNEL, is referred to the Committee on Finance.

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By Representatives Moore and Ross (Primary Sponsors); and Insko:

**H.B. 1115**, A BILL TO BE ENTITLED AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO CHANGE THE DEADLINE FOR FILING A PROTEST FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING PLACES ON ELECTION DAY; TO CHANGE THE REQUIREMENT FOR A STATEWIDE UNAFFILIATED CANDIDATE TO CONFORM TO A FEDERAL COURT DECISION; TO PROHIBIT PIECE PAYMENT FOR VOTER REGISTRATION DRIVES; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW THE STATE BOARD OF ELECTIONS TO AUTOMATICALLY CANCEL A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR; AND TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Tolson, Yongue, Jeffus, and McLawhorn (Primary Sponsors); Faison, Parmon, Pate, Pierce, Setzer, Underhill, Wainwright, and Wray:

**H.B. 1116**, A BILL TO BE ENTITLED AN ACT TO STUDY THE ESTABLISHING AND FUNDING OF A TEACHER ASSISTANT SALARY SCHEDULE AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, is referred to the Committee on Education.

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By Representatives Ross and Howard:

**H.B. 1117**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS, is referred to the Committee on Judiciary I.

By Representatives B. Allen, Adams, L. Allen, Coates, Coleman, Dickson, Faison, Farmer-Butterfield, Goodwin, Harrison, Hunter, Jones, Luebke, Martin, McAllister, Michaux, Parmon, Pierce, Ross, Underhill, Wainwright, Weiss, Womble, and Wray:

**H.J.R. 1118**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JUNE ELIZABETH KAY CAMPBELL, FORMER CIVIL RIGHTS 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:

**S.B. 166** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ROSE HILL AND BLADENBORO TO REGULATE GOLF CARTS, is read the first time and referred to the Committee on Local Government I.

**S.B. 210**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE, is read the first time and referred to the Committee on Agriculture.

**S.B. 517** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ACCOUNT TRANSFERS AND AGENCY APPOINTMENTS BETWEEN AFFILIATED TRUST INSTITUTIONS, is read the first time and referred to the Committee on Financial Institutions.

**S.B. 519**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INTERSTATE SERVICES ON A RECIPROCAL BASIS AND TO MAKE TECHNICAL CORRECTIONS TO ARTICLE 24 OF CHAPTER 53 OF THE GENERAL STATUTES, is read the first time and referred to the Committee on Financial Institutions.

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**S.B. 630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING RESIDENTIAL SCHOOLS TO MAKE THEIR ACCOUNTABILITY SYSTEM AND THEIR SCHOOL IMPROVEMENT PLANS LIKE THOSE OF OTHER PUBLIC SCHOOLS, AND TO MAKE OTHER TECHNICAL OR CONFORMING CHANGES TO THOSE STATUTES, is read the first time and referred to the Committee on Education.

**S.B. 765**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF BOARD MEMBERS FOR CERTAIN MULTICOUNTY AREA PROGRAMS, is read the first time and referred to the Committee on Health.

**S.B. 867** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME OVER WHICH AN INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR COMMERCIAL PARK MAY REMAIN IN EFFECT, is read the first time and referred to the Committee on Ways and Means.

### CALENDAR

Action is taken on the following:

**H.B. 807** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FARMVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, 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. 706** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS, 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.

### RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 287**, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA OCCUPATIONAL THERAPY PRACTICE ACT AND AUTHORIZING THE

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NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE CEILING ON ITS FEES, is withdrawn from the Committee on Finance and re-referred to the Committee on Health.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, the following bills are 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:

**H.B. 302**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REFERENDA ON ANNEXATIONS IF REQUESTED BY RESIDENTS OF THE AREA TO BE ANNEXED.

**H.B. 363**, A BILL TO BE ENTITLED AN ACT TO ALLOW RESIDENTS OF THE EXTRATERRITORIAL PLANNING JURISDICTION OF A CITY TO VOTE IN ELECTIONS FOR OFFICERS OF THAT CITY.

Representative Culpepper moves, seconded by Representative Sherrill, that the House adjourn, subject to the receipt of Messages from the Senate and committee assignments, to reconvene April 6 at 1:00 p.m.

The motion carries.

#### **SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

**S.J.R. 1166**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, AND SILVER STAR, 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 April 6.

No committee assignments having been received, the House stands adjourned at 4:21 p.m.

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**FORTY-FIRST DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, April 6, 2005

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

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

"Omnipotent God:

"You are over and above all. Indeed, You are all. How can any among us know the heart and mind of God? And, who among us can speak for Your people? Yet, out of the general population, the people have called the Members of this House to do precisely that...speak and make decisions that will directly affect Your children. Merciful God, we humbly beseech Thee to grant the Members of this Honorable Body wisdom and discernment as they contemplate the decisions before them, and the courage to vote their conscience. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 5 has been examined and found correct. Upon his motion, the Journal is approved as written.

Representatives Barnhart and Hilton are excused for a portion of the Session. There are no excused absences for today.

**REPORTS OF STANDING COMMITTEES AND PERMANENT  
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Bell and Wilson, Chairs, for the Committee on Pensions and Retirement:

**H.B. 535**, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE, 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. 612**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF TROUTMAN TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES, with a favorable report.

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

By Representative Culpepper, Chair, for the Select Committee on the Lottery:

**H.B. 1023**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE LOTTERY, 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 Pate and Underhill, Chairs, for the Committee on Military, Veterans and Indian Affairs:

**H.B. 898**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEPENDENTS OF MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD PAY IN-STATE TUITION, 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 Johnson and Womble, Chairs, for the Committee on State Government:

**H.B. 699**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION, with a favorable report.

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

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By Representative Miller, Chair, for the Committee on Science and Technology:

**H.B. 633**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF ELECTRONIC FILING IN THE TRIAL COURTS OF NORTH CAROLINA, with a favorable report and recommendation that the bill be re-referred to the Appropriations Subcommittee on Justice and Public Safety.

The bill is re-referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representative Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 822**, A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON, 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 B. Allen and Justus, Chairs, for the Committee on State Personnel:

**H.B. 637**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF A DEPARTMENT TO SET THE SALARY SUPPLEMENT FOR TEACHERS WORKING AT SCHOOLS OPERATED BY THE DEPARTMENT, 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 Bell, Lucas and McLawhorn, Chairs, for the Committee on Education:

**H.B. 693**, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO WEIGHT THE CLASS-SIZE FUNDING FORMULA TO

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ACCOMMODATE THE LEARNING NEEDS OF SPECIAL POPULATIONS OF CHILDREN, with a favorable report and recommendation that the bill be re-referred to the Committee on Rules, Calendar, and Operations of the House.

The bill is re-referred to the Committee on Rules, Calendar, and Operations of the House.

#### **MESSAGES FROM THE SENATE**

The following is received from the Senate:

**S.B. 420**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA, is read the first time and referred to the Committee on Finance.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Steen and Williams, Chairs, for the Committee on Wildlife Resources:

**H.B. 798**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REGULATING FOX HUNTING IN HARNETT COUNTY, with a favorable report.

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

**H.B. 811**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT COUNTY, with a favorable report.

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

**H.B. 921**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CURRITUCK COUNTY DEER HUNTING LAW TO PROVIDE FOR THE TAKING OF EITHER SEX DEER, with a favorable report.

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

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**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

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

**H.B. 1119**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN EXHIBIT COMMEMORATING THE SITTING OF THE FIRST TUBERCULOSIS RETREAT IN ASHEVILLE AS PART OF THE CENTENNIAL CELEBRATION OF THE AMERICAN LUNG ASSOCIATION, is referred to the Committee on Appropriations.

By Representatives Frye, Brown, Coates, Hilton, McGee, Pate, Setzer, Steen, Walker, and Wilson:

**H.B. 1120**, A BILL TO BE ENTITLED AN ACT TO OFFICIALLY ACKNOWLEDGE THE IMPORTANCE OF NEIGHBORHOOD CRIME WATCH PROGRAMS AND TO ESTABLISH A CRIMINAL PENALTY FOR HARASSMENT OF A MEMBER OF A NEIGHBORHOOD CRIME WATCH PROGRAM, is referred to the Committee on Judiciary III.

By Representative Rayfield:

**H.B. 1121**, A BILL TO BE ENTITLED AN ACT SHORTENING THE TIME WITHIN WHICH HEALTH CARE PROVIDERS ARE PROHIBITED FROM DIRECT SOLICITATION OF PROSPECTIVE PATIENTS, is referred to the Committee on Health.

By Representatives Rayfield, Brown, Faison, Pate, Setzer, and Wray:

**H.B. 1122**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE SALES AND USE TAX ON FUNERAL EXPENSES, is referred to the Committee on Finance.

By Representatives Rayfield, Brown, and Faison:

**H.B. 1123**, A BILL TO BE ENTITLED AN ACT PROHIBITING PUBLIC OFFICIALS FROM HOLDING PAID POSITIONS IN NONPROFIT ORGANIZATIONS THAT RECEIVE FUNDING FROM THE STATE OR FEDERAL GOVERNMENT, is referred to the Committee on Judiciary II.

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By Representative Howard:

**H.B. 1124**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROVIDERS PROVIDING SERVICES TO NC HEALTH CHOICE ENROLLEES SHALL BE PAID AT THE RATES PAID PROVIDERS UNDER THE MEDICAL ASSISTANCE PROGRAM, is referred to the Committee on Health.

By Representative Grady:

**H.B. 1125**, A BILL TO BE ENTITLED AN ACT TO REQUIRE APPLICANTS FOR DRIVERS LICENSES TO SIGN AN ANTI-LITTERING PLEDGE, is referred to the Committee on Transportation.

By Representatives Nye, Alexander, Coleman, Faison, Insko, Wainwright, and Weiss:

**H.B. 1126**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR OBESITY PREVENTION INITIATIVES, is referred to the Committee on Appropriations.

By Representatives Nye, Coleman, Faison, Farmer-Butterfield, and Wainwright:

**H.B. 1127**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE MEDICAID PERSONAL NEEDS ALLOWANCE, is referred to the Committee on Appropriations.

By Representatives Moore and Ross (Primary Sponsors); and Rapp:

**H.B. 1128**, A BILL TO BE ENTITLED AN ACT TO REQUIRE TRAINING FOR ALL CAMPAIGN TREASURERS; TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO SET A THREE-YEAR TIME LIMIT BEFORE ANY UNPAID DEBT IN A CAMPAIGN IS DEEMED TO BE A CONTRIBUTION; TO INCLUDE VACANCY ELECTIONS AND NONPARTISAN RUNOFFS IN THE DEFINITION OF "ELECTION" FOR PURPOSES OF CONTRIBUTION LIMITS; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC

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CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO LIMIT THE USE OF CREDIT CARDS FOR PAYMENT OF EXPENDITURES IN PUBLICLY FUNDED JUDICIAL CAMPAIGNS; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; AND TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representative Eddins:

**H.B. 1129**, A BILL TO BE ENTITLED AN ACT REGARDING PUBLIC LAWS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Eddins:

**H.B. 1130**, A BILL TO BE ENTITLED AN ACT REGARDING PUBLIC LAWS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Eddins:

**H.B. 1131**, A BILL TO BE ENTITLED AN ACT REGARDING PUBLIC LAWS, is referred to the Committee on Rules, Calendar, and Operations of the House.

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

**H.B. 1132**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE EASTERN NORTH CAROLINA REGIONAL SCIENCE CENTER, is referred to the Committee on Appropriations.

By Representatives Dickson, Lucas, Glazier, and McAllister (Primary Sponsors); and Insko:

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**H.B. 1133**, A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL RECORDS CHECKS FOR COUNTY GOVERNMENTS, is referred to the Committee on Judiciary IV.

By Representatives Weiss, Justice, Harrison, and Martin (Primary Sponsors); Alexander, B. Allen, Bordsen, Carney, Coleman, Culp, Dollar, Fisher, Glazier, Hackney, Insko, Jeffus, Luebke, Miller, Parmon, Rapp, Ross, Underhill, Wainwright, and Wright:

**H.B. 1134**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO STUDY WATER QUALITY IN THE STATE'S DRINKING WATER RESERVOIRS, TO DEVELOP AND IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR RESERVOIRS FOR WHICH WATER QUALITY MONITORING IS PLANNED, AND TO REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION ON THE STATUS OF CURRENT RULE MAKING TO IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR ANY IMPAIRED RESERVOIRS, is referred to the Committee on Environment and Natural Resources.

By Representatives Harrison, Luebke, Weiss, and Martin (Primary Sponsors); Alexander, Coleman, Fisher, Insko, Underhill, Wainwright, and Wright:

**H.B. 1135**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH AND MAINTAIN A LIST OF CHRONIC VIOLATORS AND A DATABASE OF ENFORCEMENT ACTIONS AND TO FURTHER DISCOURAGE VIOLATIONS RELATING TO THE ENVIRONMENT, is referred to the Committee on Environment and Natural Resources.

By Representatives Culpepper, Hackney, and Hunter (Primary Sponsors); Alexander, Carney, Faison, Insko, Luebke, Weiss, and Wright:

**H.B. 1136**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY IN THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES, is referred to the Committee on Environment and Natural Resources.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Culpepper and without objection, **H.B. 236** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT

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THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER LANDS ACQUIRED BY THE FEDERAL GOVERNMENT, is withdrawn from the Calendar and placed on the Calendar of April 12.

### CALENDAR

Action is taken on the following:

**S.J.R. 1166**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, AND SILVER STAR, AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, passes its second reading, by electronic vote (118-0), and there being no objection is read a third time.

Representative Wray requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (119-0).

The resolution passes its third reading and is ordered enrolled.

### ENROLLED BILLS

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

**S.J.R. 1166**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, AND SILVER STAR, AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY. (RESOLUTION 2005-20)

### BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 1023** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE LOTTERY TO SUPPORT SCHOOL CONSTRUCTION, TO FUND COLLEGE AND UNIVERSITY SCHOLARSHIPS, AND TO GENERATE FUNDS TO FURTHER THE GOAL OF PROVIDING ENHANCED EDUCATIONAL OPPORTUNITIES SO THAT ALL STUDENTS IN THE PUBLIC SCHOOLS CAN ACHIEVE THEIR

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FULL POTENTIAL, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE LOTTERY, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (62-58), and there being no objection is read a third time.

Representative Harrison requests and is granted permission to change her vote from "aye" to "no". The adjusted vote total is (61-59).

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 Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 581**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS, with a favorable report.

Pursuant to Rule 38(b), the bill is re-referred to the Committee on Finance.

**H.B. 826**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANSONVILLE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, with a favorable report.

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

**H.B. 827**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO REGULATE GOLF CARTS, with a favorable report.

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

By Representative McAllister, Chair, for the Committee on Children, Youth and Families:

April 6, 2005

**H.B. 707**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES, with a favorable report.

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

By Representatives Pate and Underhill, Chairs, for the Committee on Military, Veterans and Indian Affairs:

**H.B. 897**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, 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 Representative Wright, Chair, for the Committee on Health:

**H.B. 1060**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL LAW, 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.

**S.B. 179**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF LAURINBURG TO CONVEY CERTAIN PROPERTY AT A PRIVATE 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.

April 6, 2005



**H.B. 277** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE ABUSED, passes its second reading, by electronic vote (119-0), 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. 686**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE LAW ALLOWING SERVICE ANIMALS IN TRAINING TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS, passes its second reading, by electronic vote (118-0), and there being no objection is read a third time.

On motion of Representative Gibson and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of April 7.

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

**H.B. 752**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE UMSTEAD ACT THE SALE BY NORTH CAROLINA STATE UNIVERSITY OF PRODUCTS PRODUCED BY THE DAIRY AND PROCESS APPLICATION LABORATORY, passes its second reading, by electronic vote (117-1).

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

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

**H.B. 772**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COMPUTER-ASSISTED REMOTE HUNTING, passes its second reading, by electronic vote (119-0), and there being no objection is read a third time.

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

April 6, 2005

**WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Gibson and without objection, **H.B. 686**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE LAW ALLOWING SERVICE ANIMALS IN TRAINING TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS, is withdrawn from the Calendar of April 7 and placed on today's Calendar.

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. 905**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS, 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 Ed Jones, that the House adjourn, subject to the receipt of Committee Reports, committee assignments, the receipt of Messages from the Senate, and upon dissolution of the Joint Session, to reconvene April 7 at 1:00 p.m.

The motion carries.

**SPECIAL MESSAGE FROM THE SENATE****2005 GENERAL ASSEMBLY  
FIRST SESSION**

Senate Chamber  
April 6, 2005

Mr. Speaker:

It is ordered that a message be sent to your Honorable Body with the information that pursuant to **S.J.R. 1166**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, AND SILVER

April 6, 2005

STAR, 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*

The House of Representatives repairs to the Hall of the Senate.

### JOINT SESSION

Pursuant to resolution heretofore adopted, the House of Representatives is received in the Hall of the Senate.

Speaker Black is 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.

On motion of Senator Rand, **S.J.R. 1167**, A JOINT RESOLUTION HONORING NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, OR SILVER STAR, THE NATION'S HIGHEST AWARDS FOR VALOR AND HONORING THE MEMORY OF THE MEN AND WOMEN WHO LOST THEIR LIVES WHILE SERVING IN THE MILITARY, is before the Senate sitting in Joint Session.

Speaker Black and Senator Basnight are appointed to escort Corporal Rodolfo Hernandez of Fayetteville, North Carolina, who is seated for the Joint Session.

The Sergeant-at-Arms of the Senate and House escort the four awardees of the Distinguished Service Cross and the eight awardees of the Silver Star, who are seated in a body for the Joint Session.

The President of the Senate introduces the honored guests and describes each category of awards.

Congressional Medal of Honor  
Corporal Rodolfo P. Hernandez  
Fayetteville, Cumberland County

April 6, 2005

Distinguished Service Cross

John E. Gray, Mt. Ulla, Rowan County  
Max D. Speers, Fayetteville, Cumberland County  
Morris G. Worley, Chapel Hill, Orange County  
Master Sergeant John B. Silva, Fayetteville, Cumberland County

Silver Star

John T. Bode, Raleigh, Wake County  
Preston Garris, Wayne County  
Oscar Moore, Greenville, Pitt County  
Thomas Craig, Jacksonville, Onslow County  
Frank Foronda, Whiteville, Columbus County  
Jack Clark, Aulander, Bertie County  
Colonel Richard Ripley, Garner, Wake County  
Larry Coleman, Dunn, Harnett County  
Berry Lewis, Apex, Wake County  
Charles Meek, Southern Pines, Moore County  
Stan Pickett, Raleigh, Wake County  
Tom Garrison, Badin, Stanly County

Sitting in Joint Session, the Senate passes the resolution on its second reading, by electronic vote (50-0), 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.

The President leads the Body in the Pledge of Allegiance.

Speaker Black makes brief remarks to the Body.

On motion of Speaker Black, seconded by Senator Basnight, the Joint Session is dissolved.

**REPORTS OF STANDING COMMITTEES AND PERMANENT  
SUBCOMMITTEES**

The following reports from standing committee are presented:

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

April 6, 2005

**H.J.R. 1113**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES ALLEN "JIM" GRAHAM, FORMER STATE COMMISSIONER OF AGRICULTURE, with a favorable report.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of April 7.

**H.J.R. 1118**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JUNE ELIZABETH KAY CAMPBELL, FORMER CIVIL RIGHTS LEADER, with a favorable report as to the committee substitute resolution, 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.

#### **ADDENDA TO COMMITTEE ASSIGNMENTS**

April 6, 2005

The Speaker makes the following committee assignments:

**SELECT COMMITTEE ON THE LOTTERY:** Add Representative Harrell.

**ALCOHOLIC BEVERAGE CONTROL:** Add Representative Gibson, Chair; add Representative Ed Jones, Vice Chair.

**2005 BOARD OF GOVERNORS NOMINATING COMMITTEE:** Representative Culpepper, Chair; Representatives Bell, Crawford, Earle, Hackney, LaRoque, McComas, McLawhorn, Sauls, and Sherrill.

The House stands adjourned at 5:15 p.m.

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### **FORTY-SECOND DAY**

HOUSE OF REPRESENTATIVES  
Thursday, April 7, 2005

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

April 7, 2005

The following remarks and prayer are offered by the Reverend Jim Harry, House Chaplain:

"Members of the House, visitors in the Gallery, though we are quite diverse both in our politics and in our respective faith traditions, I tend to think, there are some things on which we can agree. Pope John Paul II's influence has had a huge impact throughout the world. Throughout his life, ministry, and pontificate he was tireless in his pursuit for world peace, stability and justice for all people. Since we will not be here tomorrow on the day of his funeral, I invite us to observe a moment of silence in memory of Karol Wojtyla, Pope John Paul II, following which I will offer a prayer written by the Pope himself for our prayer this afternoon.

-----Moment of silence-----

"Let us pray.

"We ask You, O Lord, for the gifts of Your Spirit. Enable us to penetrate the depth of the whole truth, and grant that we may share with others the goods You have put at our disposal. Teach us to overcome our divisions. Send us Your Spirit to lead to full unity Your sons and daughters in full charity, in obedience to Your will. Amen."

Karol Wojtyla (Pope John Paul II, Poland, 20th cent.)

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 6 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Dockham, LaRoque, and Steen for today.

### **ENROLLED BILLS**

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

**S.B. 179**, AN ACT AUTHORIZING THE CITY OF LAURINBURG TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

April 7, 2005

By Representative McAllister, Chair, for the Committee on Children, Youth and Families:

**H.B. 222**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE COORDINATION OF SERVICES TO CHILDREN, YOUTH, AND FAMILIES BY CREATING CHILDREN'S SERVICES WORK GROUPS, BY ESTABLISHING AN INDEPENDENT STUDY COMMISSION TO MAKE RECOMMENDATIONS ON HOW TO ELIMINATE BARRIERS TO COLLABORATION BETWEEN AND AMONG CHILD-SERVING AGENCIES, AND TO MAKE AN APPROPRIATION AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, 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 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 Representative Hackney, Chair, for the Committee on Judiciary I:

**H.B. 532**, A BILL TO BE ENTITLED AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED, with a favorable report.

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

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 317**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN, with a favorable report.

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

**H.B. 350** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE, with a favorable report.

April 7, 2005

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

**H.B. 393**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS, with a favorable report.

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

**H.B. 871**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF EMERALD ISLE TO IMPOSE A CANAL DREDGING FEE, with a favorable report, as amended.

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

**S.B. 16** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TABOR CITY, with a favorable report.

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

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 856**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY, 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 Sutton, Chair, for the Committee on Judiciary III:

**H.B. 818**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CURRENT STATUS OF DRIVERS AS EMPLOYEES OR INDEPENDENT CONTRACTORS UNDER THE WORKERS' COMPENSATION ACT, with a favorable report.

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

April 7, 2005



By Representatives Steen and Williams, Chairs, for the Committee on Wildlife Resources:

**H.B. 1010**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN WILSON 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.

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

**H.J.R. 841**, A JOINT RESOLUTION HONORING THE MEMORY OF THADDEUS LOVE ON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF WARSAW, with a favorable report.

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

**H.J.R. 933**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CAROLYN AND DOROTHY MCNAIRY, FORMER EDUCATORS, with a favorable report.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of April 11.

By Representatives L. Allen, Allred, Carney and Stiller, Chairs, for the Committee on Transportation:

**H.B. 740**, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED POSITIVE DRUG AND ALCOHOL TEST RESULT, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR OTHER PUBLIC TRANSIT VEHICLES UNTIL SUCCESSFUL COMPLETION OF TREATMENT, with a favorable report.

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

April 7, 2005

**H.B. 813**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS, 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. 887**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO ALLOW THE CITY TO IMPOSE CERTAIN RESTRICTIONS ON PERSONS SOLICITING ON STATE HIGHWAYS AND STREETS, 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 Tucker, Chair, for the Committee on Local Government I:

**H.B. 1028**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY, with a favorable report.

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

**H.B. 601**, 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, 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 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.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

April 7, 2005

By Representative Tolson:

**H.B. 1137**, A BILL TO BE ENTITLED AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Jeffus and Yongue (Primary Sponsors); Coleman, Faison, Glazier, Harrison, Insko, Luebke, McLawhorn, Parmon, Pierce, Rapp, Wainwright, and Womble:

**H.B. 1138**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SALARY OF NATIONALLY CERTIFIED SCHOOL COUNSELORS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Crawford and Wray:

**H.B. 1139**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO VANCE COUNTY FOR THE CONSTRUCTION OF A VISITORS CENTER FOR THE EAST COAST DRAG RACING HALL OF FAME MUSEUM, is referred to the Committee on Appropriations.

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

**H.B. 1140**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOBACCO FARM LIFE MUSEUM IN KENLY, is referred to the Committee on Appropriations.

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

**H.B. 1141**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA BASEBALL MUSEUM, is referred to the Committee on Appropriations.

By Representatives Michaux, Insko, and Parmon:

**H.B. 1142**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES AND CITIES TO LEVY A MENU OF LOCAL OPTION TAXES IF APPROVED BY THE VOTERS, is referred to the Committee on Finance.

By Representatives Michaux and Luebke (Primary Sponsors); Faison and Wainwright:

April 7, 2005

**H.B. 1143**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA MUSEUM OF LIFE AND SCIENCE, is referred to the Committee on Appropriations.

By Representatives Michaux, Parmon, Wainwright, and Womble:

**H.B. 1144**, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Michaux:

**H.B. 1145**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROBATION IS STAYED DURING AN APPEAL FOR A TRIAL DE NOVO FROM A JUDGMENT ENTERED BY A MAGISTRATE OR DISTRICT COURT JUDGE, is referred to the Committee on Judiciary II.

By Representative Michaux:

**H.B. 1146**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE FORECLOSURE PROCESS, is referred to the Committee on Judiciary II.

By Representatives Michaux and Wainwright:

**H.B. 1147**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNIVERSITY OF NORTH CAROLINA MAY ESTABLISH PRIVATE, NONPROFIT CORPORATIONS TO SUPPORT THE CONSTITUENT INSTITUTIONS AND THE UNIVERSITY SYSTEM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Weiss, Ross, Martin, and Coleman (Primary Sponsors); Alexander, Brown, Church, Dickson, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Hackney, Harrison, Hill, Insko, Jeffus, Ed Jones, Luebke, McLawhorn, Parmon, Pierce, Rapp, Underhill, Wainwright, Womble, Wray, and Yongue:

**H.B. 1148**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO PROVIDE TO STATE EMPLOYEES AND PUBLIC SCHOOL PERSONNEL A LEGISLATIVE PAY INCREASE OF FIVE PERCENT, is referred to the Committee on Appropriations.

April 7, 2005

By Representatives Weiss, Ross, B. Allen, and Coleman (Primary Sponsors); Alexander, Bordsen, Brown, Carney, Church, Dickson, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Hackney, Harrison, Hill, Insko, Jeffus, Ed Jones, Luebke, McLawhorn, Parmon, Pierce, Rapp, Underhill, Wainwright, Womble, and Wray:

**H.B. 1149**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO PROVIDE TO STATE EMPLOYEES AND PUBLIC SCHOOL PERSONNEL A LEGISLATIVE PAY INCREASE OF FIVE PERCENT, is referred to the Committee on Appropriations.

By Representatives Goodwin, Glazier, and Ross (Primary Sponsors); Bordsen, Insko, Parmon, Underhill, and Womble:

**H.B. 1150**, A BILL TO BE ENTITLED AN ACT TO AMEND THE JUVENILE CODE TO EXPEDITE OUTCOMES FOR CHILDREN AND FAMILIES INVOLVED IN WELFARE CASES AND APPEALS AND TO LIMIT THE APPOINTMENT OF GUARDIANS AD LITEM FOR PARENTS IN ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS, AS RECOMMENDED BY THE COURT IMPROVEMENT PROJECT, is referred to the Committee on Judiciary I.

By Representatives Jeffus, Faison, Fisher, Harrison, Insko, Luebke, Parmon, Pierce, Wainwright, and Womble:

**H.B. 1151**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A DUTY-FREE LUNCH PERIOD FOR TEACHERS, is referred to the Committee on Education.

By Representatives Yongue, Carney, Johnson, and Preston (Primary Sponsors); Faison, Glazier, Harrison, Insko, Jeffus, Ed Jones, McLawhorn, Parmon, Pierce, Rapp, Wainwright, Womble, and Wray:

**H.B. 1152**, A BILL TO BE ENTITLED AN ACT TO ADD SIX STEPS TO THE TEACHER SALARY SCHEDULE, is referred to the Committee on Appropriations.

By Representatives Crawford and Wray:

**H.B. 1153**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE EAST COAST DRAG RACING HALL OF FAME MUSEUM, is referred to the Committee on Appropriations.

April 7, 2005

By Representatives Nye, Alexander, Faison, Harrison, Luebke, Parmon, Pierce, Wainwright, and Womble:

**H.B. 1154**, 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 Representative Sherrill:

**H.B. 1155**, A BILL TO BE ENTITLED AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL, is referred to the Committee on Education.

By Representatives Hackney, Faison, Glazier, and Harrison:

**H.B. 1156**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR A NORTH CAROLINA JUDICIAL COLLEGE AT THE SCHOOL OF GOVERNMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, is referred to the Committee on Appropriations.

By Representatives Hackney, Parmon, and Stiller:

**H.B. 1157**, A BILL TO BE ENTITLED AN ACT TO ADOPT THE BEST INTEREST OF THE CHILD STANDARD UNDER THE MODEL MARRIAGE AND DIVORCE ACT IN ACTIONS FOR CUSTODY, is referred to the Committee on Judiciary I.

By Representatives Hollo and Hilton (Primary Sponsors); and Setzer:

**H.B. 1158**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SALT BLOCK FOUNDATION, INC., FOR THE RENOVATION OF THE AUDITORIUM OF THE ARTS AND SCIENCE CENTER OF CATAWBA VALLEY AND THE EXPANSION OF THE CATAWBA SCIENCE CENTER, is referred to the Committee on Appropriations.

#### **SPECIAL MESSAGE FROM THE SENATE**

#### **2005 GENERAL ASSEMBLY FIRST SESSION**

April 7, 2005

Senate Chamber  
April 6, 2005

Mr. Speaker:

It is ordered that a message be sent to your Honorable Body notifying you that pursuant to **S.R. 220** (Committee Substitute), A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the Senate has elected the following individuals to the University of North Carolina Board of Governors.

Peaches Gunter Blank  
Phillip R. Dixon  
Ray S. Farris  
Hannah Dawson Gage  
Dr. Willie Gilchrist  
Jim Phillips  
William G. Smith  
J. Bradley Wilson

Respectfully,  
S/ Janet B. Pruitt  
*Principal Clerk*

#### **SPECIAL MESSAGES FROM THE SENATE**

The following Special Messages are received from the Senate:

**S.J.R. 161**, A JOINT RESOLUTION HONORING THE LIFE AND INFLUENCE OF NORTH CAROLINA MUSICIAN AND SINGER CHARLIE POOLE, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on today's Calendar.

**S.J.R. 1167**, A JOINT RESOLUTION HONORING NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, OR SILVER STAR, THE NATION'S HIGHEST AWARDS FOR VALOR AND HONORING THE MEMORY OF THE MEN AND WOMEN WHO LOST THEIR LIVES WHILE SERVING IN THE MILITARY, is read the first time.

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Pursuant to Rule 32(a), the resolution is placed on today's Calendar.

**S.J.R. 1169**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NCAA CHAMPIONSHIP, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on today's Calendar.

### CALENDAR

Action is taken on the following:

**S.J.R. 161**, A JOINT RESOLUTION HONORING THE LIFE AND INFLUENCE OF NORTH CAROLINA MUSICIAN AND SINGER CHARLIE POOLE, 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.

**H.J.R. 1113**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES ALLEN "JIM" GRAHAM, FORMER STATE COMMISSIONER OF AGRICULTURE, 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.

**H.J.R. 1118** (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JUNE ELIZABETH KAY CAMPBELL, FORMER CIVIL RIGHTS LEADER, 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, by electronic vote (110-0), and is ordered sent to the Senate.

**S.J.R. 1167**, A JOINT RESOLUTION HONORING NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, OR SILVER STAR, THE NATION'S HIGHEST AWARDS FOR VALOR AND HONORING THE MEMORY

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OF THE MEN AND WOMEN WHO LOST THEIR LIVES WHILE SERVING IN THE MILITARY, passes its second reading, by electronic vote (112-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

**S.J.R. 1169**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NCAA CHAMPIONSHIP, 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 enrolled.

**H.B. 752**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE UMSTEAD ACT THE SALE BY NORTH CAROLINA STATE UNIVERSITY OF PRODUCTS PRODUCED BY THE DAIRY AND PROCESS APPLICATION LABORATORY, passes its third reading, by electronic vote (114-0), and is ordered sent to the Senate.

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

**H.B. 127** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT STATE EMPLOYEES BE GRANTED PAID LEAVE FOR ELECTION SERVICE IN VOTING SITES, passes its second reading, by electronic vote (109-4), 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. 664** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO FALSIFY, OR DIRECT ANOTHER TO FALSIFY, A HIGHWAY CONSTRUCTION INSPECTION REPORT OR TEST REPORT REQUIRED BY THE DEPARTMENT OF TRANSPORTATION, 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.

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**H.B. 702** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE, passes its second reading, by electronic vote (99-12), and remains on the Calendar.

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

**H.B. 804** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ORDER OF PAYMENT OF A CLAIM FOR EQUITABLE DISTRIBUTION UNDER THE LAWS RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES, 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. 821**, A BILL TO BE ENTITLED AN ACT RELATING TO THE ADMISSIBILITY OF THE RESULTS OF SPEED-MEASURING INSTRUMENTS, 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. 862**, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW PROHIBITING THE REMOVAL OF ELECTRONIC COLLARS FROM DOGS APPLY STATEWIDE, 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. 888** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR COCKFIGHTING, passes its second reading, by electronic vote (106-7).

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

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**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. 355**, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE USE OF CERTAIN RED AND BLUE LIGHTS ON VEHICLES, INCLUDING RED AND BLUE WINDSHIELD WASHER LIGHTS, 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.

On motion of Representative Culpepper, seconded by Representative L. Allen, the House adjourns in memory of Pope John Paul, II, and subject to committee assignments, to reconvene Monday, April 11, 2005, at 7:00 p.m.

The motion carries.

**ADDENDA TO COMMITTEE ASSIGNMENTS**

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The Speaker makes the following committee assignment:

**2005 BOARD OF GOVERNORS NOMINATING COMMITTEE:** Add Representative Brubaker.

The House stands adjourned at 3:35 p.m.

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**FORTY-THIRD DAY**

HOUSE OF REPRESENTATIVES  
Monday, April 11, 2005

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

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

"Loving God:

"Greetings to Thee on this glorious spring evening from we, Your blessed children. We appropriately begin our week's work together acknowledging Your Holy Presence with us.

"O Lord Most High, Purveyor of our souls, search us completely and see if there is anything within us that needs to be cleansed by Thee. Help us to lay aside our pride to allow Your purity to fall fresh like the morning dew upon our hearts. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 7 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brubaker, Capps, Hilton, Morgan, Vinson, and Wright for today. Representative LaRoque is excused for a portion of the Session.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 317**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

#### **ENROLLED BILLS**

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

**S.J.R. 161**, A JOINT RESOLUTION HONORING THE LIFE AND INFLUENCE OF NORTH CAROLINA MUSICIAN AND SINGER CHARLIE POOLE. (RESOLUTION 2005-21)

**S.J.R. 1167**, A JOINT RESOLUTION HONORING NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR

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FORCE CROSS, OR SILVER STAR, THE NATION'S HIGHEST AWARDS FOR VALOR AND HONORING THE MEMORY OF THE MEN AND WOMEN WHO LOST THEIR LIVES WHILE SERVING IN THE MILITARY. (RESOLUTION 2005-22)

**S.J.R. 1169**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NCAA CHAMPIONSHIP. (RESOLUTION 2005-23)

### CHAPTERED BILLS

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

**S.B. 179**, AN ACT AUTHORIZING THE CITY OF LAURINBURG TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE. (S.L. 2005-6)

**H.B. 857**, AN ACT TO EXTEND THE DATE WHEN THE STATE PROPERTY OFFICE MUST SUBMIT A MASTER PLAN FOR THE USE OF THE DOROTHEA DIX PROPERTY TO THE DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION. (S.L. 2005-7)

### 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. 930**, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE TOWN OF GARNER ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY, with a favorable report.

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

By Representatives Harrell and Justice, Chairs, for the Committee on Environment and Natural Resources:

**H.B. 1092**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING

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LICENSE, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, 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.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Holloway, Cleveland, Faison, and Moore:

**H.B. 1159**, A BILL TO BE ENTITLED AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS, is referred to the Committee on Finance.

By Representatives Holloway, Allred, Cleveland, and Moore:

**H.B. 1160**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A SMALL BUSINESS INCOME TAX EXEMPTION, is referred to the Committee on Finance.

By Representatives Harrell, LaRoque, Coates, and L. Allen (Primary Sponsors); Cole, Current, Glazier, Haire, Harrison, McComas, McLawhorn, Owens, Saunders, Tolson, and Yongue:

**H.B. 1161**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO ACCEPT, IN ADDITION TO EXAMINATIONS CONDUCTED BY THE BOARD, THE RESULTS OF OTHER BOARD-APPROVED REGIONAL OR NATIONAL INDEPENDENT THIRD-PARTY CLINICAL EXAMINATIONS OF APPLICANTS SEEKING A LICENSE TO PRACTICE DENTISTRY; AND AUTHORIZING THE BOARD TO ACQUIRE REAL PROPERTY, is referred to the Committee on Health.

By Representatives Cole, Adams, B. Allen, Allred, Bell, Blackwood, Bordsen, Brubaker, Cleveland, Coates, Crawford, Culp, Eddins, Faison,

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Fisher, Frye, Goforth, Goodwin, Grady, Haire, Harrell, Hill, Hilton, Hollo, Holloway, Holmes, Insko, Ed Jones, Justice, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McGee, Michaux, Parmon, Preston, Rapp, Sauls, Sherrill, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wilkins, Wilson, Womble, and Wray:

**H.B. 1162**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS FOR FAIR COMPETITION BY PRESERVING THE ASSIGNMENTS OF ELECTRIC SERVICE TERRITORIES MADE BY THE NORTH CAROLINA UTILITIES COMMISSION FROM EROSION DUE TO ANNEXATION AND TO PROHIBIT THE PRACTICE OF CONDITIONING THE PROVISION OF WATER AND SEWER SERVICE BY A CITY TO AN ANNEXATION PETITIONER UPON THE PETITIONER AGREEING TO BE SUPPLIED WITH ELECTRICITY BY THE CITY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Cole:

**H.B. 1163**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROVISIONS IN MOTOR CARRIER FREIGHT TRANSPORTATION CONTRACTS THAT HOLD HARMLESS THE SHIPPER FOR THE SHIPPER'S NEGLIGENCE OR INTENTIONAL ACTS ARE VOID, is referred to the Committee on Public Utilities.

By Representatives Adams, Jones, and Wainwright:

**H.B. 1164**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE UNITED ARTS COUNCIL OF GREENSBORO FOR THE CAROLINA THEATER, is referred to the Committee on Appropriations.

By Representatives Adams, Harrison, and Jones:

**H.B. 1165**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE UNITED ARTS COUNCIL OF GREENSBORO, is referred to the Committee on Appropriations.

By Representatives Wainwright and Underhill:

**H.B. 1166**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE PROGRAMS OF THE GREATER ENRICHMENT PROGRAM, is referred to the Committee on Appropriations.

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By Representatives Wainwright and Underhill:

**H.B. 1167**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR YOUTH VISION'S SUMMER ENRICHMENT PROGRAMS FOR YOUTHS IN CRAVEN COUNTY, is referred to the Committee on Appropriations.

By Representatives Church, Brubaker, and Grady (Primary Sponsors); LaRoque and Moore:

**H.B. 1168**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DECEPTIVE USE OF THE NAME OR LOGO OF A BANKING ENTITY WITHOUT PERMISSION IN THE MARKETING OF FINANCIAL PRODUCTS AND SERVICES, is referred to the Committee on Financial Institutions.

By Representatives Church, Brubaker, and Grady (Primary Sponsors); and LaRoque:

**H.B. 1169**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INVESTMENT OF STATE AND LOCAL FUNDS IN NORTH CAROLINA FINANCIAL INSTITUTIONS, is referred to the Committee on Financial Institutions.

By Representatives Hunter, B. Allen, Bell, Coleman, Cunningham, Farmer-Butterfield, Harrison, Jones, Ed Jones, Luebke, McLawhorn, Parmon, Pierce, Sherrill, Wainwright, Womble, and Wray:

**H.B. 1170**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR THE NORTH CAROLINA COMMUNITY DEVELOPMENT INITIATIVE, INC., is referred to the Committee on Appropriations.

By Representatives McComas, Preston, and Wainwright:

**H.B. 1171**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EQUIPMENT AND INFRASTRUCTURE NEEDS AT THE STATE PORTS, is referred to the Committee on Appropriations.

By Representatives Gibson, Brubaker, McComas, and L. Allen (Primary Sponsors); Frye, Gillespie, and LaRoque:

**H.B. 1172**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF COUNTIES AND MUNICIPALITIES IN REGULATING

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CERTAIN FORESTRY ACTIVITIES, is referred to the Committee on Environment and Natural Resources.

By Representative Owens:

**H.B. 1173**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PORT DISCOVER: NORTHEASTERN NORTH CAROLINA'S CENTER FOR HANDS-ON-SCIENCE, is referred to the Committee on Appropriations.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 472**, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS, AND TO REQUIRE PERSONS CONVICTED OF THIS OFFENSE TO REGISTER AS SEX OFFENDERS, is read the first time and referred to the Committee on Judiciary IV.

**S.B. 482**, A BILL TO BE ENTITLED AN ACT TO EXEMPT LARGE INDOOR ARENAS WITH SEATING CAPACITIES GREATER THAN TWENTY-THREE THOUSAND FROM SMOKING REGULATIONS PROVIDED FOR IN ARTICLE 64 OF CHAPTER 143 OF THE GENERAL STATUTES, is read the first time and referred to the Committee on Health.

**S.B. 507**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN OFFENSE COMMITTED AGAINST OR THAT PROXIMATELY CAUSES SERIOUS INJURY TO A SOCIAL WORKER IS AN AGGRAVATING FACTOR, is read the first time and referred to the Committee on Judiciary III.

**S.B. 577**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN UNAUTHORIZED INSURER SHALL NOT OPERATE IN THIS STATE IN ITS OWN NAME OR UNDER A "DOING BUSINESS AS" DESIGNATION AS A THIRD PARTY ADMINISTRATOR, is read the first time and referred to the Committee on Insurance.

**S.B. 682** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO PUBLIC HEALTH AUTHORITIES THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO

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COUNTIES AND CITIES, is read the first time and referred to the Committee on Finance.

### CALENDAR

Action is taken on the following:

**H.J.R. 933**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CAROLYN AND DOROTHY MCNAIRY, FORMER EDUCATORS, 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 sent to the Senate.

### INTRODUCTION OF PAGES

Pages for the week of April 11 are introduced to the membership. They are: April Bowden of Montgomery; J. P. Duncan of Caswell; Sarah Flowers of Nash; Alisha Graham of Rowan; Shelby Green of Guilford; Jamaal Griffin of Harnett; Kelsey McDaniel of Davie; John Melvin of Wake; Jody Owens of Mitchell; Conrad Patterson of Franklin; Courtney Patterson of Franklin; Robert Sneed of New Hanover; and Erin Woodlief of Nash.

On motion of Representative Culpepper, seconded by Representative Fisher, the House adjourns at 7:47 p.m. to reconvene April 12 at 2:00 p.m.

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## FORTY-FOURTH DAY

HOUSE OF REPRESENTATIVES  
Tuesday, April 12, 2005

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

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

"Almighty God:

"Day in and day out we begin our Sessions by praying to Thee. By virtue of the framers of the North Carolina Constitution, we must begin

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each Legislative Session in prayer. And, so, along with the approval of the journal, the receiving of petitions and addresses, the ratification of bills and everything else we must do...we pray. Lord God, help us not to see this as just one more cog in the wheel of the way things are appropriately done. Rather, let us use these very few and precious seconds to spend just one fleeting moment with You. And, while we linger near Your throne, albeit briefly, tell us once more how much You love us. Stake Your claim on our lives and pray that we might receive Your free gift of grace. Amen."

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

Leaves of absence are granted Representatives Vinson and Warren for today.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committee and permanent subcommittees are presented:

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

**H.B. 58**, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION 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.

By Representatives Dickson and Ray, Chairs, for the Education Subcommittee on Universities:

**H.B. 678**, A BILL TO BE ENTITLED AN ACT ALLOWING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL TO OBTAIN BIDS ON CERTAIN SERVICE CONTRACTS WITHOUT OBTAINING APPROVAL FROM THE STATE PURCHASING OFFICER, 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. 780**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCESS BY WHICH THE NEED-BASED SCHOLARSHIP LOAN FUND IS ADMINISTERED, 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 Ross, B. Allen, and Stam:

**H.B. 1174**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS REGARDING THE ISSUANCE AND REVOCATION OF PERMITS AT LOCATIONS THAT ARE OR BECOME UNSUITABLE TO HOLD ABC PERMITS, is referred to the Committee on Alcoholic Beverage Control.

By Representatives Vinson, Capps, Cleveland, Culp, Current, Dollar, Frye, Gillespie, Hilton, Holloway, Lewis, McGee, Setzer, Stam, Starnes, and Womble:

**H.B. 1175**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA DISABLED PERSONS PROTECTION ACT, is referred to the Committee on Judiciary I.

By Representatives Weiss, Glazier, Goodwin, and Harrison (Primary Sponsors); Insko and Luebke:

**H.B. 1176**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON PROPERTY OF A JUDGMENT DEBTOR THAT IS FREE OF THE ENFORCEMENT OF THE CLAIMS OF CREDITORS, TO EXEMPT ADDITIONAL TYPES OF PROPERTY FROM ENFORCEMENT, TO PROVIDE FOR FUTURE AUTOMATIC ADJUSTMENTS OF THESE CAPS ON EXEMPT PROPERTY, AND TO MAKE CONFORMING CHANGES, is referred to the Committee on Judiciary IV.

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By Representative Warren:

**H.B. 1177**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST MARTIN COMMUNITY COLLEGE WITH CRITICAL NEEDS, is referred to the Committee on Appropriations.

By Representatives Hackney, Insko, Owens, and Crawford (Primary Sponsors); B. Allen, L. Allen, Coleman, Frye, Gillespie, Harrison, Luebke, Martin, McLawhorn, Ray, and Underhill:

**H.J.R. 1178**, A JOINT RESOLUTION HONORING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM ON WINNING THE 2005 NCAA DIVISION I CHAMPIONSHIP AND HONORING THE MEMORY OF FORMER TAR HEEL PLAYERS AND COACHES.

Pursuant to Rule 32(a), the resolution is placed on the Calendar of April 12.

By Representatives Glazier, Dickson, Lucas, and McAllister (Primary Sponsors):

**H.B. 1179**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE WOMEN'S CENTER OF FAYETTEVILLE, is referred to the Committee on Appropriations.

By Representatives Alexander and Glazier (Primary Sponsors); B. Allen, Coleman, Faison, Harrison, Insko, Luebke, and Weiss:

**H.B. 1180**, A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS RELATED TO THE MIGRANT HOUSING ACT OF NORTH CAROLINA, is referred to the Committee on Agriculture.

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

**H.B. 1181**, A BILL TO BE ENTITLED AN ACT TO ALLOW A DISTRICT COURT JUDGE WHO REACHES THE MANDATORY RETIREMENT AGE TO CONTINUE IN OFFICE UNTIL THE EXPIRATION OF THE JUDGE'S TERM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culp:

**H.B. 1182**, A BILL TO BE ENTITLED AN ACT TO AMEND THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT

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ACT TO DEFINE DE FACTO CUSTODIAN, is referred to the Committee on Judiciary IV.

By Representatives Glazier, Luebke, Barnhart, and Sauls (Primary Sponsors); Alexander, B. Allen, Carney, Faison, Fisher, Hackney, Harrison, Insko, Jeffus, Lucas, Michaux, Miller, Owens, Parmon, Ross, Tucker, Vinson, Wainwright, Weiss, Wilkins, Womble, and Wright:

**H.B. 1183**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO MEETS CERTAIN QUALIFICATIONS SHALL BE ACCORDED RESIDENT TUITION STATUS IF THE PERSON ENROLLS AS A STUDENT IN A CONSTITUENT INSTITUTION OR A COMMUNITY COLLEGE, is referred to the Committee on Education.

By Representative Allred:

**H.R. 1184**, A HOUSE RESOLUTION URGING CONGRESS TO ELIMINATE UNFAIR TAX ADVANTAGES FOR CONGRESSIONAL CAMPAIGN COMMITTEES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Moore:

**H.B. 1185**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ELIGIBILITY REQUIREMENTS FOR GRANTS TO RURAL VOLUNTEER FIRE DEPARTMENTS TO REFLECT POPULATION GROWTH IN RAPIDLY URBANIZED AREAS, is referred to the Committee on Insurance.

By Representatives Haire, Alexander, Bordsen, Coleman, Luebke, Parmon, and Weiss:

**H.B. 1186**, A BILL TO BE ENTITLED AN ACT TO MAKE THE INCREASE IN SENTENCE LENGTHS BETWEEN PRIOR RECORD LEVELS MORE PROPORTIONATE USING A SET PERCENTAGE INCREMENT, is referred to the Committee on Judiciary III.

By Representatives Haire, Alexander, Bordsen, Coleman, Luebke, Parmon, and Weiss:

**H.B. 1187**, A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN ORDER TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO EVEN OUT THE REMAINING RANGES, is referred to the Committee on Judiciary III.

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By Representatives Haire, Bordsen, Luebke, and Parmon:

**H.B. 1188**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COURT-IMPOSED AND ENFORCED POST-RELEASE PUNISHMENT OF PRISONERS UNDER STRUCTURED SENTENCING, is referred to the Committee on Judiciary III.

By Representative Haire:

**H.B. 1189**, A BILL TO BE ENTITLED AN ACT TO PROTECT FONTANA LAKE AND THE OUTSTANDING RESOURCE WATERS DRAINING TO FONTANA LAKE, is referred to the Committee on Environment and Natural Resources.

By Representatives Nye, B. Allen, and Faison:

**H.B. 1190**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HEARING AID FITTING AND DISPENSING BY AUDIOLOGISTS AND TO MAKE TECHNICAL CHANGES TO THE LAWS PERTAINING TO HEARING AID DEALERS AND FITTERS TO AUTHORIZE AUDIOLOGISTS TO FIT AND DISPENSE HEARING AIDS, is referred to the Committee on Health.

By Representatives Haire, Hackney, and Underhill (Primary Sponsors); Alexander, Faison, Glazier, Goforth, Harrison, Insko, Luebke, McLawhorn, Rapp, Ross, Wainwright, Weiss, and Womble:

**H.B. 1191**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO (1) DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, (2) DEVELOP A RECOMMENDED GLOBAL WARMING POLLUTANT REDUCTION GOAL, AND (3) RECOMMEND A PROCESS FOR THE DEVELOPMENT OF A STATE CLIMATE ACTION PLAN, is referred to the Committee on Environment and Natural Resources.

By Representatives Fisher, Sherrill, and Goforth (Primary Sponsors); and B. Allen:

**H.B. 1192**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE HEALTH ADVENTURE FOR A NEW FACILITY IN THE CITY OF ASHEVILLE, is referred to the Committee on Appropriations.

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By Representatives Weiss, L. Allen, Fisher, and Harrison (Primary Sponsors); B. Allen, Carney, Insko, McComas, and Owens:

**H.B. 1193**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR PROJECTS THAT WILL PROVIDE REAL-TIME REMOTE MONITORING (RTRM) OF DRINKING WATER RESERVOIRS IN WESTERN AND PIEDMONT NORTH CAROLINA AND PROVIDE REAL-TIME REMOTE MONITORING (RTRM) OF WATERS AND ENHANCEMENT OF THE BLUE CRAB FISHERY IN NORTHEASTERN COASTAL NORTH CAROLINA, is referred to the Committee on Appropriations.

By Representatives Weiss and Insko (Primary Sponsors); B. Allen and Womble:

**H.B. 1194**, A BILL TO BE ENTITLED AN ACT TO DEFINE PHYSICAL THERAPY AS A PROFESSIONAL SERVICE UNDER THE PROFESSIONAL CORPORATION ACT, TO AUTHORIZE THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO DISCIPLINE PERSONS FOR PAYING FOR REFERRALS OF PHYSICAL THERAPY PATIENTS, AND TO PREVENT CORPORATE OR BUSINESS INTERESTS FROM INTERFERING WITH PROFESSIONAL PHYSICAL THERAPY JUDGMENTS CONCERNING THE BEST INTERESTS OF PATIENTS, is referred to the Committee on Health.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 178** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO LICENSURE REQUIREMENTS FOR PLUMBING AND HEATING CONTRACTORS, is read the first time and referred to the Committee on Finance.

**S.B. 396** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING COUNTIES TO MAKE CHANGES IN SERVICE DISTRICTS CREATED PURSUANT TO ARTICLE 16 OF CHAPTER 153A OF THE GENERAL STATUTES, is read the first time and referred to the Committee on Finance.

**S.B. 626** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE

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FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; TO PROVIDE SPECIAL ENROLLMENT PERIODS WITHOUT PENALTY FOR PERSONS ENROLLED UNDER A GROUP PLAN WHOSE COVERAGE IS TERMINATED WHEN AN INSURER DISCONTINUES WRITING A CERTAIN TYPE OF GROUP HEALTH INSURANCE COVERAGE THROUGHOUT THAT ENTIRE SMALL OR LARGE GROUP MARKET; AND TO PROVIDE CONTINUED GUARANTEED ISSUE RIGHTS TO A PERSON WHO IS HIPAA ELIGIBLE, WHO IS INSURED IN THE INDIVIDUAL MARKET, AND WHOSE INSURER DISCONTINUES WRITING A CERTAIN TYPE OF HEALTH INSURANCE COVERAGE THROUGHOUT THE ENTIRE INDIVIDUAL MARKET, is read the first time and referred to the Committee on Insurance.

**S.B. 707** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE THIRTY-DAY DEADLINES IMPOSED UPON AGENTS AND BAIL BONDSMEN SEEKING INTERNAL ADMINISTRATIVE REVIEW OF A DENIAL OF LICENSURE AND SUBSEQUENTLY SEEKING A HEARING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL STATUTES ARE MANDATORY, NOT OPTIONAL, is read the first time and referred to the Committee on Insurance.

### CALENDAR

Action is taken on the following:

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

**H.J.R. 841**, A JOINT RESOLUTION HONORING THE MEMORY OF THADDEUS LOVE ON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF WARSAW, passes its second reading, by electronic vote (117-0), 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.

### ESCORT COMMITTEE ANNOUNCED

The Speaker appoints the following Members as an Escort Committee for the 2005 NCAA Championship UNC-CH Basketball Team, pursuant to **S.J.R. 1169**, A JOINT RESOLUTION PROVIDING THAT THE 2005

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GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NCAA CHAMPIONSHIP: Representatives Hackney, Insko, Faison, and Morgan.

The Senate is so notified by Special Message.

**CALENDAR (continued)**

**H.J.R. 1178**, A JOINT RESOLUTION HONORING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM ON WINNING THE 2005 NCAA DIVISION I CHAMPIONSHIP AND HONORING THE MEMORY OF FORMER TAR HEEL PLAYERS AND COACHES, passes its second reading, by electronic vote (116-0), and there being no objection is read a third time.

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

**WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 38(b), **H.B. 58** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Finance.

**CALENDAR (continued)**

**H.B. 702** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE, passes its third reading, by electronic vote (102-14), and is ordered sent to the Senate.

**H.B. 888** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR COCKFIGHTING.

Representative Haire offers Amendment No. 1 which fails of adoption by electronic vote (13-103).

The bill passes its third reading, by electronic vote (108-8), 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. 451** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, AND TO MAKE OTHER CONFORMING CHANGES, 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.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 818**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CURRENT STATUS OF DRIVERS AS EMPLOYEES OR INDEPENDENT CONTRACTORS UNDER THE WORKERS' COMPENSATION ACT, 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 (continued)**

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

**H.B. 510** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY, passes its second reading, by electronic vote (116-0), and remains on the Calendar.

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

**H.B. 125**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON 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; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, Johnson, Jones, Ed Jones,

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Justice, Justus, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 94.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Current, Daughtry, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, Kiser, Langdon, Moore, Rhodes, Setzer, and Wiley - 20.

Excused absences: Representatives Vinson and Warren - 2.

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

**H.B. 351** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX FOR PASQUOTANK COUNTY AND ELIZABETH CITY, 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, L. Allen, Barnhart, Bell, Bordsen, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 94.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Current, Daughtry, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, Kiser, Langdon, Moore, Rhodes, Setzer, and Wiley - 20.

Excused absences: Representatives Vinson and Warren - 2.

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

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**H.B. 540** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HALIFAX COUNTY TOURISM AND DEVELOPMENT TAX AND TO IMPLEMENT A TOURISM AND DEVELOPMENT TAX FOR THE CITY OF ROANOKE RAPIDS, 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, L. Allen, Barnhart, Bell, Bordsen, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Daughtridg, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 94.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Current, Daughtry, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, Kiser, Langdon, Moore, Rhodes, Setzer, and Wiley - 20.

Excused absences: Representatives Vinson and Warren - 2.

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

**H.B. 544**, A BILL TO BE ENTITLED AN ACT TO AMEND THE MADISON COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Daughtridg, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Morgan, Nye, Owens,

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Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 94.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Current, Daughtry, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, Kiser, Langdon, Moore, Rhodes, Setzer, and Wiley - 20.

Excused absences: Representatives Vinson and Warren - 2.

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

**H.B. 843** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY AN ADDITIONAL 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; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 94.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Current, Daughtry, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, Kiser, Langdon, Moore, Rhodes, Setzer, and Wiley - 20.

Excused absences: Representatives Vinson and Warren - 2.

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

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**H.B. 278**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WALKERTOWN, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: Representative Rhodes.

Excused absences: Representatives Vinson and Warren - 2.

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

**H.B. 370**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF LANDIS, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders,

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Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: Representative Rhodes.

Excused absences: Representatives Vinson and Warren - 2.

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

**H.B. 478**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF TOBACCOVILLE, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: Representative Rhodes.

Excused absences: Representatives Vinson and Warren - 2.

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

**H.B. 399** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS, 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, L. Allen, Allred, Almond, Barnhart, Bell,

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Blackwood, Blust, Bordsen, Brown, Brubaker, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: Representatives Capps and Rhodes - 2.

Excused absences: Representatives Vinson and Warren - 2.

**H.B. 236** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER LANDS ACQUIRED BY THE FEDERAL GOVERNMENT.

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (118-0).

The bill, as amended, passes its second reading, by electronic vote (109-9), 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.

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

**H.B. 869**, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS, passes its second reading, by electronic vote (117-0), 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:

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By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 449**, A BILL TO BE ENTITLED AN ACT TO CONFORM THE VALUATION OF GIFTS FOR GIFT TAX PURPOSES TO THE FEDERAL STANDARDS, with a favorable report, as amended.

Pursuant to Rule 36(b), the bill is placed on the Calendar of April 13.

**H.B. 705**, A BILL TO BE ENTITLED AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS, with a favorable report.

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

**H.B. 986**, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF GREENVILLE, 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 April 13. The original bill is placed on the Unfavorable Calendar.

**H.B. 1080**, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of April 13.

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

**H.B. 35**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE

April 12, 2005

THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, 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.

**H.B. 891**, A BILL TO BE ENTITLED AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES, 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.

Representative Culpepper moves, seconded by Representative Harrell, that the House adjourn upon dissolution of the Joint Session to reconvene April 13 at 3:30 p.m.

The motion carries.

#### **SPECIAL MESSAGE TO THE SENATE**

The Speaker directs a Special Message be sent to the Senate informing that Honorable Body that the House of Representatives stands ready to repair to the Hall of the Senate to sit in Joint Session with them.

#### **SPECIAL MESSAGE FROM THE SENATE**

#### **2005 GENERAL ASSEMBLY FIRST SESSION**

Senate Chamber  
April 12, 2005

Mr. Speaker:

Pursuant to **S.J.R. 1169**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT

April 12, 2005

SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NCAA CHAMPIONSHIP, the President *Pro Tempore* appoints the following Senators as a committee on the part of the Senate to escort the 2005 NCAA National Basketball Champions to the Joint Session in the Hall of the House of Representatives April 12, 2005:

Senator Kinnaird  
Senator Soles  
Senator Dannelly  
Senator Stevens

Respectfully,  
S/ Janet B. Pruitt  
*Principal Clerk*

**SPECIAL MESSAGE FROM THE SENATE**

**2005 GENERAL ASSEMBLY  
FIRST SESSION**

Senate Chamber  
April 12, 2005

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that pursuant to **S.J.R. 1169**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NCAA CHAMPIONSHIP, the Senate stands ready to receive your Honorable Body in Joint Session.

Respectfully,  
S/ Janet B. Pruitt  
*Principal Clerk*

The House of Representatives repairs to the Hall of the Senate.

**JOINT SESSION**

Pursuant to resolution heretofore adopted and exchange of messages, the House of Representatives is received in the Hall of the Senate.

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The Speaker is 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 University of North Carolina at Chapel Hill men's basketball team, coaches and staff, as well as other University officials.

The Sergeant-at-Arms of the Senate and House escort the guests to the Well of the Senate.

Senator Soles is recognized and he presents the 2005 NCAA Division I Men's Championship UNC Basketball Team, "The Tarheels", to the Members of the Joint Assembly.

The President of the Senate introduces the following University officials, staff and team members:

University officials: Chancellor James Moeser and Athletic Director, Dick Baddour.

Coaching staff: Coach Roy Williams; Mrs. Wanda Williams; Joe Holloday, Assistant Coach; Steve Robinson, Assistant Coach; C. B. McGrath, Assistant Coach; Jerod Haase, Administrative Assistant/Assistant Strength; Jonas Sahratian, Strength and Conditioning Coordinator; and Marc Davis, Head Trainer and Physical Therapist.

Team members: Jawad Williams; Jackie Manuel; Melvin Scott; Rashad McCants; Raymond Felton; Sean May; Damion Grant; David Noel; Byron Sanders; Reyshawn Terry; Wes Miller; Marvin Williams; Quentin Thomas; C. J. Hooker; Charlie Everett; Jesse Holley; and Brooks Foster.

Managers: David Hooks; Russ Lauten; Preston Puchett; Bradley Vanhoy; Kathryn Howlett; and Zane Hendrix.

The Reading Clerk of the Senate reads the text of **S.J.R. 1170**, A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2005 NCAA DIVISION I CHAMPIONSHIP, to the Body.

The resolution passes the Senate in Joint Session on its second reading, by electronic vote (47-0), and there being no objection is read a third time.

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The resolution passes the Senate, by voice vote, and is ordered sent to the House by Special Message.

Representative Hackney introduces Coach Roy Williams, who makes brief remarks to the Body.

The President of the Senate; Senator Basnight, President Pro Tempore of the Senate; and Speaker Black make brief remarks and present a plaque to Coach Williams on behalf of the General Assembly.

On motion of Speaker Black, seconded by Senator Basnight, the Joint Session is dissolved and the Senate resumes its business.

The House stands adjourned at 4:05 p.m.

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## **FORTY-FIFTH DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, April 13, 2005

The House meets at 3:30 p.m. pursuant to adjournment and is called to order by the Speaker.

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

"Lord God Almighty,

"Send Your Holy Spirit to lift us up from the slimy pits and the miry bogs in which we may find ourselves either professionally or personally. Give us a reverent voice to sing alongside the Psalmist, a fellow pilgrim on life's road who, too, experienced his share of grief, frustration, and exhaustion. Let us find in our hearts the melody to sing his song:

"I waited patiently for the LORD;  
He turned to me and heard my cry.  
He lifted me out of the slimy pit,  
Out of the mud and mire;  
He set my feet on a rock  
And gave me a firm place to stand.'

"Amen."

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

Leaves of absence are granted Representatives Vinson and Warren for today. Representatives Adams, Culp, and Underhill are excused for a portion of the Session.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 75** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON AND THE TOWN OF LOUISBURG, with recommendation that the House concur.

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

**H.B. 860**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE GOVERNING BOARD OF THE TOWN OF BAKERSVILLE FROM THE BOARD OF ALDERMEN TO THE TOWN COUNCIL, TO PROVIDE THAT THE MAYOR SHALL BE ELECTED TO A FOUR-YEAR TERM, AND TO PROVIDE THAT THE TOWN COUNCIL SHALL BE ELECTED FOR TWO AND FOUR-YEAR TERMS, 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. 963**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF MATTHEWS, with a favorable report.

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

**H.B. 973**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE, with a favorable report.

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

**S.B. 332**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENSBORO TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES, with a favorable report.

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

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

**H.B. 1000**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE BOARD OF GREENE COUNTY COMMISSIONERS MAY REQUIRE THE REGISTER OF DEEDS NOT TO ACCEPT DEEDS 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.

**S.B. 166** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ROSE HILL AND BLADENBORO TO REGULATE GOLF CARTS, 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 April 14. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representatives L. Allen, Allred, Carney, and Stiller, Chairs, for the Committee on Transportation:

**H.B. 665**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS, with a favorable report.

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

**H.B. 666**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS, 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.B. 761**, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR CARRIER SAFETY STATUTES, with a favorable report.

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

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

**H.B. 1011**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY FOR AN INMATE TO BITE A STATE OR LOCAL GOVERNMENT EMPLOYEE, 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. 1077**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH, 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 Frye and Hilton, Chairs, for the Committee on Federal Relations and Trade Issues:

**H.R. 341**, A HOUSE RESOLUTION URGING THE COMMITTEE ON THE IMPLEMENTATION OF TEXTILE AGREEMENTS TO APPROVE THE SAFEGUARD PETITIONS FILED BY THE UNITED STATES TEXTILE INDUSTRY, with recommendation that the committee substitute resolution, which changes the title, be adopted, 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.

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

**S.B. 210**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND

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CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE, with a favorable report.

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

By Representatives Johnson and Womble, Chairs, for the Committee on State Government:

**H.B. 21**, A BILL TO BE ENTITLED AN ACT TO ADOPT THE LEXINGTON BARBECUE FESTIVAL AS THE OFFICIAL BARBECUE FESTIVAL OF 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.

**H.B. 454**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GUARANTEED ENERGY SAVINGS CONTRACTS INCLUDE CONSERVATION MEASURES FOR WATER AND OTHER UTILITIES, TO RAISE THE CAP FOR GUARANTEED ENERGY SAVINGS CONTRACTS, TO EXPAND THE STATE'S ENERGY POLICY AND LIFE-CYCLE COST ANALYSIS TO INCLUDE THE CONSERVATION OF WATER AND OTHER UTILITIES, AND TO MAKE CONFORMING CHANGES, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

**H.B. 864**, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE AUTHORITY OF THE STATE TO CONDEMN PROPERTY FOR MAYO STATE PARK IN ROCKINGHAM 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.

**H.B. 1006**, A BILL TO BE ENTITLED AN ACT REQUIRING COMPANIES ENTERING INTO CONTRACTS WITH STATE DEPARTMENTS TO EXAMINE THEIR RECORDS FOR EVIDENCE OF PARTICIPATION IN OR PROFITING FROM SLAVERY, with a favorable report.

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Pursuant to Rule 36(b)(2), the bill is re-referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Pate and Underhill, Chairs, for the Committee on Military, Veterans and Indian Affairs:

**H.B. 741**, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA DEPARTMENT OF VETERANS 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.

By Representatives Harrell and Justice, Chairs, for the Committee on Environment and Natural Resources:

**H.B. 908**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONE OF THE FIFTEEN MEMBERS OF THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION MAY BE FROM A WATER OR SEWER MUNICIPAL UTILITY RATHER THAN AN AUTHORITY, 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 Glazier and Parmon, Chairs, for the Education Subcommittee on Pre-School, Elementary and Secondary Education:

**H.B. 415**, A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY IN THE SCHOOL CALENDAR TO ACCOMMODATE EXTRAORDINARY CIRCUMSTANCES CAUSED BY HURRICANES FRANCES AND IVAN, 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 Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 801**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE TO RESOLVE THE ISSUE OF CONFLICTING CHILD

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CUSTODY ORDERS; TO CLARIFY THE EFFECT OF TERMINATING JURISDICTION IN CERTAIN JUVENILE CASES; TO GIVE THE COURT AUTHORITY TO CONVERT A JUVENILE COURT CUSTODY ORDER INTO A PERMANENT CUSTODY ORDER UNDER CHAPTER 50 OF THE GENERAL STATUTES; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW, 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. 878**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONFERENCE OF CLERKS OF SUPERIOR COURT, 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 Church and Grady, Chairs, for the Committee on Financial Institutions:

**H.B. 621**, A BILL TO BE ENTITLED AN ACT TO ALLOW ALTERNATIVE INTEREST RATES AND MATURITIES FOR LOANS NOT EXCEEDING TWELVE HUNDRED DOLLARS, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

#### **SUBCOMMITTEE REFERRAL**

Representatives Bell, Lucas, and McLawhorn, Chairs, for the Standing Committee on Education, refer **H.B. 1074**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ENROLLING CHILDREN IN THE PUBLIC SCHOOLS, to the Education Subcommittee on Pre-School, Elementary and Secondary Education.

#### **ENROLLED BILLS**

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. 1118**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JUNE ELIZABETH KAY CAMPBELL, FORMER CIVIL RIGHTS LEADER. (RESOLUTION 2005-24)

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Goforth and Fisher:

**H.B. 1195**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT WNC COMMUNITIES, is referred to the Committee on Appropriations.

By Representative Church:

**H.B. 1196**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHOLESALE DRUG DISTRIBUTOR LICENSING FEE FOR SMALL BUSINESSES, is referred to the Committee on Finance.

By Representatives Holliman, B. Allen, Parmon, and Wiley:

**H.B. 1197**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL MULTIPLE SCLEROSIS SOCIETY SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representative Saunders:

**H.R. 1198**, A HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO PROVIDE FOR A DOMESTIC ENERGY POLICY THAT WILL ENSURE AN ADEQUATE SUPPLY OF NATURAL GAS WHILE PROMOTING ECONOMIC AND NATIONAL SECURITY FOR THE BENEFIT OF FUTURE GENERATIONS OF AMERICANS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Holliman:

**H.B. 1199**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST MAY FILE AN AFFIDAVIT FOR INVOLUNTARY COMMITMENT WITH THE CLERK OR MAGISTRATE EITHER BY HAND DELIVERY OF THE ORIGINAL AFFIDAVIT OR BY FACSIMILE TRANSMISSION OF A PAPER COPY

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OF THE AFFIDAVIT BEARING THE ORIGINAL SIGNATURE OF THE AFFIANT, is referred to the Committee on Judiciary I.

By Representatives Hilton, Blackwood, Capps, Eddins, Frye, Gillespie, Hollo, Holloway, Johnson, Justice, LaRoque, Pate, Sauls, Setzer, Stam, Steen, Vinson, and Wiley:

**H.B. 1200**, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURES PERTAINING TO PARENTAL CONSENT FOR A MINOR TO OBTAIN AN ABORTION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hilton, Capps, Eddins, Frye, Gillespie, Hollo, Johnson, Pate, Sauls, Setzer, Stam, and Steen:

**H.B. 1201**, A BILL TO BE ENTITLED AN ACT TO DEFINE PUBLIC HEALTH REQUIREMENTS FOR ABORTION CLINICS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Bordsen:

**H.B. 1202**, A BILL TO BE ENTITLED AN ACT TO CLARIFY ALTERNATIVE REPRESENTATION OF METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES, is referred to the Committee on Ways and Means.

By Representatives Luebke and Womble (Primary Sponsors); Adams, Alexander, B. Allen, Bell, Carney, Farmer-Butterfield, Fisher, Glazier, Harrison, Hunter, Insko, Jeffus, Jones, Ed Jones, Lucas, Michaux, Miller, Parmon, Pierce, Ross, Wainwright, and Weiss:

**H.B. 1203**, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO INCLUDE SEXUAL ORIENTATION TO THE LIST OF CLASSIFICATIONS COVERED BY THE STATE'S EQUAL EMPLOYMENT OPPORTUNITY LAW, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Jones, Jeffus, Adams, and Harrison (Primary Sponsors); Alexander, B. Allen, Faison, Insko, Wainwright, and Womble:

**H.B. 1204**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE INTERNATIONAL CIVIL RIGHTS CENTER AND MUSEUM, is referred to the Committee on Appropriations.

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By Representatives Jones, Wainwright, and Womble:

**H.B. 1205**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST AFRICAN AMERICAN ATELIER, INC., IN PROVIDING ITS ARTS PROGRAMS AND EXHIBITS, is referred to the Committee on Appropriations.

By Representatives Williams, Steen, and Gulley (Primary Sponsors):

**H.B. 1206**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DOMESTICALLY PROPAGATED WATERFOWL AND GAME BIRDS IN DOG TRAINING UNDER CERTAIN CONDITIONS, is referred to the Committee on Wildlife Resources.

By Representative Culpepper:

**H.B. 1207**, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Tolson and Wray:

**H.B. 1208**, A BILL TO BE ENTITLED AN ACT TO INCLUDE CERTAIN FOOD PROCESSING AND DISTRIBUTION CENTERS IN THE DEFINITION OF ELIGIBLE MAJOR INDUSTRY UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, is referred to the Committee on Finance.

By Representatives Goodwin, Sauls, Brubaker, and Vinson (Primary Sponsors); Glazier, LaRoque, Martin, Parmon, and Wiley:

**H.B. 1209**, A BILL TO BE ENTITLED AN ACT TO AGGRAVATE THE PENALTY FOR PERSONS WHO COMMIT MULTIPLE SEX OFFENSES, is referred to the Committee on Judiciary I.

By Representatives Goodwin and Sutton (Primary Sponsors); Alexander, Faison, Glazier, LaRoque, Martin, McLawhorn, Wiley, and Womble:

**H.B. 1210**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO INCREASE THE

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NUMBER OF DNA CRIME LAB INVESTIGATORS, is referred to the Committee on Appropriations.

By Representatives Sutton and Ed Jones:

**H.B. 1211**, A BILL TO BE ENTITLED AN ACT TO PROTECT PERSONAL IDENTIFYING INFORMATION OF VICTIMS AND WITNESSES, TO CLARIFY THAT THE STATE IS NOT REQUIRED TO DISCLOSE THE IDENTITY OF A CONFIDENTIAL INFORMANT IN A CRIMINAL CASE UNLESS DISCLOSURE IS OTHERWISE REQUIRED BY LAW, AND TO PROTECT THE WORK PRODUCT OF PROSECUTORS, is referred to the Committee on Judiciary III.

By Representatives Coleman, Wright, and Dollar (Primary Sponsors); Adams, Alexander, B. Allen, L. Allen, Brown, Carney, Coates, Faison, Farmer-Butterfield, Fisher, Goodwin, Harrison, Hunter, Jones, Justice, Lucas, Martin, McAllister, McLawhorn, Nye, Parmon, Pierce, Preston, Ross, Setzer, Tucker, Underhill, Wainwright, Walend, Weiss, Wiley, Womble, and Wray:

**H.B. 1212**, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPACE ON THE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE DONATIONS FOR EARLY DETECTION OF BREAST CANCER, is referred to the Committee on Finance.

By Representatives Moore and Sutton (Primary Sponsors); Parmon and Womble:

**H.B. 1213**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES MAY HAVE THOSE CHARGES EXPUNGED IF THE ALLEGED OFFENSES OCCURRED WITHIN THE SAME TWELVE-MONTH PERIOD OF TIME AND THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT, is referred to the Committee on Judiciary II.

By Representative Blackwood:

**H.B. 1214**, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX CREDIT FOR TOLLS PAID FOR THE USE OF NORTH CAROLINA TRANSPORTATION SYSTEMS, is referred to the Committee on Finance.

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By Representatives Haire and Parmon:

**H.B. 1215**, A BILL TO BE ENTITLED AN ACT TO REALLOCATE THREE MONTHS FROM THE MINIMUM SENTENCE OF CLASSES B1 THROUGH E TO THE MAXIMUM SENTENCE, AND TO INCREASE THE PERIOD OF POST-RELEASE SUPERVISION FROM NINE MONTHS TO TWELVE MONTHS, is referred to the Committee on Judiciary III.

By Representatives Earle, Alexander, Bell, Carney, Cunningham, Farmer-Butterfield, Insko, Jones, LaRoque, Parmon, Ross, Saunders, Wainwright, Wiley, and Womble:

**H.B. 1216**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR A CARETAKER TO EXPLOIT AN ELDER OR DISABLED ADULT IN ANY SETTING, is referred to the Committee on Aging.

By Representatives Earle, Bell, Cunningham, Parmon, Wainwright, and Wright:

**H.B. 1217**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES, is referred to the Committee on Finance.

By Representatives Earle, Alexander, B. Allen, Bell, Cole, Coleman, Cunningham, England, Faison, Farmer-Butterfield, Glazier, Haire, Hill, Howard, Jeffus, Jones, Lucas, Luebke, Martin, McAllister, McLawhorn, McMahan, Michaux, Nye, Owens, Parmon, Pierce, Ross, Saunders, Setzer, Sherrill, Sutton, Tolson, Wainwright, Warren, Wilkins, Williams, Womble, Wray, and Wright:

**H.B. 1218**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOOD BANKS, is referred to the Committee on Appropriations.

#### **SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

**S.J.R. 1170**, A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN

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THE 2005 NCAA DIVISION I CHAMPIONSHIP, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 540** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPLY THE FRANCHISE TAX TO CERTAIN LIMITED LIABILITY COMPANIES, is read the first time and referred to the Committee on Finance.

**S.B. 711** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO ACCEPT, IN ADDITION TO EXAMINATIONS CONDUCTED BY THE BOARD, THE RESULTS OF OTHER BOARD-APPROVED REGIONAL OR NATIONAL INDEPENDENT THIRD-PARTY CLINICAL EXAMINATIONS OF APPLICANTS SEEKING A LICENSE TO PRACTICE DENTISTRY; AND AUTHORIZING THE BOARD TO ACQUIRE REAL PROPERTY, is read the first time and referred to the Committee on Health.

**S.B. 1126** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, is read the first time and referred to the Committee on Finance.

### CALENDAR

Action is taken on the following:

**H.B. 125**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth,

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Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wilkins, Wilson, Womble, Wray, Wright, and Yongue - 95.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Daughtry, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, Kiser, Langdon, Lewis, Rhodes, Setzer, and Wiley - 19.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

Representative Moore requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (94-20).

**H.B. 351** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX FOR PASQUOTANK COUNTY AND ELIZABETH CITY, 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, L. Allen, Barnhart, Bell, Bordsen, Brown, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wilkins, Wilson, Womble, Wray, Wright, and Yongue - 95.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Daughtry, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, Kiser, Langdon, Lewis, Rhodes, Setzer, and Wiley - 19.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

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Representative Moore requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (94-20).

**H.B. 540** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HALIFAX COUNTY TOURISM AND DEVELOPMENT TAX AND TO IMPLEMENT A TOURISM AND DEVELOPMENT TAX FOR THE CITY OF ROANOKE RAPIDS, 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, L. Allen, Barnhart, Bell, Bordsen, Brown, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wilkins, Wilson, Womble, Wray, Wright, and Yongue - 95.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Daughtry, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, Kiser, Langdon, Lewis, Rhodes, Setzer, and Wiley - 19.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

Representative Moore requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (94-20).

**H.B. 544**, A BILL TO BE ENTITLED AN ACT TO AMEND THE MADISON COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman,

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Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wilkins, Wilson, Womble, Wray, Wright, and Yongue - 95.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Daughtry, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, Kiser, Langdon, Lewis, Rhodes, Setzer, and Wiley - 19.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

Representative Moore requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (94-20).

**H.B. 843** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridg, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wilkins, Wilson, Womble, Wray, Wright, and Yongue - 95.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Daughtry, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, Kiser, Langdon, Lewis, Rhodes, Setzer, and Wiley - 19.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

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Representative Moore requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (94-20).

**H.B. 278**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WALKERTOWN, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: None.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

**H.B. 370**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF LANDIS, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister,

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McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: None.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

**H.B. 478**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF TOBACCOVILLE, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: None.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

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

**H.B. 350** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 107.

Voting in the negative: Representatives Blust, Cleveland, Gillespie, Hilton, Hollo, Holloway, Rhodes, and Setzer - 8.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

Representative Ray requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (108-8).

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

**H.B. 393**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS.

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

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

**H.B. 871**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF EMERALD ISLE TO IMPOSE A CANAL DREDGING FEE.

On motion of Representative Howard, Committee Amendment No. 1 is adopted by electronic vote (113-2).

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Representative Williams requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (114-2).

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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 106.

Voting in the negative: Representatives Blust, Cleveland, Frye, Gillespie, Hilton, Hollo, Holloway, Rhodes, and Setzer - 9.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

**H.B. 986** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF GREENVILLE AND THE TOWN OF SURF CITY.

Representative Hunter offers Amendment No. 1, which is ruled to be material. The amendment, which changes the title, is adopted by the following vote. The bill remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes,

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Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: None.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

**H.B. 1080**, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES, 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, L. Allen, Allred, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 114.

Voting in the negative: None.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

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

**S.B. 16** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE

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LIMITS OF THE TOWN OF TABOR CITY, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: Representative Rhodes.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

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

**H.B. 612**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF TROUTMAN TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES, 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. 798**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REGULATING FOX HUNTING IN HARNETT 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.

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**H.B. 811**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT 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. 826**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANSONVILLE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, 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. 827**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO REGULATE GOLF CARTS, 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. 921**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CURRITUCK COUNTY DEER HUNTING LAW TO PROVIDE FOR THE TAKING OF EITHER SEX DEER, 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. 399** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire,

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Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 114.

Voting in the negative: Representative Capps.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

**H.B. 449**, A BILL TO BE ENTITLED AN ACT TO CONFORM THE VALUATION OF GIFTS FOR GIFT TAX PURPOSES TO THE FEDERAL STANDARDS.

On motion of Representative Gibson, Committee Amendment No. 1 is adopted by electronic vote (116-0).

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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, and Wright - 115.

Voting in the negative: None.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

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**H.B. 510** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY, passes its third reading, by electronic vote (115-1), and is ordered sent to the Senate.

Representative Parmon requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (116-0).

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

**H.B. 637** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE SECRETARY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND THE SECRETARY OF THE DEPARTMENT OF CORRECTION TO SET THE SALARY SUPPLEMENT FOR CERTAIN PERSONNEL WORKING AT PROGRAMS OPERATED BY THEIR DEPARTMENTS, 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.

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

**H.B. 699**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION, 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.

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

**H.B. 707**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES, passes its second reading, by electronic vote (114-1), 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. 822** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON, passes its second reading, by electronic vote (115-0).

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

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

**H.B. 1060** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL LAW, 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.

**H.B. 393**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS, which was temporarily displaced, is before the Body.

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

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray,

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Rayfield, Rhodes, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 110.

Voting in the negative: Representatives Allred, Eddins, Setzer, and West - 4.

Excused absences: Representatives Culp, Underhill, Vinson, and Warren - 4.

### **WITHDRAWAL OF OBJECTION TO THIRD READING**

Representative Michaux removes his objection to the third reading of **H.B. 822** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON.

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. 23** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Culpepper moves, seconded by Representative Sherrill, that the House adjourn, subject to committee assignments, to reconvene April 14 at 12:00 Noon.

The motion carries.

### **ADDENDA TO COMMITTEE ASSIGNMENTS**

April 13, 2005

The Speaker makes the following committee assignment:

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**FEDERAL RELATIONS AND TRADE ISSUES:** Remove Representative Faison.

The House stands adjourned at 6:04 p.m.

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## **FORTY-SIXTH DAY**

HOUSE OF REPRESENTATIVES  
Thursday, April 14, 2005

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

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

"Loving God:

"All that there is, and all that we are, is a gift from You. We thank You for the gifts of life. We thank You for the gift of laughter that reminds us not to take ourselves too seriously. We thank You for the gift of forgiveness which allows us to move forward in a spirit of humility without the weight of sin that we have asked You to forgive. We thank You for the gift of Your divine intrusion into our lives without which we would have no meaning, purpose or reason for life itself. Indeed, O God of wonder and infinite mercy, we certainly do thank You for the gifts of life. Amen."

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

Leaves of absence are granted Representatives Alexander, Brubaker, Clary, Earle, Goforth, Hackney, Haire, Harrison, Luebke, McMahan, Ray, Vinson, Warren, and West for today. Representative LaRoque 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:

April 14, 2005

**H.J.R. 1113**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES ALLEN "JIM" GRAHAM, FORMER STATE COMMISSIONER OF AGRICULTURE. (RESOLUTION 2005-25)

#### **WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 21** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE LEXINGTON BARBECUE FESTIVAL AS THE OFFICIAL FOOD FESTIVAL OF NORTH CAROLINA, 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 Ross, Vice Chair, for the Committee on Judiciary I:

**H.B. 1054**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS THAT ARE A PARTY TO THE SWIFT CREEK MANAGEMENT PLAN AND CERTAIN CITIZENS OF THOSE LOCAL GOVERNMENTS HAVE STANDING TO ENFORCE THE PROVISIONS OF S.L. 1998-192, with a favorable report.

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

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

**H.B. 882**, A BILL TO BE ENTITLED AN ACT TO INCLUDE ROBESON COUNTY IN THE LIST OF COUNTIES THAT MAY REQUIRE THE REGISTER OF DEEDS TO REQUIRE A TAX CERTIFICATION BEFORE ACCEPTING ANY DEED, with a favorable report.

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

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

April 14, 2005

By Representatives Underhill and Wainwright (Primary Sponsors); and Harrison:

**H.B. 1219**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPLETE THE CONSTRUCTION OF THE NORTH CAROLINA HISTORY EDUCATION CENTER AT TRYON PALACE HISTORIC SITES AND GARDENS, is referred to the Committee on Appropriations.

By Representatives Howard and Holliman (Primary Sponsors):

**H.B. 1220**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TRUCK DRIVER TRAINING PROGRAM ON THE DAVIE CAMPUS OF DAVIDSON COUNTY COMMUNITY COLLEGE ON THE SAME BASIS AS THE OTHER TRUCK DRIVER TRAINING PROGRAMS IN THE COMMUNITY COLLEGE SYSTEM, is referred to the Committee on Appropriations.

By Representatives Hackney, Farmer-Butterfield, Fisher, Parmon, and Rapp:

**H.B. 1221**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN DOMESTIC CHILD CUSTODY ACTIONS, is referred to the Committee on Judiciary I.

By Representatives Yongue, Carney, Johnson, and Preston (Primary Sponsors); Faison, Farmer-Butterfield, Fisher, Harrison, Insko, Parmon, Rapp, Wainwright, and Wray:

**H.B. 1222**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DISADVANTAGED STUDENT SUPPLEMENTAL FUNDING, is referred to the Committee on Appropriations.

By Representatives Setzer and Allred (Primary Sponsors):

**H.B. 1223**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING THE ISSUANCE OF HISTORIC VEHICLE OWNER PLATES, is referred to the Committee on Finance.

By Representative Harrell:

**H.B. 1224**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ALLEGHANY COUNTY ECONOMIC DEVELOPMENT CORPORATION FOR THE CONSTRUCTION OF A NEW MUSEUM IN THE TOWN OF SPARTA, is referred to the Committee on Appropriations.

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By Representatives Holliman, Faison, Insko, and Wainwright:

**H.B. 1225**, A BILL TO BE ENTITLED AN ACT TO INFORM INSURANCE CONSUMERS ABOUT APPLICABLE SURCHARGES, is referred to the Committee on Insurance.

By Representatives Culpepper, Farmer-Butterfield, and Parmon:

**H.B. 1226**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING INSPECTION, REVIEW, AND EXAMINATION OF PRISON FACILITIES CONSTRUCTED THROUGH LEASE-PURCHASE AGREEMENT, is referred to the Committee on State Government.

By Representatives Coleman and Eddins (Primary Sponsors):

**H.B. 1227**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT, is referred to the Committee on Transportation.

By Representatives Underhill, Moore, Sauls, and Wainwright:

**H.B. 1228**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE FOR THE CORVETTE CLUBS OF NORTH CAROLINA, is referred to the Committee on Finance.

By Representatives Faison and Wright:

**H.B. 1229**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF PHYSICIAN MEMBERS OF THE NORTH CAROLINA MEDICAL BOARD, TO AUTHORIZE THE MEDICAL BOARD TO COLLECT REASONABLE FEES TO COVER THE COSTS OF THIS ELECTION, TO PROVIDE INFORMATION TO THE PUBLIC REGARDING CERTAIN DAMAGE AWARDS OR SETTLEMENTS OF MEDICAL MALPRACTICE ACTIONS AND CLAIMS, AND TO REQUIRE THE REPORTING OF SEXUAL MISCONDUCT BY A PHYSICIAN OR A PHYSICIAN ASSISTANT TO THE MEDICAL BOARD WHEN THE CONDUCT WAS SUBJECT TO PEER REVIEW, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Faison:

**H.B. 1230**, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR

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UNUSED PROPERTY TO OTHER GOVERNMENTAL UNITS OF THE STATE, is referred to the Committee on Judiciary III.

By Representatives Steen and Williams (Primary Sponsors); Barnhart, Carney, Coates, Goodwin, Hilton, Johnson, Ed Jones, Lewis, McGee, Moore, Pate, Ray, Saunders, Setzer, Starnes, and Stiller:

**H.B. 1231**, A BILL TO BE ENTITLED AN ACT TO PERMIT UNMARRIED SPOUSES OF DECEASED RETIRED HIGHWAY PATROLMEN TO OBTAIN RETIRED HIGHWAY PATROL SPECIAL REGISTRATION PLATES, is referred to the Committee on Finance.

By Representatives Jeffus and Sherrill (Primary Sponsors); Faison, Farmer-Butterfield, Fisher, Parmon, Rapp, and Wainwright:

**H.B. 1232**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TEACHERS' INSTITUTE OPERATED BY THE NORTH CAROLINA HUMANITIES COUNCIL, is referred to the Committee on Appropriations.

By Representative Warren:

**H.B. 1233**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF TIMBER SALES RECEIPTS BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR CAPITAL IMPROVEMENTS AT AGRICULTURAL RESEARCH STATIONS AND FARMS, is referred to the Committee on Appropriations.

By Representative Hill:

**H.B. 1234**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC PHYSICIANS REGISTRATION ACT, is referred to the Committee on Health and, if favorable, to the Committee on Finance.

By Representative Church:

**H.B. 1235**, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTERS 24 AND 25A OF THE GENERAL STATUTES RELATING TO FEES THAT MAY BE CHARGED BY CERTAIN LENDERS ON LOANS NOT SECURED BY REAL ESTATE, is referred to the Committee on Rules, Calendar, and Operations of the House.

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**SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

**S.J.R. 1165**, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE TOWN OF GARNER ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**CALENDAR**

Action is taken on the following:

Without objection, **H.J.R. 930**, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE TOWN OF GARNER ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY, is moved up on today's Calendar.

The resolution passes its second reading, by electronic vote (104-0), and there being no objection is read a third time.

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

**H.B. 393**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Capps, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goodwin, Grady, Gulley, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Rayfield, Ross, Sauls, Saunders,

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Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 97.

Voting in the negative: Representatives Blust, Cleveland, Gillespie, Hilton, Hollo, Holloway, Rhodes, and Setzer - 8.

Excused absences: Representatives Alexander, Brubaker, Clary, Earle, Goforth, Hackney, Haire, Harrison, Luebke, McMahan, Ray, Vinson, Warren, and West - 14.

**H.B. 871**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF EMERALD ISLE TO IMPOSE A CANAL DREDGING FEE.

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

Those voting in the affirmative are: Representatives Adams, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Capps, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goodwin, Grady, Gulley, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 97.

Voting in the negative: Representatives Blust, Cleveland, Gillespie, Hilton, Hollo, Holloway, Rhodes, and Setzer - 8.

Excused absences: Representatives Alexander, Brubaker, Clary, Earle, Goforth, Hackney, Haire, Harrison, Luebke, McMahan, Ray, Vinson, Warren, and West - 14.

**H.B. 1080**, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES, 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: Representatives Adams, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Capps, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goodwin, Grady, Gulley, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 97.

Voting in the negative: Representatives Blust, Cleveland, Gillespie, Hilton, Hollo, Holloway, Rhodes, and Setzer - 8.

Excused absences: Representatives Alexander, Brubaker, Clary, Earle, Goforth, Hackney, Haire, Harrison, Luebke, McMahan, Ray, Vinson, Warren, and West - 14.

**S.B. 16** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TABOR CITY, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Capps, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goodwin, Grady, Gulley, Harrell, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 97.

Voting in the negative: Representatives Blust, Cleveland, Gillespie, Hilton, Hollo, Holloway, Rhodes, and Setzer - 8.

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Excused absences: Representatives Alexander, Brubaker, Clary, Earle, Goforth, Hackney, Haire, Harrison, Luebke, McMahan, Ray, Vinson, Warren, and West - 14.

**H.B. 986** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF GREENVILLE AND THE TOWNS OF SURF CITY AND WINDSOR, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goodwin, Grady, Gulley, Harrell, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 104.

Voting in the negative: Representative Rhodes.

Excused absences: Representatives Alexander, Brubaker, Clary, Earle, Goforth, Hackney, Haire, Harrison, Luebke, McMahan, Ray, Vinson, Warren, and West - 14.

**S.B. 166** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ROSE HILL AND BLADENBORO TO REGULATE GOLF CARTS AND TO CLARIFY LAW ENFORCEMENT AUTHORITY FOR THE ENFORCEMENT OF LAWS RELATING TO MOTOR VEHICLES WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY.

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

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

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**H.B. 856** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY AND TO CHANGE THE TERMS FROM TWO TO THREE YEARS, passes its second reading, by electronic vote (105-0), 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. 887** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO ALLOW THE CITY TO IMPOSE CERTAIN RESTRICTIONS ON PERSONS SOLICITING ON STATE HIGHWAYS AND STREETS, passes its second reading, by electronic vote (105-0), 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. 1010** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN WILSON AND ORANGE COUNTIES, passes its second reading, by electronic vote (105-0), 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. 1028**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY, passes its second reading, by electronic vote (105-0), 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. 449**, A BILL TO BE ENTITLED AN ACT TO CONFORM THE VALUATION OF GIFTS FOR GIFT TAX PURPOSES TO THE FEDERAL STANDARDS.

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

Those voting in the affirmative are: Representatives Adams, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goodwin, Grady, Gulley, Harrell, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 104.

Voting in the negative: None.

Excused absences: Representatives Alexander, Brubaker, Clary, Earle, Goforth, Hackney, Haire, Harrison, Luebke, McMahan, Ray, Vinson, Warren, and West - 14.

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

**H.B. 355** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE USE OF RED AND BLUE LIGHTS ON VEHICLES, passes its second reading, by electronic vote (102-0), and there being no objection is read a third time.

Representative Cole requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (103-0).

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. 532**, A BILL TO BE ENTITLED AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED, passes its second reading, by electronic vote (105-0), 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.

**S.B. 166** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ROSE HILL AND BLADENBORO TO REGULATE GOLF CARTS AND TO CLARIFY LAW ENFORCEMENT AUTHORITY FOR THE ENFORCEMENT OF LAWS RELATING TO MOTOR VEHICLES WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY, which was temporarily displaced, is before the Body.

Representative Nye 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.

#### **BILL PLACED ON CALENDAR**

On motion of the Chair and without objection, **S.B. 43**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE, is withdrawn from the Committee on Rules, Calendar and Operations of the House and placed on the Calendar pursuant to Rule 36(b) for April 18.

#### **CALENDAR (continued)**

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

**H.B. 678** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN BIDS ON CERTAIN SERVICE CONTRACTS WITHOUT OBTAINING APPROVAL FROM THE STATE PURCHASING OFFICER, passes its second reading, by electronic vote (103-1).

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

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

**H.B. 705**, A BILL TO BE ENTITLED AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND

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DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS, 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.

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

**H.B. 740**, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED POSITIVE DRUG AND ALCOHOL TEST RESULT, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR OTHER PUBLIC TRANSIT VEHICLES UNTIL SUCCESSFUL COMPLETION OF TREATMENT, passes its second reading, by electronic vote (104-0).

Representative Sutton objects to the third reading.

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

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

**H.B. 780** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCESS BY WHICH THE NEED-BASED SCHOLARSHIP LOAN FUND IS ADMINISTERED, 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.

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

**H.B. 813** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS.

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On motion of Representative Allred and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of April 19.

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

**H.B. 891** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES.

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

#### **WITHDRAWAL OF OBJECTION TO THIRD READING**

Representative Sutton removes his objection to the third reading of **H.B. 740**, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED POSITIVE DRUG AND ALCOHOL TEST RESULT, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR OTHER PUBLIC TRANSIT VEHICLES UNTIL SUCCESSFUL COMPLETION OF TREATMENT, and the bill is before the Body.

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

#### **RE-REFERRAL**

On motion of Representative Culpepper and without objection, **H.B. 563**, A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, is withdrawn from the Education Subcommittee on Community Colleges and re-referred to the Committee on Education.

On motion of Representative Culpepper, seconded by Representative Rayfield, the House adjourns at 1:15 p.m. to reconvene Monday, April 18, 2005, at 7:00 p.m.

April 14, 2005

**FORTY-SEVENTH DAY**

HOUSE OF REPRESENTATIVES  
Monday, April 18, 2005

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

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

"Eternal and Everlasting God:

"You are Alpha and Omega, the Beginning and the End. From Your limitless imagination, all things have come into being. By Your mercy, all people are persons of infinite and sacred worth. Dear Lord, we confess to You that we fully understand that it is not by Your divine design that we govern ourselves. But, out of Your great love for us, You have allowed us a certain amount of autonomy to make decisions for ourselves. This grand project of permissiveness has sometime proven to be good and sometimes...not so good. But, by Your almighty power, You provide us with Your grace and mercy; and somehow, we ultimately find our way. So, have mercy on us, O Lord, and help our ways to become Your ways, as together, we seek the goodness of God. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 14 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brubaker, Kiser, McAllister, Rhodes, Starnes, Steen, Sutton, Warren, and Weiss for today.

**ENROLLED BILLS**

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

**H.B. 239**, AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL HEALTH DEPARTMENTS AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED.

April 18, 2005

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

**S.B. 16**, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TAVOR CITY.

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Glazier and Parmon, Chairs, for the Education Subcommittee on Pre-School, Elementary and Secondary Education:

**H.B. 1032**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR, 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 Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

**H.J.R. 744**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STORYTELLER JACQUELINE CARSON "JACKIE" TORRENCE, with a favorable report.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of April 19.

By Representatives Bell, Lucas, and McLawhorn, Chairs, for the Committee on Education:

**H.B. 1017**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EDUCATION FREEDOM FOR STUDENTS, PARENTS, AND TEACHERS IN MECKLENBURG COUNTY BY PROVIDING FOR THE MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT TO BE SEPARATED INTO MULTIPLE ADMINISTRATIVE UNITS, with an unfavorable report.

The bill is placed on the Unfavorable Calendar.

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By Representatives Daughtridge, Goforth, LaRoque, and Rapp, Chairs, for the Committee on Commerce:

**H.B. 392**, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS, 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 Alcoholic Beverage Control.

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

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

**H.B. 767**, A BILL TO BE ENTITLED AN ACT ENHANCING THE MIGRANT HOUSING LAWS 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.

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

**H.B. 1016**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISPOSITION OF A FIREARM TO PROVIDE THAT UPON ORDER OF THE APPROPRIATE COURT, A LAW ENFORCEMENT AGENCY MAY USE THE FIREARM FOR OFFICIAL USE OR MAY TRADE, EXCHANGE, OR SELL THE FIREARM TO A FEDERALLY LICENSED FIREARMS DEALER AND MAY USE THE PROCEEDS FROM THE SALE OF UNCLAIMED FIREARMS FOR LAW ENFORCEMENT PURPOSES, 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 Holliman, Chair, for the Committee on Insurance:

**H.B. 646**, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE

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PAID BY LICENSED INSURANCE COMPANIES TO ENHANCE EFFICIENT ADMINISTRATION OF FEE COLLECTION AND PROCESSING, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

**H.B. 660**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE FINANCIAL LAWS UNDER CHAPTER 58 OF THE GENERAL STATUTES, 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 Representative Holliman:

**H.B. 1236**, A BILL TO BE ENTITLED AN ACT TO REPLACE THE ALLIANCE OF AMERICAN INSURERS AND NATIONAL ASSOCIATION OF INDEPENDENT INSURERS WITH THE PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA AND THE NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES AS TRADE ASSOCIATION MEMBERS WHICH MUST BE REPRESENTED ON THE BOARD OF GOVERNORS OF THE NORTH CAROLINA REINSURANCE FACILITY, is referred to the Committee on Insurance.

By Representative Tucker:

**H.B. 1237**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR ADDITIONAL MEMBERS OF THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement.

By Representative Nye:

**H.B. 1238**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST BLADEN COUNTY IN ESTABLISHING AN AGRICULTURE/EXPO CENTER, is referred to the Committee on Appropriations.

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By Representatives Hunter, Ed Jones, Wainwright, and Wray:

**H.B. 1239**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE SEVEN REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS, AUTHORIZING THE REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS TO PARTICIPATE IN THE LOCAL GOVERNMENT OR STATE RETIREMENT SYSTEMS, AND CHANGING THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION, is referred to the Committee on Appropriations.

By Representative Culpepper:

**H.B. 1240**, A BILL TO BE ENTITLED AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS, is referred to the Committee on Judiciary IV.

By Representatives Culpepper, B. Allen, Bell, Bordsen, Carney, Coates, Dickson, England, Fisher, Gibson, Glazier, Harrison, Insko, Jeffus, Ed Jones, Martin, McLawhorn, Owens, Underhill, and Williams:

**H.B. 1241**, A BILL TO BE ENTITLED AN ACT TO ALLOW A LAW ENFORCEMENT OFFICER WHO IS A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO RETIRE WITH UNREDUCED BENEFITS ON OR AFTER THE OFFICER'S FIFTIETH BIRTHDAY AND AFTER COMPLETING TWENTY-EIGHT YEARS OF SERVICE, is referred to the Committee on Pensions and Retirement.

By Representatives Haire and Miller:

**H.B. 1242**, A BILL TO BE ENTITLED AN ACT CONCERNING ECONOMIC DEVELOPMENT FOR THE EASTERN BAND OF CHEROKEE INDIANS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Fisher and Bordsen (Primary Sponsors); Brown, Dickson, England, Harrison, Insko, Luebke, McAllister, and Weiss:

**H.B. 1243**, A BILL TO BE ENTITLED AN ACT REQUIRING GOOD FAITH CAUSE FOR THE EVICTION OF TENANTS RENTING SPACE FOR RESIDENTIAL MANUFACTURED HOMES, is referred to the Committee on Judiciary II.

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By Representatives Hill and Coleman:

**H.B. 1244**, A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS BY PROHIBITING COERCIVE AND DISCRIMINATORY PRACTICES IN THE REPAIR OF MOTOR VEHICLES AND AUTOMOBILE GLASS REPAIR AND REPLACEMENT, BY PROVIDING FOR MORE CONSUMER DISCLOSURE BY INSURERS IN THE COLLISION REPAIR PROCESS, AND BY IMPOSING STRICTER MOTOR VEHICLE DAMAGE AND AUTOMOBILE GLASS REPAIR REGULATIONS AND PENALTIES ON INSURERS, is referred to the Committee on Insurance.

By Representatives Hill, Culp, Daughtridge, and Gibson (Primary Sponsors):

**H.B. 1245**, A BILL TO BE ENTITLED AN ACT TO PREVENT FRIVOLOUS LAWSUITS AGAINST MANUFACTURERS, PACKERS, DISTRIBUTORS, CARRIERS, HOLDERS, SELLERS, MARKETERS, OR ADVERTISERS OF FOOD PRODUCTS THAT COMPLY WITH APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS, is referred to the Committee on Judiciary I.

By Representatives Tucker and Wainwright:

**H.B. 1246**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO ESTABLISH THE NORTH CAROLINA MILITARY HISTORY RESEARCH CENTER IN THE OFFICE OF ARCHIVES AND HISTORY, is referred to the Committee on Appropriations.

By Representatives Luebke, Michaux, Hackney, and Barnhart (Primary Sponsors); Adams, Alexander, B. Allen, Bell, Carney, Coates, Coleman, Cunningham, Dickson, Faison, Farmer-Butterfield, Gibson, Glazier, Harrison, Hunter, Insko, Jeffus, Jones, Ed Jones, LaRoque, Lucas, McLawhorn, Miller, Parmon, Pierce, Ross, Underhill, Wainwright, Womble, Wray, and Wright:

**H.B. 1247**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA MINORITY SUPPORT CENTER TO FURTHER A STATEWIDE PROGRAM OF LENDING FOR HOME-OWNERSHIP AND WEALTH CREATION IN DISADVANTAGED COMMUNITIES, is referred to the Committee on Appropriations.

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By Representatives Goforth, Sutton, Kiser, and Ray (Primary Sponsors); Adams, Barnhart, Bell, Bordsen, Carney, Coates, Coleman, Cunningham, Dickson, Dollar, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goodwin, Hackney, Haire, Harrell, Harrison, Jeffus, Ed Jones, Martin, McLawhorn, Owens, Rapp, Ross, Tucker, Underhill, Wainwright, Williams, and Wray:

**H.B. 1248**, A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005, is referred to the Committee on Judiciary III.

By Representatives Insko, Hackney, and Faison (Primary Sponsors):

**H.B. 1249**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ORANGE COUNTY FOR AN ARTS STUDIO AT THE NORTHERN ORANGE HUMAN SERVICES CENTER, is referred to the Committee on Appropriations.

By Representatives Insko, Adams, Faison, Fisher, Harrison, Parmon, and Wainwright:

**H.B. 1250**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' EDUCATION BANK PROGRAM, is referred to the Committee on Education.

By Representatives Wainwright, Gibson, and Parmon:

**H.B. 1251**, A BILL TO BE ENTITLED AN ACT TO EXEMPT TANGIBLE PERSONAL PROPERTY USED IN RESEARCH AND DEVELOPMENT FROM SALES AND USE TAX, is referred to the Committee on Finance.

By Representatives Wray, L. Allen, and Sutton (Primary Sponsors); and Ed Jones:

**H.B. 1252**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE HALIWA-SAPONI TRIBE TO BUILD A COMMUNITY CENTER IN WARREN COUNTY, is referred to the Committee on Appropriations.

By Representatives Nye and Farmer-Butterfield (Primary Sponsors); Faison and Jones:

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**H.B. 1253**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INCREASE THE MAXIMUM MONTHLY RATE FOR RESIDENTS IN ADULT CARE HOME FACILITIES, AS RECOMMENDED BY THE ADULT CARE HOME COST MODELING REPORT, is referred to the Committee on Appropriations.

By Representatives Tucker and Rapp:

**H.B. 1254**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ASBESTOS AND LEAD ABATEMENT AT THE ABANDONED NATIONAL GUARD ARMORIES IN THE STATE, is referred to the Committee on Appropriations.

By Representatives Pierce, Miller, Sutton, Womble, and Yongue:

**H.B. 1255**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR A REGIONAL MULTICULTURAL CENTER TO SERVE THE COUNTIES OF HOKE, ROBESON, AND SCOTLAND, is referred to the Committee on Appropriations.

By Representatives Pierce, Faison, Farmer-Butterfield, Harrison, Jones, Lucas, Parmon, Wainwright, and Womble:

**H.B. 1256**, A BILL TO BE ENTITLED AN ACT TO FACILITATE VOTING BY ACCUSED CITIZENS WHO ARE INCARCERATED BUT NOT CONVICTED OF CRIMES AND BY CITIZENS WHO ARE INCARCERATED ON MISDEMEANOR CONVICTIONS; AND TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Pierce, Adams, Jeffus, and Wainwright:

**H.B. 1257**, A BILL TO BE ENTITLED AN ACT TO ALLOW INDIVIDUAL INCOME TAXPAYERS TO DONATE ALL OR A PORTION OF THEIR INCOME TAX RETURNS TO SUPPORT THE ARTS, is referred to the Committee on Finance.

By Representative Moore:

**H.B. 1258**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DISREGARD

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CERTAIN DISABILITY COMPENSATION FROM THE VETERANS ADMINISTRATION IN DETERMINING MEDICAID ELIGIBILITY FOR CERTAIN INDIVIDUALS, is referred to the Committee on Appropriations.

By Representative Saunders:

**H.B. 1259**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY ALLOWING REGISTRATION OF LIMITED LOAN OFFICERS OF DEFINED AFFILIATED MORTGAGE BANKERS AND TO ESTABLISH ADDITIONAL SUPERVISION AND ENFORCEMENT AUTHORITY FOR THE COMMISSIONER OF BANKS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Fisher:

**H.B. 1260**, A BILL TO BE ENTITLED AN ACT ALLOWING MUNICIPALITIES, COUNTIES, AND OTHER POLITICAL SUBDIVISIONS OF THE STATE TO RETAIN BIDS FROM THE FIRST ADVERTISEMENT WHEN THE MINIMUM NUMBER WAS NOT RECEIVED, is referred to the Committee on Ways and Means.

By Representative Underhill:

**H.B. 1261**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, is referred to the Committee on Public Utilities.

By Representative Weiss:

**H.B. 1262**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA SOCIAL WORK CERTIFICATION AND LICENSURE BOARD TO EMPLOY PERSONNEL NECESSARY TO CARRY OUT THE PROVISIONS OF THE SOCIAL WORK CERTIFICATION AND LICENSURE ACT, is referred to the Committee on Judiciary IV.

By Representative Yongue:

**H.B. 1263**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representatives Yongue, Warren, Jeffus, and Johnson (Primary Sponsors); Gibson, Parmon, and Wainwright:

**H.B. 1264**, A BILL TO BE ENTITLED AN ACT TO PERMIT NATIONAL BOARD CERTIFIED TEACHERS TO SERVE AS SCHOOL LEADERS, is referred to the Committee on Education.

By Representative Yongue:

**H.B. 1265**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Cole and Faison:

**H.B. 1266**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT THE DEPARTMENT OF TRANSPORTATION WILL PAY AS RELOCATION ASSISTANCE FOR REASONABLE EXPENSES FOR SEARCHING FOR A REPLACEMENT BUSINESS OR FARM, AS REQUIRED BY FEDERAL REGULATION, is referred to the Committee on Transportation.

By Representatives Underhill and Faison:

**H.B. 1267**, A BILL TO BE ENTITLED AN ACT TO PROVIDE EQUAL INCOME TAX TREATMENT OF GOVERNMENT RETIREES' BENEFITS, is referred to the Committee on Finance.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 461** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS, is read the first time and referred to the Committee on Judiciary I.

**S.B. 542** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

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**S.B. 600** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO FALSIFY, OR DIRECT ANOTHER TO FALSIFY, A HIGHWAY CONSTRUCTION INSPECTION REPORT OR TEST REPORT REQUIRED BY THE DEPARTMENT OF TRANSPORTATION, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 897** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TERMS OF THE MEMBERS OF THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION SERVING ON JUNE 30, 2005, SHALL EXPIRE ON THAT DATE; AND TO RESTRUCTURE THE COMMISSION TO CONSIST OF ONE FULL-TIME MEMBER AND TWO HALF-TIME MEMBERS, is read the first time and referred to the Committee on Judiciary I.

### CALENDAR

Action is taken on the following:

**H.B. 891** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES, 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. 986** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF GREENVILLE AND THE TOWNS OF SURF CITY AND WINDSOR.

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

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, Cleveland, Coates, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas,

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Luebke, Martin, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Stiller, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Brubaker, Kiser, McAllister, Rhodes, Starnes, Steen, Sutton, Warren, and Weiss - 9.

**S.B. 166** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ELIZABETHTOWN, BLADENBORO, AND ROSE HILL TO REGULATE GOLF CARTS AND TO CLARIFY LAW ENFORCEMENT AUTHORITY FOR THE ENFORCEMENT OF LAWS RELATING TO MOTOR VEHICLES WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY.

The bill, as amended, passes its third reading, by electronic vote (103-3), and is ordered engrossed and sent to the Senate for concurrence in the House committee substitute bill.

#### WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Gibson and without objection, **S.B. 43**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE, is withdrawn from the Calendar and placed on the Calendar of April 25.

#### CALENDAR (continued)

**H.B. 678** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN BIDS ON CERTAIN SERVICE CONTRACTS WITHOUT OBTAINING APPROVAL FROM THE STATE PURCHASING OFFICER, passes its third reading, by electronic vote (103-1), and is ordered sent to the Senate.

#### INTRODUCTION OF PAGES

Pages for the week of April 18 are introduced to the membership. They are: Blair Belk of Mecklenburg; Brandon Broome of Mecklenburg; William Caldwell of Wake; Peter Coogan of Wake; Keith Dunn of Harnett; Kathryn Easter of Davidson; Lucas Elliott of Franklin; Justin Huntley of Iredell;

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Lauren Patton of Northampton; Dale Riley of Mecklenburg; Christi Thompson of Wake; Adren Underdue of Northampton; and Kayloni Witherspoon of Mecklenburg.

Representative Culpepper moves, seconded by Representative Tucker, that the House adjourn, subject to committee assignments, to reconvene April 19 at 3:30 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 7:42 p.m.

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## **FORTY-EIGHTH DAY**

HOUSE OF REPRESENTATIVES  
Tuesday, April 19, 2005

The House meets at 3:30 p.m. pursuant to adjournment and is called to order by the Speaker.

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:

"As we travel back and forth from committee meeting to committee meeting, from building to building...as we put cell phones to our ears as we hurry to and fro and in and out of our offices...and as people register their concerns with us, allow us a moment to stand still and listen for the Shepherd's voice. Speak words of comfort and calmness to us in what is otherwise a hectic and fast-paced life. Offer us a respite and a moment to reflect not just on the tasks that lay ahead of us, but on the importance of that which is sacred, high and holy...even You, O God, our Rock and our Redeemer. Amen."

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

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There are no excused absences for today.

### CHAPTERED BILLS

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

**S.B. 16**, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TAVOR CITY. (S.L. 2005-8)

### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittee are presented:

By Representative Wright, Chair, for the Committee on Health:

**H.B. 1194**, A BILL TO BE ENTITLED AN ACT TO DEFINE PHYSICAL THERAPY AS A PROFESSIONAL SERVICE UNDER THE PROFESSIONAL CORPORATION ACT, TO AUTHORIZE THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO DISCIPLINE PERSONS FOR PAYING FOR REFERRALS OF PHYSICAL THERAPY PATIENTS, AND TO PREVENT CORPORATE OR BUSINESS INTERESTS FROM INTERFERING WITH PROFESSIONAL PHYSICAL THERAPY JUDGMENTS CONCERNING THE BEST INTERESTS OF PATIENTS, 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.

By Representatives Dickson and Ray, Chairs, for the Education Subcommittee on Universities:

**H.B. 387**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANY CONSTITUENT INSTITUTION FROM ASSIGNING A STUDENT'S SOCIAL SECURITY NUMBER AS THE STUDENT'S IDENTIFICATION NUMBER, 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.B. 771**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE PROHIBITION AGAINST CERTAIN SPOUSES OF MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, MEMBERS OF THE BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION, OR MEMBERS OF THE STATE BOARD OF COMMUNITY COLLEGES FROM BEING EMPLOYEES OR OFFICERS 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.

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 580**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO LEVY A ROOM AND TOURISM DEVELOPMENT TAX, 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. 581**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS, with a favorable report.

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

**H.B. 736**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES, with a favorable report.

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

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**H.B. 766**, A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA, with a favorable report.

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

**H.B. 803**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO CHARGE AND COLLECT A LATE FILING FEE FOR LICENSEES THAT APPLY FOR RENEWAL OF THE LICENSE AFTER THE LICENSE HAS EXPIRED AND TO ELIMINATE SUPPLEMENTAL LICENSING BY THE MANUFACTURED HOUSING BOARD, 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. 1056**, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, with a favorable report.

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

By Representative Gibson, Chair, for the Committee on Alcoholic Beverage Control:

**H.B. 570**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PROFIT DISTRIBUTION FROM THE SALES OF ALCOHOLIC BEVERAGES BY THE KINGS MOUNTAIN ALCOHOLIC BEVERAGE CONTROL BOARD, with a favorable report.

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

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

**H.B. 1145**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROBATION IS STAYED DURING AN APPEAL FOR A TRIAL DE NOVO FROM A JUDGMENT ENTERED BY A MAGISTRATE OR DISTRICT COURT JUDGE, 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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**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Owens, B. Allen, and Farmer-Butterfield:

**H.B. 1268**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NONPROFIT ORGANIZATIONS TO OPERATE "CASINO NIGHTS", is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culpepper:

**H.B. 1269**, A BILL TO BE ENTITLED AN ACT TO REPEAL LEGISLATION THAT MADE STATE LAND SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND PERMITTED THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS ON STATE LAND WITHOUT THE APPROVAL OF THE COUNCIL OF STATE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culpepper:

**H.B. 1270**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS UNDER THE NORTH CAROLINA APPRAISERS ACT REGARDING THE QUALIFICATIONS OF APPLICANTS FOR REGISTRATION, LICENSURE, OR CERTIFICATION AS REAL ESTATE APPRAISERS AND TO AUTHORIZE THE NORTH CAROLINA APPRAISAL BOARD TO INCREASE CERTAIN FEES, is referred to the Committee on Finance.

By Representative Culpepper:

**H.B. 1271**, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS, is referred to the Committee on Judiciary IV.

By Representatives Yongue, Johnson, Preston, and Carney (Primary Sponsors); Faison, Glazier, and Insko:

**H.B. 1272**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE EDUCATION FACILITY FINANCING STUDY COMMISSION, is referred to the Committee on Education.

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By Representatives Brubaker and Harrell (Primary Sponsors); Cole, Hill, LaRoque, Moore, Pate, and Steen:

**H.B. 1273**, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR FUEL MARKETING ACT, is referred to the Committee on Commerce.

By Representatives Bordsen and Cole (Primary Sponsors):

**H.B. 1274**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH LICENSURE REQUIREMENTS FOR GLASS TECHNICIANS, is referred to the Committee on Finance.

By Representatives Bordsen and Cole (Primary Sponsors):

**H.B. 1275**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH LICENSURE REQUIREMENTS FOR CERTAIN MOTOR VEHICLE REPAIR SHOPS, COLLISION REPAIR ESTIMATORS, AND COLLISION REPAIR TECHNICIANS, is referred to the Committee on Finance.

By Representatives Faison, Hackney, and Insko (Primary Sponsors):

**H.B. 1276**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH TWO ADDITIONAL DEPUTY CLERK POSITIONS IN ORANGE COUNTY, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representative Faison:

**H.B. 1277**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM, is referred to the Committee on Wildlife Resources and, if favorable, to the Committee on Finance.

By Representative Hill:

**H.B. 1278**, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 106 OF THE GENERAL STATUTES, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Hill:

**H.B. 1279**, A BILL TO BE ENTITLED AN ACT TO AMEND THE SPEEDING TO ELUDE ARREST STATUTES TO CLARIFY THE PROXIMATE CAUSE REQUIREMENT WHEN THE OFFENSE RESULTS IN DEATH, is referred to the Committee on Judiciary III.

By Representatives Pate, Rapp, Justice, and Wright (Primary Sponsors); Bell, Dollar, Frye, McComas, Tucker, and Wilson:

**H.B. 1280**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE GENERAL ASSEMBLY ON STRATEGIES TO BEST UTILIZE FEDERAL FUNDS FOR RAIL IMPROVEMENTS SUCH AS THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR, is referred to the Committee on Transportation.

By Representatives L. Allen, Ed Jones, and Wray (Primary Sponsors); and Carney:

**H.B. 1281**, A BILL TO BE ENTITLED AN ACT TO GRANT COUNTIES THE AUTHORITY TO MAKE SPECIAL ASSESSMENTS FOR NOXIOUS WEED CONTROL PROJECTS IN RIVERS AND LAKES AND TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS WEED CONTROL SERVICE DISTRICTS, is referred to the Committee on Local Government II.

By Representatives Tolson and Hill (Primary Sponsors); and LaRoque:

**H.B. 1282**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT COST-SHARING PROGRAM TO ASSIST FARMERS IN THE PURCHASE OF INCINERATORS OR OTHER DISPOSAL EQUIPMENT FOR THE DISPOSAL OF MORTALITIES AT ANIMAL OPERATIONS IN AN ENVIRONMENTALLY EFFECTIVE MANNER, is referred to the Committee on Appropriations.

By Representatives Culpepper, Farmer-Butterfield, Fisher, Harrison, Luebke, Underhill, and Weiss:

**H.B. 1283**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL

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RESOURCES TO ISSUE ADMINISTRATIVE ORDERS, AND TO ESTABLISH A PILOT PROGRAM THAT ALLOWS THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DETERMINE AND RETAIN THE ACTUAL COSTS OF COLLECTING CIVIL PENALTIES, FINES, AND FORFEITURES, is referred to the Committee on Finance.

By Representatives Culpepper, Howard, and Brubaker (Primary Sponsors); LaRoque and Sauls:

**H.B. 1284**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW, is referred to the Committee on Finance.

By Representative Haire:

**H.B. 1285**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ELECTION AND TERMS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA BY INCREASING THE TERM LENGTH OF A MEMBER FROM FOUR YEARS TO SIX YEARS, DECREASING THE NUMBER OF MEMBERS FROM THIRTY-TWO MEMBERS TO THIRTY MEMBERS, AND ELIMINATING THE POSITION OF MEMBER EMERITUS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Haire, Fisher, and Insko:

**H.B. 1286**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Haire:

**H.B. 1287**, A BILL TO BE ENTITLED AN ACT TO INCLUDE TROUT FARMS OF FIVE OR MORE ACRES, OR THOSE PRODUCING TWENTY THOUSAND OR MORE POUNDS OF TROUT, IN THE CLASSIFICATION OF AGRICULTURAL LAND FOR THE PURPOSES OF PRESENT USE VALUE TAXES, is referred to the Committee on Finance.

By Representatives Haire and Grady (Primary Sponsors):

**H.B. 1288**, A BILL TO BE ENTITLED AN ACT TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT BY REQUIRING COUNTIES TO DEVELOP PLANS THAT PROVIDE FOR THE

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DECONSTRUCTION OF ABANDONED MANUFACTURED HOMES AND THE REMOVAL OF REUSABLE OR RECYCLABLE COMPONENTS, BY PROVIDING FOR THE ABATEMENT OF ABANDONED MANUFACTURED HOMES THAT ARE DETERMINED TO BE A NUISANCE, AND BY IMPOSING AN ADVANCE DISPOSAL TAX ON THE SALE OF NEW AND USED MANUFACTURED HOMES TO ENSURE THAT FUNDS WILL BE AVAILABLE FOR THE DECONSTRUCTION OF ABANDONED MANUFACTURED HOMES, is referred to the Committee on Finance.

By Representative Sauls:

**H.B. 1289**, 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, is referred to the Committee on Finance.

By Representative Allred:

**H.B. 1290**, A BILL TO BE ENTITLED AN ACT TO ENACT HEALTH INSURANCE AND HEALTH CARE REFORM MEASURES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Allred (By Request); and Sauls:

**H.B. 1291**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE CONTINUING EDUCATION REQUIREMENTS FOR LOCKSMITHS UNDER THE NORTH CAROLINA LOCKSMITH LICENSING ACT, is referred to the Committee on Ways and Means.

By Representatives Miller, B. Allen, Jones, and Starnes:

**H.B. 1292**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO THE PRIVATIZATION OF ALCOHOLIC BEVERAGE CONTROL STORES AND TO APPROPRIATE FUNDS, is referred to the Committee on Alcoholic Beverage Control.

By Representatives Miller, B. Allen, Farmer-Butterfield, and Jones:

**H.B. 1293**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE STATE'S

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ROLE IN STEM CELL RESEARCH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Miller:

**H.B. 1294**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE STATE'S USE OF PUBLIC FUNDS FOR INVESTMENTS AND TO DEVELOP CRITERIA FOR DIVESTING IN COMPANIES THAT HAVE HOLDINGS OR RELATIONSHIPS WITH GOVERNMENTS RESPONSIBLE FOR HUMAN RIGHTS VIOLATIONS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Harrison, Weiss, Martin, and Luebke (Primary Sponsors); Bordsen, Coleman, Fisher, Glazier, Insko, Jones, and Pierce:

**H.B. 1295**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MAXIMUM WEIGHT OF A MOTOR VEHICLE THAT IS SUBJECT TO THE NEW MOTOR VEHICLES WARRANTIES ACT AND TO PROMOTE THE EXPEDITIOUS SETTLEMENT OF CLAIMS WHEN THE CONSUMER REQUESTS THE MANUFACTURER TO REPURCHASE THE MOTOR VEHICLE, is referred to the Committee on Transportation.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 324** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT AND TO MAKE CONFORMING CHANGES TO THE OTHER ENTITY ACTS, is read the first time and referred to the Committee on Judiciary I.

**S.B. 566**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM, is read the first time and referred to the Committee on Education.

**S.B. 612** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LEGISLATIVE LOBBYING ACTIVITIES AND BY REQUIRING REGISTRATION

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AND REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH AGENCIES AND EMPLOYEES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 1072** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL CHANGES; TO AUTHORIZE THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUSPEND ADMISSIONS OR SERVICES IN HOSPITALS AS PART OF TAKING ADVERSE ACTION AGAINST A HOSPITAL'S LICENSE; AND TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ESTABLISH STAFF QUALIFICATIONS FOR HOSPITAL STAFF, is read the first time and referred to the Committee on Health.

### 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. 75**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON.

On motion of Representative Crawford, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (113-2), and the bill is ordered enrolled.

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

**H.B. 860** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE GOVERNING BOARD OF THE TOWN OF BAKERSVILLE FROM THE BOARD OF ALDERMEN TO THE TOWN COUNCIL, TO PROVIDE THAT THE MAYOR SHALL BE ELECTED TO A FOUR-YEAR TERM, AND TO PROVIDE THAT THE TOWN COUNCIL SHALL BE ELECTED FOR TWO- AND FOUR-YEAR TERMS, 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.

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**H.B. 963**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF MATTHEWS, 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. 973**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE, 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. 1000**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE BOARD OF GREENE COUNTY COMMISSIONERS MAY REQUIRE THE REGISTER OF DEEDS NOT TO ACCEPT DEEDS 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.

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

**H.B. 415** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES FRANCES AND IVAN, passes its second reading, by electronic vote (120-0), 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. 665**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS, passes its second reading, by electronic vote (119-0), 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. 666** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS, passes its second reading, by electronic vote (111-7), 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. 741** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA DEPARTMENT OF VETERANS AFFAIRS.

On motion of Representative Coates and without objection, the bill is withdrawn from the Calendar and re-referred to the Committee on Appropriations.

**H.J.R. 744**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STORYTELLER JACQUELINE CARSON "JACKIE" TORRENCE, passes its second reading, by electronic vote (118-0), and there being no objection is read a third time.

Representative Folwell requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (119-0).

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. 761**, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR CARRIER SAFETY STATUTES, passes its second reading, by electronic vote (119-0), 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. 813** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS.

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Representative Allred offers Amendment No 1.

On motion of Representative Allred and without objection, the amendment is temporarily displaced.

On motion of Representative Allred, 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. 864** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE AUTHORITY OF THE STATE TO CONDEMN PROPERTY FOR MAYO RIVER STATE PARK IN ROCKINGHAM COUNTY.

Pursuant to Rule 24.1A, Representative Stam requests that he be excused from voting on this bill, because he represents clients who own property in the affected area. This request is granted.

The bill passes its second reading, by electronic vote (117-0), 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. 878** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONFERENCE OF CLERKS OF SUPERIOR COURT, passes its second reading, by electronic vote (119-0), 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. 908** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONE OF THE FIFTEEN MEMBERS OF THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION MAY BE FROM A WATER OR SEWER MUNICIPAL UTILITY RATHER THAN AN AUTHORITY AND TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY WHOSE DISTRICTS INCLUDE ANY PART OF THE NORTH CAROLINA PORTION OF THE ROANOKE

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RIVER BASIN MAY SERVE AS LEGISLATIVE MEMBERS OF THE ROANOKE RIVER BASIN BI-STATE COMMISSION, passes its second reading, by electronic vote (119-0), and there being no objection is read a third time.

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

### ENROLLED BILLS

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

**H.B. 446**, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF ROANOKE RAPIDS, TO ADD CERTAIN DESCRIBED TERRITORY TO THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE CITY OF ROANOKE RAPIDS, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WELDON.

### CALENDAR (continued)

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

**H.B. 1077** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH, passes its second reading, by electronic vote (117-0), 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. 813** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS, which was temporarily displaced with Amendment No. 1 pending, is before the Body.

Representative Allred withdraws Amendment No. 1.

Representative Allred offers Amendment No. 2 which is adopted by electronic vote (80-38).

The bill, as amended, passes its second reading, by electronic vote (59-58),

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

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

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

**H.B. 371**, A BILL TO BE ENTITLED AN ACT DESIGNATING THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE AS NORTH CAROLINA'S HISTORICALLY AMERICAN INDIAN UNIVERSITY, with a favorable report.

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

Representative Culpepper moves, seconded by Representative Justice, that the House adjourn, subject to committee assignments, to reconvene April 20 at 3:30 p.m.

The motion carries.

#### **ADDENDA TO COMMITTEE ASSIGNMENTS**

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The Speaker makes the following committee assignment:

**FEDERAL RELATIONS AND TRADE ISSUES:** Add Representative Stam.

The House stands adjourned at 5:45 p.m.

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### **FORTY-NINTH DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, April 20, 2005

The House meets at 3:30 p.m. pursuant to adjournment and is called to order by the Speaker.

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

"Almighty God:

"As You have created us to be in close relationship with You, You desire that we spend a few moments each day talking to You. After all, how can we grow in any relationship if we ignore the very one with whom we are attempting to know intimately? Yet, we acknowledge that though we can quite easily find the words to talk to each other, we often find it difficult to figure out what to say to You. O Lord, who loves each one of us as if there is but one of us to love, first teach us that You simply want to hear what is on our hearts and minds...nothing fancy is required. And, secondly, remind us how each one of us is so utterly dependent upon You for life that we feel compelled to join You in conversation. Amen."

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

Leaves of absence are granted Representatives Adams, Bordsen, Cunningham, and Morgan for today.

#### **ENROLLED BILLS**

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

**H.B. 45**, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' ADULT PROTECTIVE SERVICES TASK FORCE TO COLLABORATE WITH OTHERS INTERESTED IN IMPROVING ADULT PROTECTIVE SERVICES AND REPORT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

**H.B. 75**, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON AND THE TOWN OF LOUISBURG.

#### **CHAPTERED BILLS**

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

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**H.B. 446**, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF ROANOKE RAPIDS, TO ADD CERTAIN DESCRIBED TERRITORY TO THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE CITY OF ROANOKE RAPIDS, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WELDON. (S.L. 2005-9)

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

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

**H.B. 914**, 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, 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 Wilson, Chairs, for the Committee on Pensions and Retirement:

**H.B. 402**, 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 TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND MEMBERS OF 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.

By Representative Holliman, Chair, for the Committee on Insurance:

**H.B. 737**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED, LIMIT AN INDIVIDUAL

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ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS FOR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO SIX; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; AND AMEND THE UTILIZATION REVIEW LAWS TO CLARIFY THAT SUCH LAWS PLAINLY APPLY TO INDIVIDUAL INSURANCE COVERAGE AS WELL AS GROUP COVERAGE, 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 Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 946**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OSSIPPEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS TO SHOW CONFORMANCE WITH G.S. 136-41.2, with a favorable report.

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

**H.B. 962**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, with a favorable report.

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

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**H.B. 997**, A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF DAVIE COUNTY AS TO AN EMERGENCY MEDICAL SERVICES STATION, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of April 21.

By Representative Womble, Chair, for the Committee on Ways and Means:

**H.B. 810**, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT, with a favorable report.

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

**S.B. 421**, A BILL TO BE ENTITLED AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE SOLICITATION OF CONTRIBUTIONS, with a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary II.

The bill is re-referred to the Committee on Judiciary II.

By Representatives Johnson and Womble, Chairs, for the Committee on State Government:

**H.B. 566**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MODERN INVESTMENT PROGRAM FOR THE PRUDENT AND APPROPRIATE MANAGEMENT OF THE ESCHEAT FUND, FOR THE BENEFIT OF "NEEDY AND WORTHY" STUDENTS AS PROVIDED FOR IN THE STATE CONSTITUTION, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

**H.B. 676**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE OFFICE OF STATE BUDGET AND MANAGEMENT MUST APPROVE CERTAIN FEES RELATING TO GOVERNMENT E-COMMERCE IN CONSULTATION WITH THE STATE CHIEF INFORMATION OFFICER AND THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS, with a favorable report.

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

By Representatives Steen and Williams, Chairs, for the Committee on Wildlife Resources:

**H.B. 982**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND THE DISCHARGE OF HIGH-POWERED RIFLES FROM THE RIGHTS-OF-WAY OF PUBLIC ROADS IN VANCE COUNTY, AND TO INCREASE THE FINES FOR VIOLATIONS OF THE LAW REGULATING HUNTING ON REGISTERED LAND IN VANCE COUNTY, with a favorable report.

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

**H.B. 1012**, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF STATE-RECOGNIZED INDIAN TRIBES TO HUNT, TRAP, OR FISH ON TRIBAL LANDS WITHOUT OBTAINING A LICENSE ISSUED BY THE WILDLIFE RESOURCES COMMISSION, with a favorable report.

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

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

**H.B. 987**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF GRIFTON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWN'S WEEDED LOT ORDINANCE, 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. 1021**, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF NORTHAMPTON COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY, with a favorable report.

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

**S.B. 474**, (Committee Substitute) A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY AND THE CITY OF

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GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, with a favorable report.

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

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

**H.B. 1117**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS, 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.

By Representatives Harrell and Justice, Chairs, for the Committee on Environment and Natural Resources:

**H.B. 1136**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY IN THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES, 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.

**S.B. 586**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF NEW STATE PARKS AT CARVERS CREEK AND IN THE HICKORY NUT GORGE/CHIMNEY ROCK AREA TO THE STATE PARKS SYSTEM, with a favorable report.

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

By Representatives Bell, Lucas and McLawhorn, Chairs, for the Committee on Education:

**H.B. 651**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR PUBLIC SCHOOL EMPLOYEES, with a

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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. 836**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO STUDENTS, 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. 911**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM AND ADDITIONAL END-OF-COURSE TESTS EXCEPT AS REQUIRED BY FEDERAL LAW, 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 Hackney, Alexander, Fisher, Insko, and Weiss:

**H.B. 1296**, A BILL TO BE ENTITLED AN ACT TO EXEMPT BIODIESEL, FUEL ALCOHOL, AND GASOHOL FROM STATE MOTOR FUEL EXCISE TAX TO HELP REDUCE DEPENDENCE ON IMPORTED PETROLEUM AND IMPROVE AIR QUALITY, is referred to the Committee on Finance.

By Representatives Hackney and LaRoque:

**H.B. 1297**, A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR ANY VOLUNTEER WHO SERVES IN A MEDICAL RESERVE CORPS UNIT OR ON A COMMUNITY EMERGENCY RESPONSE TEAM WHILE

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ENGAGED IN PROVIDING EMERGENCY SERVICES, is referred to the Committee on Judiciary I.

By Representatives Bordsen, Haire, Parmon, and Womble (Primary Sponsors); Fisher, Insko, and Wainwright:

**H.B. 1298**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO STUDY THE ADVISABILITY OF ENACTING A YOUTHFUL OFFENDER CODE, is referred to the Committee on Judiciary II.

By Representatives Bordsen and Wainwright:

**H.B. 1299**, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT THE COST OF REPAIR WORK CONSISTS OF WHEN DETERMINING WHETHER THE COST OF REPAIR WORK IS SUFFICIENT TO REQUIRE A MOTOR VEHICLE REPAIR SHOP TO PREPARE A WRITTEN REPAIR ESTIMATE, is referred to the Committee on Judiciary II.

By Representative Tucker:

**H.B. 1300**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE WALLACE REGIONAL WASTEWATER FACILITY, is referred to the Committee on Appropriations.

By Representatives L. Allen and Insko:

**H.B. 1301**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO REQUIRE LICENSEES TO DEMONSTRATE CONTINUING COMPETENCE IN THE PRACTICE OF PHYSICAL THERAPY, is referred to the Committee on Health.

By Representatives L. Allen, Hill, Underhill, and Walker (Primary Sponsors); Culp and Wray:

**H.B. 1302**, A BILL TO BE ENTITLED AN ACT TO AMEND THE FARMLAND PRESERVATION ENABLING ACT TO ESTABLISH AN ENHANCED CATEGORY OF VOLUNTARY AGRICULTURAL DISTRICTS THAT OFFERS ADDITIONAL BENEFITS TO OWNERS OF FARMLAND, ADDITIONAL PROTECTION OF FARMLAND FROM NONFARM DEVELOPMENT, AND ADDITIONAL SUPPORT FOR

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

By Representatives Luebke, Fisher, Harrison, Insko, Parmon, and Womble:

**H.B. 1303**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONSUMER HEALTH FREEDOM ACT FOR COMPLEMENTARY AND ALTERNATIVE FORMS OF MEDICINE, is referred to the Committee on Health.

By Representative L. Allen:

**H.B. 1304**, A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES TO HAVE THE SAME POWER TO CREATE MULTIMEMBER DISTRICTS AS DO COUNTIES, is referred to the Committee on Local Government II.

By Representatives L. Allen and B. Allen:

**H.B. 1305**, A BILL TO BE ENTITLED AN ACT REQUIRING CITIES TO FILE CERTIFIED CHARTERS AND BOUNDARY MAPS AND COUNTIES TO FILE CERTIFIED BOUNDARY AND TOWNSHIP MAPS WITH THE SECRETARY OF STATE, is referred to the Committee on Local Government II.

By Representatives Crawford and Wray (Primary Sponsors) (By Request):

**H.B. 1306**, A BILL TO BE ENTITLED AN ACT AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING MAINTENANCE CODE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Michaux:

**H.B. 1307**, A BILL TO BE ENTITLED AN ACT MAKING CHANGES TO THE LAWS REGULATING LANDLORDS AND TENANTS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Michaux:

**H.B. 1308**, A BILL TO BE ENTITLED AN ACT TO REDEFINE HABITUAL FELON, TO PUNISH CLASS G, H, AND I HABITUAL FELONS THREE CLASSES HIGHER THAN THE PRINCIPAL OFFENSE,

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TO GIVE JUDGES DISCRETION TO IMPOSE AN INTERMEDIATE PUNISHMENT INCLUDING MANDATORY TREATMENT FOR NONVIOLENT LOW-LEVEL OFFENDERS WHO ARE CHEMICALLY ADDICTED OR MENTALLY ILL, AND TO GIVE JUDGES THAT SAME DISCRETION TO RESENTENCE CERTAIN ELIGIBLE PRISONERS, is referred to the Committee on Judiciary II.

By Representatives Michaux and L. Allen:

**H.B. 1309**, A BILL TO BE ENTITLED AN ACT TO OFFER COTENANTS THE RIGHT OF FIRST REFUSAL PRIOR TO A FORCED PUBLIC PARTITION SALE, is referred to the Committee on Judiciary II.

By Representatives Michaux, Parmon, and Wainwright:

**H.B. 1310**, A BILL TO BE ENTITLED AN ACT PERMITTING STUDENTS ENTERING TEACHER EDUCATION PROGRAMS TO TAKE THE SAT TEST INSTEAD OF THE PRAXIS I TEST, is referred to the Committee on Education.

By Representatives Hilton and Johnson (Primary Sponsors); Frye, Grady, Howard, Justus, McGee, Moore, Preston, Ray, Setzer, Sherrill, Steen, Vinson, Walend, Walker, and Wilson:

**H.B. 1311**, A BILL TO BE ENTITLED AN ACT ALLOWING DOMESTIC VIOLENCE VICTIMS TO OBTAIN A TEMPORARY CONCEALED HANDGUN PERMIT UPON SHOWING PROOF OF A PROTECTIVE ORDER ISSUED UNDER CHAPTER 50B OF THE GENERAL STATUTES IN ORDER TO EMPOWER DOMESTIC VIOLENCE VICTIMS TO PROTECT THEMSELVES AND THEIR FAMILIES, is referred to the Committee on Judiciary III.

By Representatives Wright, Coleman, and Faison:

**H.B. 1312**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS OF AT LEAST TEN PERCENT FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES, is referred to the Committee on Insurance.

By Representatives Wright and Gibson (Primary Sponsors):

**H.B. 1313**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROCESSING FEE FOR RETURNED CHECKS, is referred to the Committee on Finance.

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By Representative Wright:

**H.B. 1314**, A BILL TO BE ENTITLED AN ACT TO ENACT THE WHOLESAL E LICENSURE AND PRESCRIPTION MEDICATION INTEGRITY ACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Luebke, Brown, Fisher, Insko, Starnes, and Weiss:

**H.B. 1315**, 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 Commerce.

By Representative Frye:

**H.B. 1316**, A BILL TO BE ENTITLED AN ACT ADOPTING THE FRASER FIR AS THE OFFICIAL CHRISTMAS TREE OF THE STATE OF NORTH CAROLINA, is referred to the Committee on State Government.

By Representatives Glazier, Preston, Parmon, and Wiley (Primary Sponsors); Alexander, B. Allen, Carney, Culp, Faison, Fisher, Jones, Rapp, Wainwright, Weiss, and Womble:

**H.B. 1317**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE EDUCATION OF STUDENTS WITH DISABILITIES, is referred to the Committee on Education.

By Representatives Hackney and Goodwin (Primary Sponsors):

**H.B. 1318**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS REGARDING EQUITABLE DISTRIBUTION BY REQUIRING THE COURT TO CONSIDER EVIDENCE RELATING TO BUILT-IN TAXES AND OTHER TAX CONSEQUENCES OF THE PARTIES TO A DIVORCE ACTION IN DETERMINING EQUITABLE DISTRIBUTION, is referred to the Committee on Judiciary I.

By Representatives Hackney and Goodwin (Primary Sponsors); and Brown:

**H.B. 1319**, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION ACT, is referred to the Committee on Judiciary I.

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By Representative Hackney:

**H.B. 1320**, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURES OF CERTAIN MONETARY TRANSMISSIONS, is referred to the Committee on Financial Institutions.

By Representatives Hackney, Insko, and Faison (Primary Sponsors):

**H.B. 1321**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A NEW DISTRICT COURT JUDGE IN DISTRICT COURT DISTRICT 15B, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representatives Insko, Alexander, Fisher, Harrison, Jeffus, Luebke, Wainwright, and Weiss:

**H.B. 1322**, A BILL TO BE ENTITLED AN ACT TO MAKE OUR COMMUNITIES SAFER BY EXPANDING THE SCOPE OF THE ETHNIC INTIMIDATION ACT AND INCREASING THE CRIMINAL PENALTIES FOR COMMITTING AN ACT OF ETHNIC INTIMIDATION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Glazier, Hackney, and Cunningham (Primary Sponsors); Alexander, B. Allen, Bordsen, Dickson, Fisher, Goforth, Haire, Harrison, Insko, Jones, Lucas, Luebke, Miller, Parmon, Rapp, Ross, Tucker, Wainwright, Weiss, and Womble:

**H.B. 1323**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION, is referred to the Committee on Judiciary IV.

By Representatives Walend and Folwell (Primary Sponsors); Allred, Almond, Barnhart, Blackwood, Blust, Brown, Capps, Clary, Cleveland, Culp, Current, Daughtry, Dockham, Dollar, Eddins, Frye, Gillespie, Grady, Gulley, Hilton, Hollo, Holloway, Holmes, Howard, Johnson, Justus, Langdon, LaRoque, Lewis, McGee, McMahan, Moore, Pate, Preston, Rayfield, Rhodes, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Vinson, Walker, West, Wiley, and Wilson:

**H.B. 1324**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO COMMITS THE CRIME OF MURDER OR MANSLAUGHTER OF A PREGNANT WOMAN IS GUILTY OF A

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SEPARATE OFFENSE FOR THE RESULTING DEATH OF THE UNBORN CHILD AND TO PROVIDE THAT A PERSON WHO COMMITS A FELONY OR A MISDEMEANOR THAT IS AN ACT OF DOMESTIC VIOLENCE AND INJURES A PREGNANT WOMAN THAT RESULTS IN A MISCARRIAGE OR STILLBIRTH BY THE WOMAN IS GUILTY OF A SEPARATE OFFENSE THAT IS PUNISHABLE AT THE SAME CLASS AND LEVEL AS THE UNDERLYING OFFENSE, is referred to the Committee on Judiciary II.

By Representatives McLawhorn, Harrison, Hill, Preston, Underhill, and Walend:

**H.B. 1325**, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR DONATIONS OF OYSTER SHELLS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR PLACEMENT IN OYSTER SANCTUARIES TO RESTORE OYSTER POPULATIONS, is referred to the Committee on Finance.

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

**H.B. 1326**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE FRIENDS OF MOUNTAIN HISTORY, is referred to the Committee on Appropriations.

By Representatives Harrison, Martin, and Wiley (Primary Sponsors); and Insko:

**H.B. 1327**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE, is referred to the Committee on Judiciary I.

By Representatives Harrison, Coleman, Parmon, and Womble (Primary Sponsors); Fisher, Insko, and Wainwright:

**H.B. 1328**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF OFFICIAL RECORDS WHEN A PERSON IS GRANTED A PARDON OF INNOCENCE, is referred to the Committee on Judiciary I.

By Representatives Bell, Faison, Fisher, and Wainwright:

**H.B. 1329**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO PROVIDE CLERICAL ASSISTANTS

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BASED ON AVERAGE DAILY MEMBERSHIP TO BE USED AS TESTING FACILITATORS IN EACH LOCAL SCHOOL ADMINISTRATIVE UNIT, is referred to the Committee on Appropriations.

By Representative Jeffus:

**H.B. 1330**, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE CERTIFICATION OF LASER CLINICIANS AND LASER CLINICIAN INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE CERTIFICATIONS, is referred to the Committee on Finance.

By Representatives Insko and Wainwright:

**H.B. 1331**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA FOR THE PURCHASE OF PART-TIME SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement.

By Representatives Saunders and Faison:

**H.B. 1332**, A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES, is referred to the Committee on Ways and Means.

By Representatives Allred and Faison:

**H.B. 1333**, A BILL TO BE ENTITLED AN ACT REQUIRING THAT NOTICE BE GIVEN ON ANY CONSUMER CONTRACT THAT CONTAINS A PROVISION REQUIRING THE CONSUMER TO SUBMIT TO BINDING ARBITRATION AS THE ONLY RECOURSE FOR RESOLVING DISPUTES THAT MIGHT ARISE CONCERNING THE CONTRACT, is referred to the Committee on Judiciary II.

By Representatives L. Allen, England, and Rapp (Primary Sponsors); Carney, Insko, Jones, Weiss, and Womble:

**H.B. 1334**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON PROMOTING PATIENT

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SAFETY IN THE PROVISION OF HEALTH CARE, is referred to the Committee on Health.

By Representatives Rapp, Goforth, and LaRoque (Primary Sponsors); England, McGee, Parmon, Vinson, Wray, and Yongue:

**H.B. 1335**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT UNTIL 2010 AND TO EXPAND THE PROVISIONS OF THE ACT WITH REGARDS TO ELIGIBLE INDUSTRIES AND THE WAGE STANDARD, is referred to the Committee on Commerce.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 465** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SERVICE AND FILING REQUIREMENTS OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, is read the first time and referred to the Committee on Judiciary III.

**S.B. 492** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN BOTH CIVIL AND CRIMINAL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY, 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 resolution appears on today's Calendar.

**H.R. 341** (Committee Substitute), A HOUSE RESOLUTION URGING THE COMMITTEE ON THE IMPLEMENTATION OF TEXTILE AGREEMENTS TO APPROVE THE SAFEGUARD PETITIONS FILED BY THE UNITED STATES GOVERNMENT AND THE UNITED STATES TEXTILE INDUSTRY.

The resolution is adopted, by electronic vote (114-0), and ordered printed.

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**WITHDRAWAL OF BILLS FROM CALENDAR**

On motion of Representative Stam and without objection, **H.B. 1054**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS THAT ARE A PARTY TO THE SWIFT CREEK MANAGEMENT PLAN AND CERTAIN CITIZENS OF THOSE LOCAL GOVERNMENTS HAVE STANDING TO ENFORCE THE PROVISIONS OF S.L. 1998-192, is withdrawn from the Calendar and placed on the Calendar of April 26.

On motion of Representative Howard and without objection, **H.B. 767** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENHANCING THE MIGRANT HOUSING LAWS OF NORTH CAROLINA, is withdrawn from the Calendar and re-referred to the Committee on Agriculture.

**CALENDAR (continued)**

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

**H.B. 882**, A BILL TO BE ENTITLED AN ACT TO INCLUDE ROBESON COUNTY IN THE LIST OF COUNTIES THAT MAY REQUIRE THE REGISTER OF DEEDS TO REQUIRE A TAX CERTIFICATION BEFORE ACCEPTING ANY DEED, 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. 332**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENSBORO TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES, 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. 736**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES, 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; Representatives Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Daughtridg, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 105.

Voting in the negative: Representatives Blust, Cleveland, Dollar, Hilton, Hollo, Holloway, Moore, Rayfield, Rhodes, and Setzer - 10.

Excused absences: Representatives Adams, Bordsen, Cunningham, and Morgan - 4.

**H.B. 766**, A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, and Wright - 114.

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Voting in the negative: Representative Current.

Excused absences: Representatives Adams, Bordsen, Cunningham, and Morgan - 4.

**H.B. 813** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS, passes its third reading, by electronic vote (77-38), and is ordered engrossed and sent to the Senate.

**H.B. 371**, A BILL TO BE ENTITLED AN ACT DESIGNATING THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE AS NORTH CAROLINA'S HISTORICALLY AMERICAN INDIAN UNIVERSITY, 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. 660** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE FINANCIAL LAWS UNDER CHAPTER 58 OF THE GENERAL STATUTES, 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. 801** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE TO RESOLVE THE ISSUE OF CONFLICTING CHILD CUSTODY ORDERS; TO CLARIFY THE EFFECT OF TERMINATING JURISDICTION IN CERTAIN JUVENILE CASES; TO GIVE THE COURT AUTHORITY TO CONVERT A JUVENILE COURT CUSTODY ORDER INTO A PERMANENT CUSTODY ORDER UNDER CHAPTER 50 OF THE GENERAL STATUTES; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW, 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.

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

**H.B. 1016** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISPOSITION OF A FIREARM TO PROVIDE THAT UPON ORDER OF THE APPROPRIATE COURT, A LAW ENFORCEMENT AGENCY MAY USE THE FIREARM FOR OFFICIAL USE OR MAY TRADE, EXCHANGE, OR SELL THE FIREARM TO A FEDERALLY LICENSED FIREARMS DEALER AND MAY USE THE PROCEEDS FROM THE SALE OF UNCLAIMED FIREARMS FOR LAW ENFORCEMENT PURPOSES, 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. 1032** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR.

Representative Blust offers Amendment No. 1 which fails of adoption by electronic vote (26-87).

Representative McComas requests and is granted permission to be recorded as voting "no". The adjusted vote total is (26-88).

The bill passes its second reading by electronic vote (112-2).

Representative Grady requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (113-2).

Representative Stam 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. 210**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE, passes its second reading, by electronic vote (114-0), 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.

### 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 Judiciary I:

**H.B. 6**, 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.

**S.B. 612** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LEGISLATIVE LOBBYING ACTIVITIES AND BY REQUIRING REGISTRATION AND REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH AGENCIES AND EMPLOYEES.

**H.B. 1106**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS AND EMPLOYEES MAY LOBBY.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1240**, A BILL TO BE ENTITLED AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS, is withdrawn from the Committee on Judiciary IV and re-referred to the Committee on Commerce.

Representative Culpepper moves, seconded by Representative McAllister, that the House adjourn, subject to committee assignments, to reconvene April 21 at 10:00 a.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 5:02 p.m.

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**FIFTIETH DAY**

HOUSE OF REPRESENTATIVES  
Thursday, April 21, 2005

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by Representative Morgan, Speaker Pro Tempore.

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

"Gracious God:

"Each day we begin our time together with prayer asking for Your wisdom, guidance and direction for the work that we do. And, once again, we ask You to shower us with mercy as we consider the many complexities involved in creating legislation. But, we are also reminded that the world in which we live is bigger than ourselves and this place and that prayer is a wonderful way to shower others with divine blessings as well. So, this morning, we take a moment to pray for our constituents back home and for the complexities of their lives. We are grateful to them for their trust in us; and we hope that in remembering them in prayer we may be drawn closer to them in our work. We humbly ask Thee, O God of heaven and earth, to lift them up, bless them with Godly blessings and pour out the abundance of Your mercy upon them. As we prepare to go home for the weekend, we ask for these same gifts for ourselves. And, we pray for a spirit of humility that will ever remind us that we work for those to whom we now return. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 20 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Alexander, L. Allen, Almond, Bordsen, Brubaker, LaRoque, Luebke, McMahan, and Parmon for today. Representative Underhill is excused for a portion of the Session.

**ENROLLED BILLS**

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

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**S.B. 210**, AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE.

**H.B. 752**, AN ACT TO EXEMPT FROM THE UMSTEAD ACT THE SALE BY NORTH CAROLINA STATE UNIVERSITY OF PRODUCTS PRODUCED BY THE DAIRY AND PROCESS APPLICATION LABORATORY.

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

**S.B. 166**, AN ACT TO AUTHORIZE THE TOWNS OF ELIZABETHTOWN, BLADENBORO, AND ROSE HILL TO REGULATE GOLF CARTS AND TO CLARIFY LAW ENFORCEMENT AUTHORITY FOR THE ENFORCEMENT OF LAWS RELATING TO MOTOR VEHICLES WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY.

**S.B. 332**, AN ACT TO PERMIT THE CITY OF GREENSBORO TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

#### **CHAPTERED BILLS**

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

**H.B. 75**, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON AND THE TOWN OF LOUISBURG. (S.L. 2005-10)

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

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

**H.B. 1186**, A BILL TO BE ENTITLED AN ACT TO MAKE THE INCREASE IN SENTENCE LENGTHS BETWEEN PRIOR RECORD

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LEVELS MORE PROPORTIONATE USING A SET PERCENTAGE INCREMENT, with a favorable report.

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

**H.B. 1187**, A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN ORDER TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO EVEN OUT THE REMAINING RANGES, with a favorable report.

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

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

**H.B. 1015**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION, with a favorable report.

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

By Representative Womble, Chair, for the Committee on Ways and Means:

**H.B. 819**, A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY, 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 Holliman, Chair, for the Committee on Insurance:

**H.B. 654**, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES, 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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**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Tolson and Insko (Primary Sponsors); Fisher and Harrison:

**H.B. 1336**, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE USE OF METHYL TERTIARY BUTYL ETHER (MTBE) IN GASOLINE AND ALL OTHER FUELS, is referred to the Committee on Environment and Natural Resources.

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

**H.B. 1337**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE EDGECOMBE COUNTY VETERANS' MILITARY MUSEUM, is referred to the Committee on Appropriations.

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

**H.B. 1338**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WILSON COUNTY FOR THE BLACK CREEK SENIOR CITIZENS CENTER, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1339**, A BILL TO BE ENTITLED AN ACT TO ABOLISH CURRENT PROHIBITIONS AGAINST DISCOVERY OF INFORMATION AND MATERIALS OBTAINED IN PEER REVIEW PROCEEDINGS FOR CERTAIN HEALTH CARE PROVIDERS, is referred to the Committee on Judiciary III.

By Representative Faison:

**H.B. 1340**, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE NORTH CAROLINA STATE BOXING COMMISSION, is referred to the Committee on Finance.

By Representative Lewis:

**H.B. 1341**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RENOVATION OF THE HISTORIC JOHN A. MCKAY

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HOUSE IN THE CITY OF DUNN, is referred to the Committee on Appropriations.

By Representatives Sherrill, Lucas, McGee, and Pate:

**H.B. 1342**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF WORLD WAR II, KOREA, AND VIETNAM, is referred to the Committee on Education.

By Representative Nye:

**H.B. 1343**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROMPT PAY STATUTE TO ALLOW PARTIES TO AGREE TO CERTAIN TERMS, is referred to the Committee on Health.

By Representatives Nye, Crawford, England, and Rapp (Primary Sponsors):

**H.B. 1344**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS IMPACTING MEDICAL MALPRACTICE INSURANCE RATES TO IMPROVE THE COST OF PROVIDING HEALTH CARE IN NORTH CAROLINA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Haire and Coates (Primary Sponsors); Insko, Justice, Kiser, Martin, Rapp, Sherrill, Underhill, and Weiss:

**H.B. 1345**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PSEUDOEPHEDRINE PRODUCTS SHALL NOT BE OFFERED FOR SELF-SERVICE SALES AND SHALL BE STORED BEHIND THE COUNTER, TO PROVIDE THAT STEALING A PRODUCT THAT CONTAINS MORE THAN NINE GRAMS OF PSEUDOEPHEDRINE IS FELONY LARCENY, TO PROHIBIT THE SALE OF CERTAIN PRODUCTS BY CERTAIN PERSONS, AND TO ESTABLISH THE NORTH CAROLINA METHAMPHETAMINE ABUSE TASK FORCE, is referred to the Committee on Judiciary III.

By Representative Haire:

**H.B. 1346**, A BILL TO BE ENTITLED AN ACT TO ENACT THE INTERSTATE COMPACT FOR JUVENILES, is referred to the Committee on Judiciary III.

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By Representatives Coates, Brown, Carney, Hill, and Justus:

**H.B. 1347**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO ISSUE A VOLUNTEER LICENSE TO AN ACTIVE OR RETIRED NURSE WHO WISHES TO DONATE NURSING SERVICES THROUGH A CHARITABLE ORGANIZATION, is referred to the Committee on Health.

By Representative Hunter:

**H.B. 1348**, A BILL TO BE ENTITLED AN ACT GIVING STATE RECOGNITION TO THE NOTTOWAY TRIBAL COMMUNITY, is referred to the Committee on Military, Veterans and Indian Affairs.

By Representative Wilkins:

**H.B. 1349**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE THE CEILING ON ITS LICENSURE AND REGISTRATION FEES AND ESTABLISH CERTAIN NEW FEES AND MAKING CERTAIN CHANGES TO THE CONDITIONS OF LICENSE RENEWAL UNDER THE PHARMACY PRACTICE ACT, is referred to the Committee on Finance.

By Representative Lewis:

**H.B. 1350**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO OPEN A PUBLIC LIBRARY ON THE NEW CAMPUS OF THE CENTRAL CAROLINA COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

By Representatives Almond and Goodwin (Primary Sponsors); and Coleman:

**H.B. 1351**, A BILL TO BE ENTITLED AN ACT TO CREATE VARIOUS CRIMINAL OFFENSES THAT EXTEND THE SAME PROTECTION THAT A CURRENT LAW PROVIDES FOR EXECUTIVE, LEGISLATIVE, AND COURT OFFICERS TO A PERSON ENGAGED IN SCHOOL ACTIVITIES OR ON SCHOOL PROPERTY, is referred to the Committee on Judiciary I.

By Representatives LaRoque and Clary (Primary Sponsors); Coleman and Wray:

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**H.B. 1352**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN RETIREES WITH LESS THAN TWENTY YEARS OF RETIREMENT SERVICE CREDIT SHALL QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN ON A PARTIALLY CONTRIBUTORY BASIS, is referred to the Committee on Health.

By Representative LaRoque:

**H.B. 1353**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO HEAR CONTROVERSIES SUBMITTED BY MUNICIPAL ELECTRIC SERVICE CUSTOMERS WHO LIVE OUTSIDE THE MUNICIPALITY'S CORPORATE BOUNDARIES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Pate, Culp, Daughtry, Folwell, Holmes, Lewis, McMahan, Moore, and Steen:

**H.B. 1354**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE SHALL STUDY THE POLICY OF EACH OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA REGARDING THE ACCEPTANCE OR REFUSAL OF PRIVATE GRANTS AND GIFTS TO THE INSTITUTION, is referred to the Committee on Education.

By Representatives McMahan and Gibson (Primary Sponsors); Almond, Barnhart, Brown, Capps, Cleveland, Culp, Daughtry, Dockham, Dollar, Hackney, Holmes, Langdon, Lewis, Ray, Steen, Vinson, and Wilson:

**H.B. 1355**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A COASTAL CONSERVATION ASSOCIATION SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representatives McMahan, Blust, Capps, Culp, Current, Dockham, Dollar, Gulley, Lewis, McGee, Rayfield, Rhodes, Vinson, and Wiley:

**H.B. 1356**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FUNDS FROM THE HIGHWAY TRUST FUND SHALL BE

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USED FOR PROJECTS BASED ON CONGESTION REDUCTION NEEDS, is referred to the Committee on Transportation.

By Representatives Fisher and Gibson (Primary Sponsors); B. Allen, Bordsen, and Harrison:

**H.B. 1357**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ACUPUNCTURE LICENSING BOARD TO EMPLOY CERTAIN PROFESSIONAL ADVISORS; TO CLARIFY QUALIFICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL, AND INACTIVE, SUSPENDED, EXPIRED, AND LAPSED LICENSES; TO CLARIFY CONTINUING EDUCATION; AND TO INCREASE AND ESTABLISH CERTAIN FEES, is referred to the Committee on Finance.

By Representatives Insko, Alexander, and Wright (Primary Sponsors); Adams, B. Allen, Farmer-Butterfield, Fisher, Glazier, Hackney, Harrison, Luebke, McAllister, Parmon, Wainwright, Weiss, and Womble:

**H.B. 1358**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO RECOGNIZE THE RIGHT TO HEALTH CARE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Rapp, England, Nye, and Goforth (Primary Sponsors):

**H.B. 1359**, A BILL TO BE ENTITLED AN ACT TO REDUCE HEALTH CARE COSTS BY AMENDING THE LAWS PERTAINING TO MEDICAL MALPRACTICE CIVIL ACTIONS AND INSURANCE RATES AND PROVIDING FOR A MEDICAL MALPRACTICE INSURANCE TAX CREDIT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McGee and Bordsen (Primary Sponsors); Insko, Rapp, and Starnes:

**H.B. 1360**, A BILL TO BE ENTITLED AN ACT TO BRING CONSISTENCY TO THE EXCISE TAX ON MALT BEVERAGES AND WINE BASED ON THE ALCOHOL BY VOLUME CONTENT OF THE BEVERAGE, is referred to the Committee on Finance.

By Representative Stam:

**H.B. 1361**, A BILL TO BE ENTITLED AN ACT TO DEFINE REASONABLE ATTORNEYS' FEES UNDER THE NORTH CAROLINA

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CONDOMINIUM ACT AND THE NORTH CAROLINA PLANNED COMMUNITY ACT, is referred to the Committee on Judiciary I.

By Representatives Allred, McGee, and Starnes:

**H.B. 1362**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STATE AND LOCAL LAW ENFORCEMENT OFFICERS TO ENFORCE THE FEDERAL IMMIGRATION LAWS TO THE EXTENT AUTHORIZED BY FEDERAL LAW, is referred to the Committee on Judiciary II.

By Representative Allred:

**H.B. 1363**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSIONER OF INSURANCE TO REVIEW HEALTH INSURANCE COVERAGE AND RATES PROVIDED BY NONPROFIT HOSPITAL, MEDICAL AND DENTAL SERVICE CORPORATIONS IN OTHER STATES AS COMPARED TO COVERAGE AND RATES PROVIDED IN NORTH CAROLINA TO DETERMINE IF CHANGES CAN BE MADE IN THIS STATE TO INCREASE AFFORDABLE COVERAGE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Dollar and Goforth (Primary Sponsors); Insko and Wiley:

**H.B. 1364**, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE ADMINISTRATION OF THIMEROSAL-FREE VACCINES TO PREGNANT WOMEN AND CERTAIN-AGED CHILDREN, is referred to the Committee on Health.

By Representatives Daughtridge, Barnhart, Brown, Faison, Hill, Justice, Justus, McGee, Moore, Sauls, and Wray:

**H.B. 1365**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE, is referred to the Committee on Commerce.

By Representatives Hilton, Tolson, Miller, and Johnson (Primary Sponsors); Clary, Cleveland, Folwell, Frye, Glazier, Jones, Justice, Lewis, Starnes, and Yongue:

**H.R. 1366**, A HOUSE RESOLUTION URGING CONGRESS TO ENACT LEGISLATION TO PROVIDE THAT FUNDS RECEIVED AS UNIVERSAL SERVICE CONTRIBUTIONS AND THE UNIVERSAL

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SERVICE SUPPORTS PROGRAMS ARE NOT SUBJECT TO CERTAIN ACCOUNTING RULES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hilton, Almond, Capps, Clary, Cleveland, Folwell, Frye, Gillespie, Hollo, Holloway, Johnson, Justice, Justus, Lewis, Setzer, Vinson, and Walker:

**H.B. 1367**, A BILL TO BE ENTITLED AN ACT TO WAIVE THE FEE FOR A MARRIAGE LICENSE FOR INDIVIDUALS WHO RECEIVE PREMARITAL COUNSELING AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, is referred to the Committee on Judiciary IV and, if favorable, to the Committee on Appropriations.

By Representatives Vinson, Allred, Barnhart, Blust, Capps, Dollar, Eddins, Gillespie, Gulley, Hilton, McGee, McMahan, Moore, Pate, Ray, Setzer, Starnes, Steen, Walend, and Wiley:

**H.B. 1368**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE NUMBER OF CHARTER SCHOOLS, is referred to the Committee on Education.

By Representatives Vinson, Folwell, Glazier, Harrison, Martin, McMahan, Moore, Steen, Walend, and Wiley:

**H.B. 1369**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE CREDIT FOR CONSTRUCTING A RENEWABLE ENERGY EQUIPMENT FACILITY TO INCLUDE FUEL CELLS AND MICROTURBINES, is referred to the Committee on Finance.

By Representatives Vinson, Folwell, McMahan, Moore, Starnes, and Walend:

**H.B. 1370**, A BILL TO BE ENTITLED AN ACT TO CREATE A TAX CREDIT FOR INVESTMENT IN MANUFACTURING FACILITIES, is referred to the Committee on Finance.

By Representatives Culpepper and Moore:

**H.B. 1371**, A BILL TO BE ENTITLED AN ACT TO EXEMPT ALL-TERRAIN VEHICLES OPERATED BY PUBLIC SAFETY AGENCIES FROM HAVING TO BE REGISTERED AS MOTOR VEHICLES, is referred to the Committee on Transportation.

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By Representative Culpepper:

**H.B. 1372**, A BILL TO BE ENTITLED AN ACT AUTHORIZING ADVERTISEMENTS ON BUS BENCHES AND BUS SHELTERS BY HIGHWAYS IN CITIES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culpepper:

**H.B. 1373**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR GUBERNATORIAL APPOINTMENT OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS, AND RETENTION BY VOTE OF THE PEOPLE, is referred to the Committee on Judiciary IV.

By Representatives Culpepper and Insko:

**H.B. 1374**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE PHARMACY BENEFITS MANAGER REGULATION TRANSPARENCY ACT OF 2005 TO ENSURE PROPER REGULATION OF THOSE INDIVIDUALS OR ENTITIES WHOSE ACTIONS AFFECT NORTH CAROLINA CITIZENS' ACCESS TO PRESCRIPTION DRUGS, is referred to the Committee on Finance.

By Representative Culpepper:

**H.B. 1375**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATING TO CHILD SUPPORT ENFORCEMENT IN ORDER TO CLARIFY AND ENHANCE THOSE LAWS, is referred to the Committee on Judiciary IV.

By Representative Culpepper:

**H.B. 1376**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO CIVIL PENALTIES UNDER THE LAWS REGULATING GENERAL CONTRACTORS, is referred to the Committee on Finance.

By Representative Gibson:

**H.B. 1377**, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 130A OF THE GENERAL STATUTES AND OTHER LAWS

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PERTAINING TO PUBLIC HEALTH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gibson:

**H.B. 1378**, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 130A OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO PUBLIC HEALTH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gibson:

**H.B. 1379**, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 113 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO NATURAL RESOURCES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gibson:

**H.B. 1380**, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 113 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO NATURAL RESOURCES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gibson:

**H.B. 1381**, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTERS 113, 130A, 143, AND 143B OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gibson:

**H.B. 1382**, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTERS 113, 130A, 143, AND 143B OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gibson:

**H.B. 1383**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE CLEAN WATER MANAGEMENT TRUST

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

By Representatives Gibson and Harrison (Primary Sponsors); Insko and Rapp:

**H.B. 1384**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE WASTEWATER DISCHARGE ELIMINATION PROGRAM STATEWIDE, is referred to the Committee on Appropriations.

By Representatives Gibson and Harrison:

**H.B. 1385**, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS, AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124, is referred to the Committee on Environment and Natural Resources.

By Representatives Gibson and Harrison:

**H.B. 1386**, A BILL TO BE ENTITLED AN ACT TO STABILIZE THE MOTOR FUEL TAX BY IMPOSING A CAP ON THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUELS TAX RATE AT ITS CURRENT RATE, TO ADJUST THE MOTOR FUEL EXCISE TAX RATE, AND TO INCREASE THE ANNUAL OPERATING FEES FOR PETROLEUM COMMERCIAL UNDERGROUND STORAGE TANKS IN ORDER TO PROTECT REVENUES AVAILABLE TO THE HIGHWAY FUND AND HIGHWAY TRUST FUND AND TO PROVIDE ADEQUATE FUNDS FOR THE CLEANUP OF PETROLEUM CONTAMINATED PROPERTY, is referred to the Committee on Finance.

By Representatives Gibson and Harrison (Primary Sponsors); Fisher, Glazier, Insko, Justice, and Rapp:

**H.B. 1387**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE RECOMMENDATIONS OF THE GEOGRAPHIC INFORMATION COORDINATING COUNCIL TO IMPROVE THE MAPPING AND DIGITAL REPRESENTATION OF SURFACE WATERS IN NORTH CAROLINA AS DIRECTED BY S.L. 2004-161, is referred to the Committee on Appropriations.

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By Representatives Gibson and Cole (Primary Sponsors):

**H.B. 1388**, A BILL TO BE ENTITLED AN ACT TO EXCLUDE INTERNET-BASED SALES FROM ACTIVITIES REGULATED BY THE LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS, is referred to the Committee on Commerce.

By Representatives Gibson and Harrell (Primary Sponsors):

**H.B. 1389**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS, is referred to the Committee on Alcoholic Beverage Control.

By Representatives Gibson and Harrell (Primary Sponsors):

**H.B. 1390**, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW GOVERNING THE COMMERCIAL TRANSPORTATION OF ALCOHOLIC BEVERAGES CONSISTENT WITH THE LAW GOVERNING THE AMOUNTS OF ALCOHOLIC BEVERAGES THAT MAY BE PURCHASED WITHOUT A PERMIT, is referred to the Committee on Alcoholic Beverage Control.

By Representative Gibson:

**H.B. 1391**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO CHAPTER 18B OF THE GENERAL STATUTES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Glazier and Kiser (Primary Sponsors):

**H.B. 1392**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW AND PROCEDURE PERTAINING TO THE FAILURE TO RETURN A HIRED MOTOR VEHICLE, is referred to the Committee on Judiciary IV.

By Representative Goodwin:

**H.B. 1393**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ARTS AND AGRICULTURE ENTERPRISE IN RICHMOND COUNTY, is referred to the Committee on Appropriations.

By Representative Moore:

**H.B. 1394**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE PARENTS OF AN INCOMPETENT ADULT WHO IS NOT MARRIED

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TO RECOMMEND A GUARDIAN FOR THAT ADULT BY WILL OR OTHER DOCUMENT, is referred to the Committee on Judiciary II.

By Representative Faison:

**H.B. 1395**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROHIBITING THE BAITING OF BLACK BEAR, is referred to the Committee on Wildlife Resources.

By Representatives Faison, Wright, B. Allen, and England (Primary Sponsors); Alexander, Coleman, Fisher, Glazier, Insko, Jones, Wainwright, Weiss, and Womble:

**H.B. 1396**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IDENTIFICATION OF PRIMARY STROKE CENTERS; TO DISSEMINATE INFORMATION TO THE GENERAL PUBLIC AND EMERGENCY CARE PROVIDERS ABOUT THE LOCATION OF PRIMARY STROKE CENTERS; AND TO FACILITATE APPROPRIATE EMERGENCY STROKE CARE, is referred to the Committee on Health.

By Representatives Faison, Brown, and Allred (Primary Sponsors); and Starnes:

**H.B. 1397**, A BILL TO BE ENTITLED AN ACT AMENDING THE INVOLUNTARY ANNEXATION STATUTES TO REQUIRE THAT AREAS ANNEXED MUST BE CONTIGUOUS TO AREAS OF EQUAL SIZE OR GREATER AND DEVELOPED FOR URBAN PURPOSES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Sutton:

**H.B. 1398**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HELP ESTABLISH THE PEMBROKE-PROSPECT DRAINAGE DISTRICT, is referred to the Committee on Appropriations.

By Representatives L. Allen, Jones, Crawford, and Wray (Primary Sponsors); and Warren:

**H.B. 1399**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A HERITAGE TOURISM DEVELOPMENT OFFICER TO SERVE HALIFAX, WARREN, FRANKLIN, AND VANCE COUNTIES, is referred to the Committee on Appropriations.

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By Representatives Folwell, Almond, Brown, Capps, Cleveland, Current, Dockham, Dollar, Glazier, Holliman, Holloway, Langdon, McGee, Pate, Walend, Wiley, and Womble:

**H.B. 1400**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR PASSING A STOPPED SCHOOL BUS AND TO MAKE SCHOOL BUS STOPS SAFER, is referred to the Committee on Judiciary II.

By Representatives Folwell, Almond, Barnhart, Blackwood, Blust, Brown, Capps, Cleveland, Culp, Current, Dollar, Frye, Grady, Hilton, Hollo, Holloway, Howard, Johnson, Ed Jones, Justus, Kiser, Langdon, LaRoque, Lewis, McGee, McMahan, Moore, Preston, Setzer, Starnes, Vinson, Walend, Walker, and Wiley:

**H.B. 1401**, A BILL TO BE ENTITLED AN ACT TO ALLOW A SWORN LAW ENFORCEMENT OFFICER WITH A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY TO CARRY A CONCEALED WEAPON AT ALL TIMES, is referred to the Committee on Judiciary II.

By Representative Wilkins:

**H.B. 1402**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FAIRNESS IN MEDICAL CHARGES FOR COUNTY PRISONERS, is referred to the Committee on Health.

By Representative Bordsen:

**H.B. 1403**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE GLENCOE MILL VILLAGE, is referred to the Committee on Appropriations.

By Representatives Folwell and Starnes:

**H.B. 1404**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA STATE HIGHWAY PATROL TO DESIGNATE ENFORCEMENT PERSONNEL TO SERVE AS PROCESS OFFICERS IN EACH DISTRICT OF EACH TROOP AND TO SERVE PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES, is referred to the Committee on Judiciary II.

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By Representative Tucker:

**H.B. 1405**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Holliman and Steen (Primary Sponsors); Barnhart, Current, Eddins, Jones, Ed Jones, Lewis, Lucas, McAllister, Setzer, Stam, Tolson, Vinson, and Wilkins:

**H.B. 1406**, A BILL TO BE ENTITLED AN ACT PROHIBITING UNNECESSARY ELECTRIC SERVICE LINES, PRESERVING CUSTOMERS RIGHT OF CHOICE IN ELECTRIC SERVICE, PRESERVING THE RIGHT TO SERVE CUSTOMERS, AND IMPOSING CIVIL PENALTIES UPON ELECTRIC SERVICE PROVIDERS FOR SERVING CUSTOMERS THEY ARE NOT AUTHORIZED TO SERVE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Barnhart, Gillespie, Hilton, McGee, and Starnes:

**H.B. 1407**, A BILL TO BE ENTITLED AN ACT TO EXTEND CONSCIENCE PROTECTION, is referred to the Committee on Judiciary I.

By Representatives Barnhart and Steen:

**H.B. 1408**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DELIVERY OF UNSOLICITED CHECKS THAT OBLIGATE THE RECIPIENTS UPON CASHING, TO ESTABLISH A REMEDY FOR RECIPIENTS OF UNSOLICITED SERVICES WHO ARE BILLED FOR THOSE SERVICES, AND TO EXPAND THE REMEDIES FOR RECIPIENTS OF UNSOLICITED GOODS, is referred to the Committee on Commerce.

By Representatives Dollar and Jones (Primary Sponsors):

**H.B. 1409**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND AND THAT THE BOND MAY BE REFUSED IF OBTAINED AS A RESULT OF A VIOLATION OF STATE OR FEDERAL LAW, is referred to the Committee on Judiciary III.

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By Representatives Luebke and Harrison:

**H.B. 1410**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CERTAIN REQUIREMENTS THAT APPLY TO ANY RETAIL MOTOR VEHICLE DEALER THAT ARRANGES THE FINANCING FOR A CONSUMER BUYER OF A MOTOR VEHICLE, is referred to the Committee on Transportation.

By Representatives Luebke and Harrison:

**H.B. 1411**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE CAP FOR THE AMOUNT FINANCED THAT FALLS WITHIN THE MEANING OF A CONSUMER CREDIT SALE IN ORDER TO REFLECT THE INCREASE IN THE COST OF CONSUMER GOODS AND SERVICES DUE TO INFLATION, is referred to the Committee on Finance.

By Representatives Faison and Jones (Primary Sponsors); Coleman, Wainwright, and Womble:

**H.B. 1412**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TRUST FUND TO PROVIDE HEALTH INSURANCE COVERAGE FOR LOW-INCOME NORTH CAROLINIANS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives L. Allen, Hackney, Justice, and Weiss (Primary Sponsors); Alexander, Carney, Fisher, Harrison, Insko, and Womble:

**H.B. 1413**, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL AUTHORITY FOR LOCAL GOVERNMENTS THAT ADMINISTER APPROVED LOCAL ENVIRONMENTAL PROGRAMS, AND TO PROVIDE ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO REQUEST THE AUTHORITY TO ADMINISTER ALL OR A PORTION OF CERTAIN ENVIRONMENTAL PROGRAMS, is referred to the Committee on Environment and Natural Resources.

By Representatives Pierce, Coleman, Faison, Jones, McLawhorn, Moore, Sauls, Wainwright, Warren, and Womble:

**H.B. 1414**, A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY

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COMPLETE THEIR STUDENT TEACHING, is referred to the Committee on Education.

By Representatives Sutton and Jeffus (Primary Sponsors); and Harrison:

**H.B. 1415**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A PERSON WHO APPLIES FOR A PISTOL PERMIT HAS AN OUT-OF-COUNTY ADDRESS, THE SHERIFF SHALL CONSULT WITH THE SHERIFF OF THE APPLICANT'S HOME COUNTY REGARDING THE APPLICANT PRIOR TO ISSUING THE PERMIT, is referred to the Committee on Judiciary III.

By Representative Haire:

**H.B. 1416**, A BILL TO BE ENTITLED AN ACT TO MAKE TOWNS OR CITIES WHERE A RAILROAD PASSENGER TERMINUS EXISTS ELIGIBLE TO HOLD MALT BEVERAGE PERMIT ELECTIONS, is referred to the Committee on Alcoholic Beverage Control.

By Representative Haire:

**H.B. 1417**, A BILL TO BE ENTITLED AN ACT TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE THREE ADDITIONAL MEMBERS OF THE COMMISSION, is referred to the Committee on Judiciary III.

By Representative Jones:

**H.B. 1418**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE GREENSBORO LIFESKILLS CENTER, is referred to the Committee on Appropriations.

By Representative Jones:

**H.B. 1419**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CARL CHAVIS MEMORIAL BRANCH YMCA IN HIGH POINT, is referred to the Committee on Appropriations.

By Representatives Jones, B. Allen, Faison, Harrison, and Wainwright:

**H.B. 1420**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BLACK CHILD DEVELOPMENT INSTITUTE OF GREENSBORO, is referred to the Committee on Appropriations.

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By Representatives Jones, Adams, Jeffus, and Wiley (Primary Sponsors); Culp and Harrison:

**H.B. 1421**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPALITIES TO ISSUE REVENUE BONDS FOR THE CONSTRUCTION OF WATER TREATMENT AND RELATED FACILITIES TO BE OWNED BY A WATER AND SEWER AUTHORITY, is referred to the Committee on Finance.

By Representatives Adams, Coleman, Harrison, Jeffus, Jones, and Wainwright:

**H.B. 1422**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY FOR PLANNING ACTIVITIES RELATED TO THE CONSTRUCTION OF A CULTURAL AND PERFORMING ARTS CENTER, is referred to the Committee on Appropriations.

By Representatives Adams, B. Allen, Harrison, Jeffus, Jones, McAllister, and Sutton:

**H.B. 1423**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE CULTURAL ACTIVITIES OF THE GUILFORD NATIVE AMERICAN ASSOCIATION, is referred to the Committee on Appropriations.

By Representatives Adams, Harrison, Jeffus, and Jones:

**H.B. 1424**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO FAITH MATTERS, A NONPROFIT CORPORATION OPERATING IN GUILFORD COUNTY, is referred to the Committee on Appropriations.

By Representative Dollar:

**H.B. 1425**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO REFORM LEGISLATIVE AND CONGRESSIONAL REDISTRICTING, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Culp, McAllister and Walend:

**H.B. 1426**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SPECIAL PROCEEDING WHEREBY THE GRANDPARENT OF A

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MINOR CHILD MAY OBTAIN VISITATION RIGHTS OR CUSTODY WITH RESPECT TO THE CHILD, is referred to the Committee on Judiciary II.

By Representatives Harrell and Hackney:

**H.B. 1427**, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES TO IMPLEMENT AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT WHEN A DISTRICT COURT JUDGE IS COMPLETING A FOUR-YEAR ELECTIVE TERM OF OFFICE, AND WISHES TO CONTINUE IN OFFICE, THE NEXT ELECTION SHALL BE BY VOTE OF THE PEOPLE FOR RETENTION FOR AN EIGHT-YEAR TERM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Harrell and Hackney:

**H.B. 1428**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT WHEN A DISTRICT COURT JUDGE IS COMPLETING A FOUR-YEAR ELECTIVE TERM OF OFFICE AND WISHES TO CONTINUE IN OFFICE, THE NEXT ELECTION SHALL BE BY VOTE OF THE PEOPLE FOR RETENTION FOR AN EIGHT-YEAR TERM, is referred to the Committee on Judiciary II.

By Representatives Harrell and Gibson (Primary Sponsors):

**H.B. 1429**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, is referred to the Committee on Finance.

By Representative Stiller:

**H.B. 1430**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING AREA, is referred to the Committee on Wildlife Resources.

By Representatives Martin, Cleveland, Lucas, and Underhill (Primary Sponsors); Alexander, B. Allen, Coates, Coleman, Dickson, Faison, Fisher, Folwell, Glazier, Goodwin, Harrison, Jeffus, McAllister, McLawhorn, Moore, Pierce, Ross, Sutton, Vinson, Wainwright, Weiss, Wiley, Wray, and Wright:

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**H.B. 1431**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A CONSUMER PROTECTION SPECIALIST IN THE DEPARTMENT OF JUSTICE TO ASSIST MILITARY PERSONNEL AND THEIR FAMILIES, is referred to the Committee on Appropriations.

By Representatives Stam and Ross (Primary Sponsors); and Hackney:

**H.B. 1432**, A BILL TO BE ENTITLED AN ACT AFFECTING CERTIFICATIONS BY REGISTERS OF DEEDS, is referred to the Committee on Judiciary I.

By Representatives Hollo, Cleveland, Current, England, Folwell, Glazier, Hilton, Kiser, Lewis, Moore, Starnes, Vinson, and Wiley:

**H.B. 1433**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE FEE GOING TO THE SPECIAL REGISTRATION PLATE ACCOUNT FOR AMATEUR RADIO SPECIAL REGISTRATION PLATES, is referred to the Committee on Finance.

By Representatives Glazier and Stiller (Primary Sponsors); and Moore:

**H.B. 1434**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE, FOR SERVICE OF PROCESS UPON A NATURAL PERSON OR FOR PROOF OF PERSONAL SERVICE UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE, CERTAIN ELECTRONIC SIGNATURE CONFIRMATION, is referred to the Committee on Judiciary IV.

By Representatives Johnson, Capps, Justus, and Starnes:

**H.B. 1435**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE SENTENCING COURT TO CONSIDER MORE OF A DEFENDANT'S CRIMINAL RECORD IN DETERMINING AGGRAVATING FACTORS TO BE WEIGHED WHEN SENTENCING AN OFFENDER FOR DRIVING WHILE IMPAIRED, is referred to the Committee on Judiciary I.

By Representatives Johnson, Capps, Justus, and Steen:

**H.B. 1436**, A BILL TO BE ENTITLED AN ACT TO ADD TO THE LIST OF AGGRAVATING FACTORS FOR A CAPITAL OFFENSE THAT THE FELONY WAS COMMITTED IN VIOLATION OF A VALID PROTECTIVE ORDER, is referred to the Committee on Judiciary III.

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By Representatives Johnson, Capps, McGee, and Starnes:

**H.B. 1437**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR HIGHER-LEVEL THEFTS, is referred to the Committee on Judiciary III.

By Representative Daughtridge:

**H.B. 1438**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Stam, Capps, and Dollar:

**H.B. 1439**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A GOOD FAITH EXCEPTION TO THE EXCLUSIONARY RULE, is referred to the Committee on Judiciary III.

By Representative Pate:

**H.B. 1440**, A BILL TO BE ENTITLED AN ACT TO PREVENT ONE POLITICAL PARTY FROM CONTROLLING THE STATE BOARD OF ELECTIONS, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representative Holliman:

**H.B. 1441**, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 65 OF CHAPTER 58 OF THE GENERAL STATUTES TO CLARIFY THAT CORPORATIONS SUBJECT TO THIS ARTICLE ARE ALSO SUBJECT TO RISK-BASED CAPITAL LAWS; TO CLARIFY RATE-MAKING FACTORS THAT THE COMMISSIONER MAY CONSIDER; AND TO REPEAL PROVISIONS REQUIRING SUCH CORPORATIONS TO ESTABLISH AND MAINTAIN CONTINGENCY RESERVES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Blust, Capps, Current, and Setzer:

**H.B. 1442**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR LEGISLATORS, STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES

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TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS, AND TO MAKE CONFORMING CHANGES, is referred to the Committee on Ethics.

By Representatives Blust, Capps, Hilton, and Wiley:

**H.B. 1443**, A BILL TO BE ENTITLED AN ACT TO ENACT THE TEACHER PROTECTION ACT, is referred to the Committee on Education.

By Representative Blust:

**H.B. 1444**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF CAMPAIGN FUNDS FOR NONCAMPAIGN-RELATED PERSONAL PURPOSES; AND TO STRENGTHEN REPORTING REQUIREMENTS TO PREVENT VIOLATIONS OF THE PROHIBITION, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Blust, Capps, Dollar, McGee, Setzer, Vinson, and Wiley:

**H.B. 1445**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A VICTIM OF A SEXUALLY VIOLENT OFFENSE OR THE VICTIM'S FAMILY MAY OBTAIN A CIVIL NO-CONTACT ORDER AGAINST A REGISTERED OFFENDER WHO RESIDES OR WORKS AT A PLACE OF EMPLOYMENT WITHIN A QUARTER MILE OF THE VICTIM AND TO PROVIDE THAT A REGISTERED OFFENDER SHALL NOT RESIDE WITHIN ONE-QUARTER OF A MILE OF AN ELEMENTARY SCHOOL OR A CHILD CARE FACILITY, is referred to the Committee on Judiciary I.

By Representatives Blust, Capps, and Rhodes:

**H.B. 1446**, A BILL TO BE ENTITLED AN ACT TO REFORM THE ELECTION LAWS FOR THE PURPOSE OF MAKING VOTING SIMPLER AND FAIRER, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Blust, Hilton, Holloway, McGee, Rhodes, Setzer, Starnes, and Vinson:

**H.B. 1447**, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PRIVACY ACT TO PROVIDE THAT SOCIAL SECURITY

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NUMBERS SHALL NOT APPEAR ON CITATIONS AND OTHERWISE LIMITING THE DISCLOSURE OF SOCIAL SECURITY NUMBERS BY GOVERNMENT AGENCIES, is referred to the Committee on Judiciary I.

By Representatives Blust, Current, and Vinson:

**H.B. 1448**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Blust, McGee, Rhodes, and Starnes:

**H.B. 1449**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FUNDS BUDGETED FOR SALARIES AND WAGES SHALL BE EXPENDED ONLY FOR THOSE ITEMS, is referred to the Committee on Appropriations.

By Representatives Blust, Rhodes, Starnes, and Vinson:

**H.B. 1450**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT AT LEAST SIXTY-FIVE PERCENT OF SCHOOL FUNDING IS USED FOR CLASSROOM INSTRUCTION, is referred to the Committee on Education.

By Representatives Blust, Holloway, Rhodes, and Starnes:

**H.B. 1451**, A BILL TO BE ENTITLED AN ACT TO PROVIDE PROTECTION AGAINST TERRORISM, IDENTITY THEFT, AND VOTER FRAUD, is referred to the Committee on Judiciary I.

By Representatives Blust and Rhodes:

**H.B. 1452**, A BILL TO BE ENTITLED AN ACT TO DISSOLVE AND REPEAL THE CHARTER OF THE GOLDEN L.E.A.F., INC. AND TO DIRECT UNENCUMBERED ASSETS AND FUNDS OF THE GOLDEN L.E.A.F., INC., TO THE FUND ESTABLISHED FOR THE BENEFIT OF HEALTH, is referred to the Committee on Appropriations.

By Representatives Blust, Rhodes, Starnes, and Vinson:

**H.B. 1453**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO GRANT THE GOVERNOR

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A LINE-ITEM VETO OF APPROPRIATIONS ITEMS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Blust, Rhodes, and Starnes:

**H.B. 1454**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE SCHOOL TESTING PROGRAM, is referred to the Committee on Education.

By Representatives Blust and Rhodes:

**H.B. 1455**, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM APPORTIONMENT OF TORT RESPONSIBILITY ACT, is referred to the Committee on Judiciary I.

By Representatives Blust, Holloway, and Rhodes:

**H.B. 1456**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TAX-EXEMPT STATUS FOR CHARITABLE AND SIMILAR ORGANIZATIONS IS CONDITIONED ON THE ORGANIZATION'S USING A MINIMUM AMOUNT OF ITS GROSS INCOME FOR ITS CHARITABLE OR SIMILAR PURPOSE, is referred to the Committee on Finance.

By Representatives Blust, Capps, Current, Hilton, Holloway, McGee, Moore, Rhodes, Starnes, and Vinson:

**H.B. 1457**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ZERO-BASED BUDGETING AND TO ESTABLISH A ZERO-BASED BUDGETING CYCLE, is referred to the Committee on Appropriations.

By Representative Saunders:

**H.B. 1458**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BUSINESSES THAT FINANCE THE SALE OF MOTOR VEHICLES UNDER THE RETAIL INSTALLMENT SALES ACT TO CHARGE A LOAN FEE THAT IS NOT REFUNDABLE AS PART OF A REBATE ON PREPAYMENT OF THE DEBT, is referred to the Committee on Ways and Means.

By Representatives Alexander, Fisher, Goforth, Insko, Jeffus, Luebke, Michaux, Parmon, Ross, and Wright:

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**H.B. 1459**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Alexander, Carney, Hackney, and Harrison (Primary Sponsors); B. Allen, L. Allen, Coleman, Dickson, England, Farmer-Butterfield, Fisher, Goforth, Goodwin, Haire, Insko, Jones, Martin, Parmon, Rapp, Ross, Sherrill, Weiss, and Womble:

**H.B. 1460**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA LOW-EMISSION VEHICLES PROGRAM, is referred to the Committee on Environment and Natural Resources.

By Representatives Alexander, Insko, Luebke, Vinson, and Weiss:

**H.J.R. 1461**, A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE TRAFFICKING OF PERSONS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Alexander, Insko, and Weiss:

**H.B. 1462**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY POLICIES RELATED TO CORPORAL PUNISHMENT, is referred to the Committee on Education.

By Representative Sutton:

**H.B. 1463**, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ENHANCED SENTENCE FOR CERTAIN CRIMINAL OFFENSES COMMITTED AGAINST A VICTIM WHO IS FIFTEEN YEARS OLD OR YOUNGER IF THE PERSON CONVICTED IS THE VICTIM'S LEGAL CUSTODIAN, GUARDIAN, PARENT, OR OTHER PERSON STANDING IN LOCO PARENTIS, is referred to the Committee on Judiciary III.

By Representatives McMahan, Culp, Daughtridge, Daughtry, Dockham, Gulley, Holmes, Lewis, Rayfield, and Vinson:

**H.B. 1464**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE LAW PROVIDING FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR CERTAIN PROJECTS OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE

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REPORTS ON ACTIONS TAKEN UNDER THAT LAW, is referred to the Committee on Education.

By Representatives Hackney, Harrison, Insko, Martin, Weiss, and Womble:

**H.B. 1465**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF CLEAN WOOD WASTE, ELECTRONIC DEVICES, MOTOR VEHICLE OIL FILTERS, PLASTIC BOTTLES, AND WOODEN PALLETS IN LANDFILLS, is referred to the Committee on Environment and Natural Resources.

By Representatives Hackney, Alexander, Carney, Coleman, Dickson, England, Faison, Farmer-Butterfield, Fisher, Glazier, Goforth, Goodwin, Haire, Harrell, Harrison, Holliman, Insko, Jeffus, Martin, McLawhorn, Rapp, Ross, Tolson, Underhill, Warren, Weiss, Wilkins, Williams, and Wray:

**H.B. 1466**, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDERLY PERSON OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE, is referred to the Committee on Judiciary I.

By Representative Hackney:

**H.B. 1467**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECOVERY OF ATTORNEYS' FEES AGAINST CUSTODIANS WHO FAIL TO COMPLY WITH THE TRANSFER PROVISIONS OF THE NORTH CAROLINA UNIFORM TRANSFERS TO MINORS ACT, is referred to the Committee on Judiciary I.

By Representatives Saunders and Brubaker (Primary Sponsors):

**H.B. 1468**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE CERTAIN TELECOMMUNICATION SERVICE PROVIDERS TO BE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS, is referred to the Committee on Public Utilities.

By Representatives Saunders and Brubaker (Primary Sponsors):

**H.B. 1469**, A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, is referred to the Committee on Public Utilities.

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By Representatives Saunders and Brubaker (Primary Sponsors):

**H.B. 1470**, A BILL TO BE ENTITLED AN ACT REQUIRING INCLUSION OF CERTAIN PROVISIONS IN CONTRACTS BETWEEN TELECOMMUNICATION SERVICE PROVIDERS AND OWNERS OR DEVELOPERS OF COMMERCIAL OR RESIDENTIAL PROPERTY DEVELOPMENTS, is referred to the Committee on Public Utilities.

By Representatives McGee, Blust, Brown, Cleveland, Coleman, Current, Daughtry, Faison, Folwell, Frye, Gibson, Holmes, Preston, Setzer, Starnes, Walend, and West:

**H.B. 1471**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE TAX COLLECTOR TO SEND A PROPERTY TAX BILL AND TO EXPAND TAX COLLECTORS' WAIVER AUTHORITY, is referred to the Committee on Finance.

By Representative Kiser:

**H.B. 1472**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MORE SEVERE PUNISHMENT MAY BE IMPOSED IN CERTAIN CIRCUMSTANCES WHEN A DEFENDANT IS SENTENCED AGAIN AFTER APPELLATE REVIEW OF THE DEFENDANT'S CASE, is referred to the Committee on Judiciary IV.

By Representatives Coates, Cole, and Luebke (Primary Sponsors); Carney, Coleman, Dickson, England, Faison, Farmer-Butterfield, Fisher, Glazier, Goforth, Goodwin, Hackney, Haire, Harrell, Harrison, Holliman, Insko, Jeffus, Martin, McLawhorn, Rapp, Ross, Tolson, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, and Wray:

**H.B. 1473**, 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 Commerce.

By Representatives Howard, Brubaker, Sherrill, and Crawford (Primary Sponsors); Almond, Daughtridge, Folwell, Frye, Grady, Gulley, Hilton, Johnson, Justice, Justus, Kiser, Moore, Ray, and Starnes:

**H.B. 1474**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN APPLICANT FOR PUBLIC ASSISTANCE PROGRAM BENEFITS MUST PROVIDE PROOF THAT THE APPLICANT IS A UNITED

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STATES CITIZEN OR, IF NOT A UNITED STATES CITIZEN, IS LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL LAW; TO PROVIDE FOR TEMPORARY PUBLIC ASSISTANCE BENEFITS TO BE PAID IN CASES WHERE THE APPLICANT CANNOT PROVIDE PROOF AT THE TIME OF APPLICATION; TO REQUIRE CERTAIN STATE AGENCIES TO COOPERATE WITH LOCAL GOVERNMENTS AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO DEVELOP A SYSTEM FOR VERIFYING LAWFUL PRESENCE IN THE UNITED STATES, is referred to the Committee on Judiciary III.

By Representative Wright:

**H.B. 1475**, A BILL TO BE ENTITLED AN ACT TO ALLOW PUBLIC ENTITIES TO ENTER INTO AGREEMENTS WITH PRIVATE PARTIES FOR THE OPERATION AND DEVELOPMENT OF FACILITIES AND INFRASTRUCTURE FOR PUBLIC PURPOSES, is referred to the Committee on Finance.

By Representatives Wright and Clary (Primary Sponsors); Alexander, Glazier, and Wainwright:

**H.B. 1476**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY AND EVALUATE THE NUMBER OF SCHOOL-BASED AND SCHOOL-LINKED HEALTH CENTERS TO DETERMINE THE IMPACT THE CENTERS HAVE ON PROVIDING HEALTH CARE, is referred to the Committee on Health.

By Representatives L. Allen, Carney, and Justice:

**H.B. 1477**, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTES, is referred to the Committee on Local Government II.

By Representatives L. Allen, Carney, Harrison, and Justice:

**H.B. 1478**, A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES, is referred to the Committee on Local Government II.

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By Representatives Underhill and Harrison (Primary Sponsors); Hackney and Wainwright:

**H.B. 1479**, A BILL TO BE ENTITLED AN ACT TO REGULATE THE ALLOCATION OF DISCHARGE LIMITS AMONG THE INDIVIDUAL DISCHARGERS OF A COOPERATIVE GROUP OF DISCHARGERS, is referred to the Committee on Environment and Natural Resources.

By Representative Folwell:

**H.B. 1480**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR SCHOOL ADMISSION IN NORTH CAROLINA, is referred to the Committee on Education.

By Representative Wilkins:

**H.B. 1481**, A BILL TO BE ENTITLED AN ACT REQUIRING PHARMACIES ENGAGING IN THE COMPOUNDING OF DRUG PRODUCTS TO OBTAIN A COMPOUNDING PHARMACY PERMIT AND AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO IMPOSE A FEE FOR THE PERMIT UNDER THE LAWS REGULATING THE PRACTICE OF PHARMACY, is referred to the Committee on Finance.

By Representatives Pierce, Wainwright, and Weiss:

**H.B. 1482**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL DEPARTMENTS OF SOCIAL SERVICES AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED, is referred to the Committee on Health.

By Representatives Culpepper and Alexander:

**H.B. 1483**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO RULES ADOPTED BY THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, is referred to the Committee on Health.

By Representative Culpepper:

**H.B. 1484**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FELONY OFFENSE OF DRIVING WHILE IMPAIRED AFTER

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HAVING BEEN PREVIOUSLY CONVICTED OF A DRIVING WHILE IMPAIRED OFFENSE THAT WAS THE PROXIMATE CAUSE OF A TRAFFIC-RELATED DEATH, is referred to the Committee on Judiciary IV.

By Representatives Culpepper and Starnes:

**H.B. 1485**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SEARCH WARRANTS MAY BE OBTAINED BY AUDIO/VIDEO TRANSMISSIONS, is referred to the Committee on Judiciary IV.

By Representatives Culpepper and Starnes:

**H.B. 1486**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FIRST AND SECOND DEGREE FELONY DEATH BY VEHICLE, is referred to the Committee on Judiciary IV.

By Representative Dickson:

**H.B. 1487**, 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 Representatives Johnson, Justice, and LaRoque (Primary Sponsors); Allred, Barnhart, Bell, Blackwood, Blust, Capps, Clary, Cleveland, Culp, Current, Eddins, Folwell, Frye, Gillespie, Hilton, Holliman, Hollo, Holloway, Jones, Justus, Kiser, Lewis, McGee, Moore, Pate, Rhodes, Sauls, Setzer, Stam, Starnes, Steen, Vinson, Walend, Walker, West, Wiley, and Wilson:

**H.B. 1488**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A TWENTY-FOUR-HOUR WAITING PERIOD AND THE INFORMED CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Johnson, Capps, Folwell, Justice, Justus, McGee, Pate, Ray, Starnes, and Vinson:

**H.B. 1489**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR INDECENT EXPOSURE IF THE OFFENSE IS

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COMMITTED IN THE PRESENCE OF A MINOR OF THE OPPOSITE SEX WHO IS LESS THAN THIRTEEN YEARS OLD, is referred to the Committee on Judiciary III.

By Representatives Johnson, Daughtridge, and McGee:

**H.B. 1490**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEVERAL PROCEDURAL ENHANCEMENTS THAT WILL PROTECT THE MASTER SETTLEMENT AGREEMENT, AID IN THE ENFORCEMENT OF THE TOBACCO RESERVE FUND ACT, AND WILL SAFEGUARD THE FISCAL SOUNDNESS OF THE STATE AND PUBLIC HEALTH, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Glazier, Alexander, Wainwright, and Womble:

**H.B. 1491**, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE LIABILITY INSURANCE FOR SCHOOL SOCIAL WORKERS WHO TRANSPORT STUDENTS, is referred to the Committee on Education.

By Representatives Glazier, Kiser, B. Allen, and Martin (Primary Sponsors); Capps, McGee, Rapp, and Starnes:

**H.B. 1492**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REVOCATION OF THE DRIVERS LICENSE OF ANY PERSON CONVICTED OF GIVING ALCOHOLIC BEVERAGES TO, OR AIDING AND ABETTING THE PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES BY, AN UNDERAGE PERSON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Cole:

**H.B. 1493**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY, is referred to the Committee on Health.

By Representatives Rhodes, Capps, and Starnes:

**H.B. 1494**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE SIZE AND

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EFFICIENCY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, is referred to the Committee on Education.

By Representatives Rhodes, Almond, Blackwood, Brown, Capps, Cleveland, Current, Daughtry, Dockham, Gulley, Hollo, Holloway, Holmes, Langdon, Rayfield, Setzer, Starnes, and Walend:

**H.R. 1495**, A HOUSE RESOLUTION URGING CONGRESS TO ENACT LEGISLATION TO DESIGNATE ENGLISH AS THE OFFICIAL LANGUAGE OF THE UNITED STATES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Rhodes, Almond, Blackwood, Blust, Brown, Capps, Cleveland, Current, Daughtry, Dockham, Gulley, Holloway, Holmes, Langdon, Rayfield, Setzer, Starnes, and Walend:

**H.R. 1496**, A HOUSE RESOLUTION PROVIDING THAT THE BUDGET MAY NOT BE CONSIDERED IN THE HOUSE OF REPRESENTATIVES EARLIER THAN THE DAY AFTER THE COMMITTEE REPORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Rhodes:

**H.B. 1497**, A BILL TO BE ENTITLED AN ACT TO INCLUDE ELECTED OFFICIALS IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Kiser, Harrell, Crawford, and Justus (Primary Sponsors); Almond, Blackwood, Brown, Brubaker, Clary, Cleveland, Culp, Current, Dockham, Folwell, Frye, Gillespie, Grady, Gulley, Hilton, Hollo, Holmes, Howard, Johnson, Justice, Langdon, LaRoque, Lewis, Pate, Ray, Rayfield, Sauls, Setzer, Sherrill, Starnes, Steen, Underhill, Vinson, Walker, West, Wiley, and Wilson:

**H.B. 1498**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS IMPACTING MEDICAL MALPRACTICE INSURANCE RATES TO IMPROVE THE COST OF PROVIDING HEALTH CARE IN NORTH CAROLINA, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Gibson:

**H.B. 1499**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CLEAN WATER REVOLVING LOAN AND GRANT ACT INCLUDING THE FOLLOWING: EXPAND BOTH THE PROJECTS AND APPLICANTS THAT ARE ELIGIBLE TO RECEIVE LOANS AND GRANTS FROM THE REVOLVING LOAN AND GRANT FUND, ALLOW THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO SET LOWER INTEREST RATES AND EXTEND REPAYMENT TERMS TO THIRTY YEARS OF THE EXPECTED LIFE OF A PROJECT, TO DIRECT THE DEPARTMENT TO NEGOTIATE WITH THE ENVIRONMENTAL PROTECTION AGENCY TO DEVELOP AN INTEGRATED PRIORITY SYSTEM THAT WILL ADDRESS BOTH POINT AND NONPOINT SOURCE WASTEWATER PROJECTS AND TO MAKE OTHER CLARIFYING, TECHNICAL, AND CONFORMING CHANGES; AND TO CLARIFY THAT STORMWATER PLANNING PROJECTS AND WATER SUPPLY PLANNING PROJECTS ARE PURPOSES THAT MAY BE FUNDED BY THE CLEAN WATER MANAGEMENT TRUST FUND, is referred to the Committee on Environment and Natural Resources.

By Representatives Gibson and Harrell (Primary Sponsors):

**H.B. 1500**, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT, is referred to the Committee on Alcoholic Beverage Control.

By Representative Nye:

**H.B. 1501**, A BILL TO BE ENTITLED AN ACT TO INCLUDE EMPLOYEES OF REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS AS MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement.

By Representatives Martin, McLawhorn, and Lucas (Primary Sponsors); Alexander, B. Allen, Bordsen, Carney, Coleman, Faison, Fisher, Glazier, Goodwin, Hackney, Harrell, Harrison, Justice, Parmon, Ross, Sherrill, Vinson, Wainwright, Weiss, Wiley, Womble, Wray, Wright, and Yongue:

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**H.B. 1502**, A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOLCHILDREN'S HEALTH ACT OF 2005, is referred to the Committee on Education.

By Representatives Martin and Warren:

**H.B. 1503**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES AND REGIONAL TRANSPORTATION AUTHORITIES ARE INCLUDED IN THE STATE TORT CLAIMS ACT, is referred to the Committee on Judiciary IV.

By Representative Martin:

**H.B. 1504**, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE THE INVESTIGATION AND DISCIPLINE OF LAW ENFORCEMENT OFFICERS AND TO PROVIDE FOR JUDICIAL REVIEW OF DISCIPLINARY ACTIONS, is referred to the Committee on Judiciary IV.

By Representatives Yongue, Preston, Johnson, and Carney (Primary Sponsors):

**H.B. 1505**, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY POPULATION CHANGES IN THE EDUCATIONAL DISTRICTS FROM WHICH MEMBERS OF THE STATE BOARD OF EDUCATION ARE APPOINTED, is referred to the Committee on Education.

By Representatives Yongue, Preston, Johnson, and Carney (Primary Sponsors); and B. Allen:

**H.B. 1506**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE EDUCATIONAL DISTRICTS FROM WHICH MEMBERS OF THE STATE BOARD OF EDUCATION ARE APPOINTED, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Alexander:

**H.B. 1507**, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS UNDER THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSURE ACT, TO EXPAND THE GROUP OF PERSONS WHO MAY OBTAIN A PROVISIONAL LICENSE

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UNDER THE ACT, AND TO AUTHORIZE THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD TO ASSESS CIVIL PENALTIES, is referred to the Committee on Finance.

By Representatives Blust, Capps, Dollar, Gulley, Rhodes, Setzer, Vinson, and Wiley:

**H.B. 1508**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR THE SECRETARY OF TRANSPORTATION TO TRANSFER FUNDS FROM THE HIGHWAY TRUST FUND AND TO PROVIDE A FORMULA FOR TRANSFER OF FUNDS TO MEET NEEDS BASED ON POPULATION OR CONGESTION AND TO REVISE THE HIGHWAY TRUST FUND ALLOCATION FORMULA, is referred to the Committee on Appropriations.

By Representatives Blust, Capps, Gillespie, Hilton, Moore, Setzer, Starnes, Vinson, and Wiley:

**H.B. 1509**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ANY INFANT BORN ALIVE IS INCLUDED IN THE DEFINITION OF PERSON, is referred to the Committee on Judiciary I.

By Representatives Harrison, Fisher, and Martin (Primary Sponsors):

**H.B. 1510**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE PROHIBITION ON USE OF CORPORATE AND UNION MONEY IN ELECTIONEERING COMMUNICATIONS AND RELATED REPORTING REQUIREMENTS, is referred to the Committee on Election Law and Campaign Finance Reform.

By Representatives Harrison, Martin, and Fisher (Primary Sponsors); Glazier, Hackney, Luebke, and Weiss:

**H.B. 1511**, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY PORTFOLIO STANDARD, is referred to the Committee on Public Utilities.

By Representative Harrison:

**H.B. 1512**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DISCLOSURE OF COASTAL NATURAL HAZARDS TO PURCHASERS

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

By Representatives Weiss, Earle, and Barnhart (Primary Sponsors); Alexander, B. Allen, Carney, Glazier, Insko, and Wainwright:

**H.B. 1513**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO HIRE ADDITIONAL CHILD PROTECTIVE SERVICES WORKERS TO REDUCE CASELOAD PER CHILD PROTECTIVE SERVICES WORKER, WHICH WILL ENABLE THE EXPANSION OF THE MULTIPLE RESPONSE SYSTEM TO ALL COUNTIES IN THE STATE, is referred to the Committee on Appropriations.

By Representatives Ray and Setzer:

**H.B. 1514**, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF RECKLESS ENDANGERMENT, is referred to the Committee on Judiciary IV.

By Representatives LaRoque and England (Primary Sponsors); Daughtridg and Setzer:

**H.B. 1515**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A CRIMINAL BACKGROUND CHECK OF ALL STUDENTS ADMITTED INTO A SCHOOL OF MEDICINE AT A NORTH CAROLINA INSTITUTION OF HIGHER EDUCATION, is referred to the Committee on Education.

By Representatives Setzer and Ray:

**H.B. 1516**, A BILL TO BE ENTITLED AN ACT TO DECLARE SIGNING A WRITTEN STATEMENT THAT ALL MATERIALMEN'S LIENS ARE SATISFIED IS AN UNFAIR AND DECEPTIVE ACT, is referred to the Committee on Judiciary II.

By Representatives Carney and Vinson (Primary Sponsors); and Current:

**H.B. 1517**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO CHILD CARE FACILITIES, is referred to the Committee on Children, Youth and Families.

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By Representatives Hackney, Harrison, Insko, Martin, Starnes, Underhill, and Weiss:

**H.B. 1518**, A BILL TO BE ENTITLED AN ACT TO REQUIRE HOLDERS OF CERTAIN ABC PERMITS TO RECYCLE ALL RECYCLABLE CONTAINERS OF ALL BEVERAGES SOLD AT RETAIL ON THE PREMISES AND TO PROHIBIT THE DISPOSAL OF THOSE CONTAINERS IN LANDFILLS OR BY INCINERATION, is referred to the Committee on Alcoholic Beverage Control.

By Representative Wright:

**H.B. 1519**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA MASSAGE AND BODYWORK THERAPY PRACTICE ACT TO EXPAND THE EXISTING LAWS REGULATING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO AUTHORIZE THE BOARD TO ESTABLISH FEES FOR LICENSING MASSAGE AND BODYWORK THERAPY SCHOOLS; AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE TO PRACTICE MASSAGE AND BODYWORK THERAPY, is referred to the Committee on Finance.

By Representative McComas:

**H.B. 1520**, A BILL TO BE ENTITLED AN ACT REQUIRING A CERTIFICATE OF MERIT ON CIVIL ACTIONS FILED AGAINST A PERSON OR FIRM PROVIDING ARCHITECTURE OR ENGINEERING SERVICES IN THIS STATE, is referred to the Committee on Judiciary I.

By Representatives McComas, Harrison, and Underhill:

**H.B. 1521**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF OYSTER SHELLS IN LANDFILLS, is referred to the Committee on Environment and Natural Resources.

By Representatives McComas and Stiller:

**H.B. 1522**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE PORTS AUTHORITY ENABLING LEGISLATION, is referred to the Committee on Commerce.

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By Representatives McComas, Harrison, and Gibson (Primary Sponsors); Carney, Jeffus, Justice, and Weiss:

**H.B. 1523**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PROVISION OF THE COASTAL HABITAT PROTECTION PLAN BY PROVIDING FOR GREATER FLEXIBILITY IN THE USE OF FUNDS FROM THE RIPARIAN BUFFER RESTORATION FUND TO CONSTRUCT ALTERNATIVE MEASURES TO REDUCE NUTRIENT LOADING AND BY PROVIDING THAT IF A LAND-DISTURBING ACTIVITY LEAVES AN EXPOSED SLOPE, THE SLOPE SHALL BE PLANTED WITH TEMPORARY OR PERMANENT GROUND COVER WITHIN TWENTY-ONE CALENDAR DAYS, is referred to the Committee on Environment and Natural Resources.

By Representatives Wilson, Bell, and Coleman (Primary Sponsors); B. Allen, Jones, and Wainwright:

**H.B. 1524**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, is referred to the Committee on Insurance.

By Representatives Frye, Cole, England, Farmer-Butterfield, Fisher, Harrell, Johnson, Martin, McLawhorn, Moore, Pate, Steen, Underhill, Walend, Warren, and Womble:

**H.B. 1525**, A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS BY PROHIBITING COERCIVE AND DISCRIMINATORY PRACTICES IN THE REPAIR OF MOTOR VEHICLES AND AUTOMOBILE GLASS REPAIR AND REPLACEMENT, BY PROVIDING FOR MORE CONSUMER DISCLOSURE BY INSURERS IN THE COLLISION REPAIR PROCESS, AND BY IMPOSING STRICTER MOTOR VEHICLE DAMAGE AND AUTOMOBILE GLASS REPAIR REGULATIONS AND PENALTIES ON INSURERS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Frye and Jones (Primary Sponsors); Pate, Starnes, and Walend:

**H.B. 1526**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE AUTOMOBILE INSURANCE COMPREHENSIVE DEDUCTIBLE ON MOTOR VEHICLE WINDSHIELD GLASS, is referred to the Committee on Insurance.

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By Representatives Cole, Almond, Brown, Capps, Carney, Church, Coates, Culp, Current, Daughtridge, Daughtry, Dickson, Eddins, Gillespie, Glazier, Goforth, Haire, Hilton, Holliman, Hollo, Howard, Johnson, Lewis, Lucas, McGee, Moore, Owens, Pate, Pierce, Preston, Rapp, Sauls, Saunders, Setzer, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Wilkins, Williams, and Wray:

**H.B. 1527**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS, is referred to the Committee on Judiciary III.

By Representatives Cole, Almond, Brown, Culp, Dickson, Eddins, Glazier, Hilton, Pierce, Saunders, Sutton, Wainwright, Walend, Williams, and Wray:

**H.B. 1528**, A BILL TO BE ENTITLED AN ACT TO CLARIFY INCLUDABLE INTEREST CHARGES FOR USED MOTOR VEHICLES UNDER THE RETAIL INSTALLMENT SALES ACT, is referred to the Committee on Judiciary III.

By Representatives Goodwin, B. Allen, Fisher, Harrison, Jones, and Weiss:

**H.B. 1529**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN ARC OF NORTH CAROLINA SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representatives Weiss and Earle (Primary Sponsors); Alexander, B. Allen, Carney, Insko, and Wainwright:

**H.B. 1530**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE OVERSIGHT COUNCIL ON CHILD MALTREATMENT PREVENTION AND AN INTERAGENCY LEADERSHIP TEAM FOR CHILD MALTREATMENT PREVENTION AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, is referred to the Committee on Appropriations.

By Representatives Harrison, Bordsen, Martin, and Fisher (Primary Sponsors); Hackney, Insko, and Weiss:

**H.B. 1531**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE QUANTITY OF MERCURY THAT IS RELEASED INTO THE ENVIRONMENT, THAT IMPACTS NATURAL RESOURCES, AND

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THAT HARMS THE PUBLIC HEALTH OF THE CITIZENS OF THE STATE, is referred to the Committee on Environment and Natural Resources.

By Representatives Justice, McComas, and Farmer-Butterfield (Primary Sponsors); Harrison, Insko, Martin, Underhill, and Weiss:

**H.B. 1532**, A BILL TO BE ENTITLED AN ACT TO CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998 AND TO PHASE OUT THE USE OF THE LAGOON AND SPRAYFIELD ANIMAL WASTE MANAGEMENT SYSTEM FOR SWINE FARMS, is referred to the Committee on Environment and Natural Resources.

By Representatives Fisher and Insko (Primary Sponsors); Folwell, Goodwin, Martin, Underhill, and Weiss:

**H.B. 1533**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SPENDING LIMITS ON COUNCIL OF STATE AND GENERAL ASSEMBLY CAMPAIGNS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gibson:

**H.B. 1534**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR SELLING AND INSTALLING MODULAR HOMES AND TO ELIMINATE INEQUITIES IN THE TAXATION OF MODULAR HOMES, is referred to the Committee on Finance.

By Representatives Insko and Holliman (Primary Sponsors); B. Allen, Goodwin, and Harrison:

**H.B. 1535**, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA HEALTH INSURANCE RISK POOL TO MEET THE NEEDS OF INDIVIDUALS WHO CANNOT OBTAIN HEALTH INSURANCE BECAUSE OF HIGH-RISK HEALTH CONDITIONS AND UNAFFORDABLE PREMIUMS; AND TO PROVIDE A TAX CREDIT AGAINST THE GROSS PREMIUMS TAX FOR ASSESSMENTS PAID BY INSURERS TO THE NORTH CAROLINA HEALTH INSURANCE RISK POOL, is referred to the Committee on Insurance.

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By Representatives Rhodes and Gulley (Primary Sponsors); and Capps:

**H.B. 1536**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STUDY COMMISSION ON DECONSOLIDATING LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE MORE THAN SEVENTY-FIVE THOUSAND STUDENTS, is referred to the Committee on Education.

By Representatives Barnhart and Hunter (Primary Sponsors):

**H.B. 1537**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MANUFACTURED HOUSING BOARD; TO PROVIDE BUYERS WITH INFORMATION REGARDING THE PRICE OF MANUFACTURED HOMES; TO CLARIFY THE CONTRACT NEGOTIATION PROCESS AND EXTEND THE CANCELLATION PERIOD; TO REQUIRE MANUFACTURED HOME DEALERS TO ESTABLISH AND MAINTAIN ESCROW OR TRUST ACCOUNTS FOR BUYER DEPOSITS; AND TO INCREASE CERTAIN PENALTIES AND STANDARDS APPLICABLE TO THE MANUFACTURED HOME INDUSTRY, is referred to the Committee on Finance.

By Representatives Jones and Harrison:

**H.B. 1538**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE MUNICIPAL TORT CLAIMS ACT, is referred to the Committee on Judiciary I.

By Representatives Daughtridge, Brubaker, Haire, and Yongue (Primary Sponsors); McLawhorn, McMahan, and Rapp:

**H.B. 1539**, A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT TO BROADEN THE SCOPE OF ACTIVITIES THAT MAY BE OFFERED BY THE UNIVERSITY OF NORTH CAROLINA PROVIDED THE ACTIVITIES ARE NOT, IN FACT, UNFAIR COMPETITION, is referred to the Committee on Commerce.

By Representatives Vinson, Barnhart, Faison, Glazier, Martin, Moore, Setzer, Steen, and Underhill:

**H.B. 1540**, A BILL TO BE ENTITLED AN ACT TO WAIVE TUITION AT A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA OR A COMMUNITY COLLEGE FOR

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CERTAIN PERSONS IF THE PERSON IS A RELATIVE OF A MEMBER OF THE ARMED FORCES WHO IS DECEASED OR DISABLED, is referred to the Committee on Education.

By Representatives Earle, Weiss, Stam, and Barnhart (Primary Sponsors); and Carney:

**H.B. 1541**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS, is referred to the Committee on Finance.

By Representatives Culpepper and Preston (Primary Sponsors); McGee and Stiller:

**H.B. 1542**, A BILL TO BE ENTITLED AN ACT TO ENACT THE BEACH AND COASTAL WATERWAYS CONSERVATION, RESTORATION, AND PUBLIC ACCESS ACT, is referred to the Committee on Environment and Natural Resources.

By Representatives Ray, Culp, England, Folwell, Howard, Johnson, Justus, Pate, Setzer, and Steen:

**H.B. 1543**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PHOTOGRAPHS AND VIDEO OR AUDIO RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT PUBLIC RECORDS AND TO ALLOW FOR LIMITED ACCESS TO RECORDED IMAGES OF AN AUTOPSY BY THE PUBLIC, is referred to the Committee on Judiciary IV.

By Representative Lewis:

**H.B. 1544**, A BILL TO BE ENTITLED AN ACT TO ALLOW NONRESIDENTS TO OBTAIN A NORTH CAROLINA COMMERCIAL DRIVERS LICENSE OR LEARNERS PERMIT AND TO CHANGE THE PERIOD OF TRAINING REQUIRED FOR A COMMERCIAL DRIVERS LICENSE, is referred to the Committee on Transportation.

By Representatives Rhodes and Capps:

**H.B. 1545**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR LEGISLATIVE LEADERSHIP TO COERCE, DICTATE, OR OTHERWISE FORCE A MEMBER OF THE GENERAL ASSEMBLY TO VOTE A CERTAIN WAY IN EXCHANGE FOR PROJECTS OR

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OTHER ITEMS WHILE IN THE COURSE OF SERVING THEIR CONSTITUENTS AND FULFILLING THEIR OFFICE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Preston, Bell, Johnson, and Parmon (Primary Sponsors); Alexander, B. Allen, Carney, Dickson, Farmer-Butterfield, Folwell, Glazier, Jeffus, Jones, Lucas, McLawhorn, Rapp, Ross, Sauls, Tolson, Wainwright, and Warren:

**H.B. 1546**, A BILL TO BE ENTITLED AN ACT TO ALIGN STATE LAW WITH FEDERAL LAW ON STUDENTS WITH DISABILITIES, is referred to the Committee on Education.

By Representatives Parmon, B. Allen, Jones, and Womble:

**H.B. 1547**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC CONTRACTS LAW TO REQUIRE PREQUALIFICATION OF BIDDERS FOR PUBLIC BUILDING CONTRACTS AND TO ENSURE PROMPT PAYMENT TO BUILDING SUBCONTRACTORS UNDER PUBLIC CONTRACTS, is referred to the Committee on Judiciary IV.

By Representatives Setzer, Starnes, and Vinson:

**H.B. 1548**, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF AGGRAVATED ASSAULT ON A FEMALE, is referred to the Committee on Judiciary III.

By Representative Brubaker:

**H.B. 1549**, A BILL TO BE ENTITLED AN ACT TO AMEND PROPERTY TAX COLLECTION ON MOBILE HOMES, is referred to the Committee on Finance.

By Representatives Farmer-Butterfield, B. Allen, Carney, Fisher, Insko, Johnson, Justice, Justus, Stiller, and Weiss:

**H.B. 1550**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON STATE GUARDIANSHIP LAWS, is referred to the Committee on Judiciary II.

By Representatives Farmer-Butterfield, B. Allen, and Stiller:

**H.B. 1551**, A BILL TO BE ENTITLED AN ACT EXEMPTING CERTAIN SOCIAL WORKERS FROM THE PRESERVICE TRAINING

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REQUIREMENT PURSUANT TO LAWS REQUIRING TRAINING BY THE DIVISION OF SOCIAL SERVICES WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND REQUIRING THE DIVISION OF SOCIAL SERVICES TO DEVELOP OR ALLOW ALTERNATIVE MODELS OF DELIVERING TRAINING TO CHILD WELFARE SERVICES WORKERS, is referred to the Committee on Health.

By Representatives Adams and Coleman:

**H.B. 1552**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE REGULATORY AUTHORITY OVER CAMPUS PARKING TO THE BOARD OF TRUSTEES OF NORTH CAROLINA A&T STATE UNIVERSITY, is referred to the Committee on Education.

By Representatives Harrell and Kiser (Primary Sponsors):

**H.B. 1553**, A BILL TO BE ENTITLED AN ACT TO PROTECT ACCESS TO HEALTH CARE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Womble and Parmon (Primary Sponsors); and Jones:

**H.B. 1554**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN CRIMINAL OFFENSES, is referred to the Committee on Judiciary II.

By Representatives Womble and Jones (Primary Sponsors); B. Allen, Luebke, Parmon, and Weiss:

**H.B. 1555**, A BILL TO BE ENTITLED AN ACT RELATING TO COMPENSATION FOR THOSE STERILIZED UNDER THE STATE EUGENICS PROGRAM, is referred to the Committee on Rules, Calendar, and Operations of the House.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

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

**H.B. 1084**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE

April 21, 2005

EXPUNGED OF NONVIOLENT FELONIES, 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.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 666**, A BILL TO BE ENTITLED AN ACT TO ALLOW ATTORNEYS' FEES TO BE AWARDED TO THE PREVAILING PARTY IN AN ACTION TO ENFORCE PROVISIONS OF THE ARTICLES OF INCORPORATION, DECLARATION, BYLAWS, OR RULES OF A PLANNED COMMUNITY CREATED PRIOR TO JANUARY 1, 1999, IF RECOVERY OF ATTORNEYS' FEES IS ALLOWED IN THE DECLARATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is read the first time and referred to the Committee on Judiciary IV.

**S.B. 667**, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN SUBORDINATION AGREEMENTS AND TO CLARIFY THE LAW ON THE PRIORITY OF INSTRUMENTS REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is read the first time and referred to the Committee on Judiciary IV.

**S.B. 689**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CLERK OF SUPERIOR COURT IS RESPONSIBLE FOR PROVIDING COPIES OF THE TRIAL FILE TO APPOINTED APPELLATE COUNSEL IN INDIGENT CASES, is read the first time and referred to the Committee on Judiciary I.

**S.B. 737** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL RECORD CHECKS FOR COUNTY GOVERNMENTS, is read the first time and referred to the Committee on Judiciary IV.

**S.B. 835** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CREATION OF MILITARY NOISE ZONES UNDER CITY AND COUNTY ZONING ORDINANCES AND REQUIRING THE DISCLOSURE OF MILITARY NOISE AND EVALUATION OF

April 21, 2005

THE NEED FOR ADDITIONAL NOISE ABATEMENT REQUIREMENTS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

### CALENDAR

Action is taken on the following:

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

**H.B. 570**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PROFIT DISTRIBUTION FROM THE SALES OF ALCOHOLIC BEVERAGES BY THE KINGS MOUNTAIN ALCOHOLIC BEVERAGE CONTROL BOARD, passes its second reading, by electronic vote (105-0), 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. 997**, A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF DAVIE COUNTY AS TO AN EMERGENCY MEDICAL SERVICES STATION, passes its second reading, by electronic vote (105-0), 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. 1056**, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, passes its second reading, by electronic vote (96-10), 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. 736**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives B. Allen, Barnhart, Bell, Blackwood, Brown, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Dickson, Dockham,

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Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Nye, Owens, Pate, Pierce, Preston, Rapp, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 92.

Voting in the negative: Representatives Allred, Blust, Cleveland, Daughtridge, Dollar, Frye, Hilton, Hollo, Holloway, Moore, Rayfield, Rhodes, and Setzer - 13.

Excused absences: Representatives Adams, Alexander, L. Allen, Almond, Bordsen, Brubaker, Luebke, McMahan, and Parmon - 9.

**H.B. 766**, A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives B. Allen, Allred, Barnhart, Bell, Blackwood, Blust, Brown, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Adams, Alexander, L. Allen, Almond, Bordsen, Brubaker, Luebke, McMahan, and Parmon - 9.

**H.B. 1032** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND

April 21, 2005

RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR.

Representative Stam offers Amendment No. 2 which is adopted by electronic vote (107-0).

The bill, as amended, passes its third reading, by electronic vote (106-1), and is ordered engrossed and sent to the Senate.

On motion of Representative Culpepper, seconded by Representative Ross, the House adjourns at 10:51 a.m., in memory of Coach Clarence "Bighouse" Gaines, longtime Coach of the Winston-Salem State University Rams, to reconvene Monday, April 25, 2005, at 7:00 p.m.

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## FIFTY-FIRST DAY

HOUSE OF REPRESENTATIVES  
Monday, April 25, 2005

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

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

"Almighty God:

"You are the giver of every good and perfect gift. Unto us You have bestowed the beauty of the earth. Unto us You have given the bounty of the fields' harvests. Unto us You have yielded Your authority, including granting us freedom over our own sovereignty. What greater giver of gifts, granter of life and lover of our souls is there than Thee? No, there is none but You, O Lord, and we humbly and gratefully offer You our thanksgiving and praise. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 21 has been examined and found correct. Upon his motion, the Journal is approved as written.

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Leaves of absence are granted Representatives Allred, Clary, Holmes, Kiser, LaRoque, Lewis, Luebke, McAllister, McComas, Morgan, Rayfield, Rhodes and Starnes for today.

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

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

20301 Mail Service Center • Raleigh, NC 27699-0301

Michael F. Easley  
*Governor*

April 13, 2005

The Honorable James Black  
Speaker of the House  
North Carolina General Assembly  
2307 Legislative Building  
Raleigh, NC 27603

Dear Speaker Black:

Pursuant to General Statute §62-10, I hereby reappoint The Honorable Robert V. Owens, Jr. to serve as a member of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. His term shall begin upon confirmation and will expire June 30, 2013.

Enclosed is biographical information on Commissioner Owens. Please feel free to call on him or members of my staff if you need additional information.

With kindest regards, I remain

Very truly yours,  
S/ Michael F. Easley

The letter is referred to the Committee on Public Utilities.

**ENROLLED BILLS**

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

April 25, 2005

**H.B. 496**, AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES PERMITTING STUDENTS WITH ASTHMA OR STUDENTS SUBJECT TO ANAPHYLACTIC REACTIONS, OR BOTH, TO POSSESS AND SELF-ADMINISTER ASTHMA MEDICATION, AND TO RECODIFY CERTAIN STATUTES TO CREATE A NEW ARTICLE 26A IN CHAPTER 115C OF THE GENERAL STATUTES.

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

**H.B. 825**, AN ACT TO INCREASE THE MEMBERSHIP OF THE TOWN OF KENANSVILLE ALCOHOLIC BEVERAGE CONTROL BOARD.

**H.B. 856**, AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY AND TO CHANGE THE TERMS FROM TWO TO THREE YEARS.

**H.B. 921**, AN ACT TO AMEND THE CURRITUCK COUNTY DEER HUNTING LAW TO PROVIDE FOR THE TAKING OF EITHER SEX DEER.

#### **CHAPTERED BILLS**

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

**S.B. 166**, AN ACT TO AUTHORIZE THE TOWNS OF ELIZABETHTOWN, BLADENBORO, AND ROSE HILL TO REGULATE GOLF CARTS AND TO CLARIFY LAW ENFORCEMENT AUTHORITY FOR THE ENFORCEMENT OF LAWS RELATING TO MOTOR VEHICLES WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY. (S.L. 2005-11)

**S.B. 332**, AN ACT TO PERMIT THE CITY OF GREENSBORO TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES. (S.L. 2005-12)

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

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By Representatives L. Allen, Allred, Carney, and Stiller, Chairs, for the Committee on Transportation:

**H.B. 267**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, 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 Appropriations Subcommittee on Transportation.

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

**H.B. 1052**, A BILL TO BE ENTITLED AN ACT TO PERMIT TRASH TRUCKS WHILE COLLECTING GARBAGE TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS IN BRUNSWICK COUNTY, with a favorable report.

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

By Representatives Bell and Wilson, Chairs, for the Committee on Pensions and Retirement:

**H.B. 447**, 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, 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. 784**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CREDITABLE SERVICE IN THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM SHALL INCLUDE PERIODS OF EMPLOYER-APPROVED LEAVES OF ABSENCE WHEN IN RECEIPT OF WORKERS' COMPENSATION BENEFITS, with a favorable report as to the committee substitute bill, unfavorable as to the original bill, and

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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 Representative Holliman, Chair, for the Committee on Insurance:

**H.B. 655**, A BILL TO BE ENTITLED AN ACT TO REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY REQUIRE DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; AND GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT, 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. 733**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE, 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 Tolson, Gibson, and Glazier (Primary Sponsors); Alexander, Faison, and Fisher:

**H.B. 1556**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GLOBAL WARMING INITIATIVES (GWI), A NONPROFIT CORPORATION, TO ASSIST COMPANIES AND STATE FACILITIES IN INCREASING ENERGY EFFICIENCY AND ENVIRONMENTAL PERFORMANCE AND IN REDUCING THEIR GREENHOUSE GAS EMISSIONS AND TO REPORT GREENHOUSE GAS EMISSIONS TO

April 25, 2005

THE FEDERAL VOLUNTARY GREENHOUSE GAS REPORTING PROGRAM AND TO GWI'S NORTH CAROLINA GLOBAL WARMING REGISTRY, is referred to the Committee on Appropriations.

By Representative Williams:

**H.B. 1557**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE CITY OF WASHINGTON FOR A COMMUNITY PARK, is referred to the Committee on Appropriations.

By Representative Williams:

**H.B. 1558**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF WILKINSON CENTER IN BEAUFORT COUNTY, is referred to the Committee on Appropriations.

### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 316**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT A TEMPORARY ACT THAT PROVIDED THAT GASOLINE THAT MEETS FEDERAL REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE SHALL BE DEEMED TO COMPLY WITH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE, is read the first time and referred to the Committee on Environment and Natural Resources.

**S.B. 552** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN UNAUTHORIZED INSURER AGAINST WHICH AN EMERGENCY CEASE AND DESIST ORDER HAS BEEN ISSUED TO PETITION THE DEPARTMENT OF INSURANCE FOR A HEARING ON THE MATTER AND TO APPEAL THAT DECISION TO THE SUPERIOR COURT OF WAKE COUNTY, is read the first time and referred to the Committee on Insurance.

### INTRODUCTION OF PAGES

Pages for the week of April 25 are introduced to the membership. They are: Ariane Belisle of Ottawa, Canada; Sam Baynes of Wake; Jackson Blackburn of Vance; Craig Burnham of Vance; Benjamin Calhoun of Davie; Lauren Caudle of Davidson; Elizabeth Corney of Wake; Isaac Davis of Duplin; Holly Dickens of Franklin; Marquis Eichelberger of Forsyth; Jonathan Furnas of Rowan; Carson Guy of Nash; Florence Hamrick of

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Rowan; Bradley Harper of Nash; Thomas Harper of Nash; Rebekah Hutchison of Granville; India Jeffries of Warren; Alyssa Klaus of Rowan; John Lane of Nash; Tosha Murray of Harnett; Caitlin Sexton of Johnston; Britomarte Strickler of Durham; Antonia M. Sunday of Forsyth; Keifer Wynn of Wake; and Rooney Wynn of Wake.

### **RE-REFERRAL**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1208**, A BILL TO BE ENTITLED AN ACT TO INCLUDE CERTAIN FOOD PROCESSING AND DISTRIBUTION CENTERS IN THE DEFINITION OF ELIGIBLE MAJOR INDUSTRY UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, is withdrawn from the Committee on Finance and re-referred to the Committee on Commerce.

Representative Culpepper moves, seconded by Representative B. Allen, that the House adjourn, subject to committee assignments, to reconvene April 26 at 3:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 7:25 p.m.

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## **FIFTY-SECOND DAY**

HOUSE OF REPRESENTATIVES  
Tuesday, April 26, 2005

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

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

"Lord of Heaven and Earth:

"For the beauty of the earth we celebrate Your Holy Presence in the midst of our lives. Words cannot express the multitude of feelings we experience when we contemplate the glorious gifts You provide us: gifts of

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family, friends, work and play; gifts of collegiality, friendship and love. You freely and extravagantly give us that which is tangible as well as intangible so that we might, not only enjoy life, but enjoy it abundantly. Grant unto each heart present and listening this day a renewed appreciation for the bounty of Thy good favor and eternal blessing and let us so shine our light before all people that all may see the glory of God. Amen."

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

Leaves of absence are granted Representatives Kiser, Luebke, McAllister, and McComas for today.

### ENROLLED BILLS

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

**H.B. 351**, AN ACT TO MODIFY THE OCCUPANCY TAX FOR PASQUOTANK COUNTY AND ELIZABETH CITY.

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

**H.J.R. 930**, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE TOWN OF GARNER ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY. (RESOLUTION 2005-26)

### CHAPTERED BILLS

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

**H.B. 825**, AN ACT TO INCREASE THE MEMBERSHIP OF THE TOWN OF KENANSVILLE ALCOHOLIC BEVERAGE CONTROL BOARD. (S.L. 2005-13)

**H.B. 856**, AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY AND TO CHANGE THE TERMS FROM TWO TO THREE YEARS. (S.L. 2005-14)

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**H.B. 921**, AN ACT TO AMEND THE CURRITUCK COUNTY DEER HUNTING LAW TO PROVIDE FOR THE TAKING OF EITHER SEX DEER. (S.L. 2005-15)

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 35** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, with a favorable report.

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

**H.B. 116**, A BILL TO BE ENTITLED AN ACT TO CLARIFY PRESENT-USE VALUE ELIGIBILITY AND TO AMEND THE PERIOD FOR APPEAL OF A PRESENT-USE VALUE DETERMINATION OR APPRAISAL, 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. 464**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF WINSTON-SALEM TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE

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LOCATED IN THE CITY OF WINSTON-SALEM, 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 April 27. The original bill is placed on the Unfavorable Calendar.

**H.B. 488**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY, 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 April 27. The original bill is placed on the Unfavorable Calendar.

**H.B. 646**, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES TO ENHANCE EFFICIENT ADMINISTRATION OF FEE COLLECTION AND PROCESSING, with a favorable report, as amended.

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

**H.B. 691**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE TOWN TO RAISE THE MOTOR VEHICLE TAX FROM FIFTEEN TO TWENTY-FIVE DOLLARS, 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 April 27. The original bill is placed on the Unfavorable Calendar.

**H.B. 988**, A BILL TO BE ENTITLED AN ACT TO EXCLUDE HIGHWAY USE TAXES AS A FACTOR IN DETERMINING THE TRUE VALUE IN MONEY OF MOTOR VEHICLES FOR PROPERTY TAX PURPOSES, 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. 1004**, A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL GOVERNMENTS TO PLEDGE AND ENCUMBER HOSPITAL

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FACILITIES AND EQUIPMENT IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT, 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. 1037**, A BILL TO BE ENTITLED AN ACT TO ALLOW WRIGHTSVILLE BEACH TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWN OF WRIGHTSVILLE BEACH, 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 April 27. The original bill is placed on the Unfavorable Calendar.

**H.B. 1117** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS, with a favorable report.

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

**H.B. 1194** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE PHYSICAL THERAPY AS A PROFESSIONAL SERVICE UNDER THE PROFESSIONAL CORPORATION ACT, TO AUTHORIZE THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO DISCIPLINE PERSONS FOR PAYING FOR REFERRALS OF PHYSICAL THERAPY PATIENTS, AND TO PREVENT CORPORATE OR BUSINESS INTERESTS FROM INTERFERING WITH PROFESSIONAL PHYSICAL THERAPY JUDGMENTS CONCERNING THE BEST INTERESTS OF PATIENTS, with a favorable report.

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

By Representative Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 1262**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA SOCIAL WORK CERTIFICATION AND LICENSURE BOARD TO EMPLOY PERSONNEL NECESSARY TO

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CARRY OUT THE PROVISIONS OF THE SOCIAL WORK CERTIFICATION AND LICENSURE ACT, with a favorable report.

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

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

**H.B. 1230**, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PROPERTY TO OTHER GOVERNMENTAL UNITS OF THE STATE, 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. 1188**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COURT-IMPOSED AND ENFORCED POST-RELEASE PUNISHMENT OF PRISONERS UNDER STRUCTURED SENTENCING, with a favorable report.

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

**H.B. 1215**, A BILL TO BE ENTITLED AN ACT TO REALLOCATE THREE MONTHS FROM THE MINIMUM SENTENCE OF CLASSES B1 THROUGH E TO THE MAXIMUM SENTENCE, AND TO INCREASE THE PERIOD OF POST-RELEASE SUPERVISION FROM NINE MONTHS TO TWELVE MONTHS, with a favorable report.

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

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Coleman, Cunningham, Farmer-Butterfield, Fisher, Wainwright, and Weiss:

**H.B. 1559**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO DEREK'S RENAISSANCE HOUSE TO ASSIST WITH THE REHABILITATION OF PERSONS WITH MENTAL ILLNESS, is referred to the Committee on Appropriations.

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

**H.B. 1560**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR TRANSITION OF EXISTING MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; AND FOR START-UP FUNDS FOR SERVICES TO TARGET POPULATIONS, is referred to the Committee on Appropriations.

By Representatives L. Allen, Wray, and Ed Jones (Primary Sponsors):

**H.B. 1561**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR MARKETING AND PROMOTION OF THE PROPOSED MUSIC THEATER AND ENTERTAINMENT DISTRICT IN HALIFAX COUNTY, is referred to the Committee on Appropriations.

### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 2** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISSEMINATION OF OBSCENE AND GRAPHICALLY VIOLENT VIDEO GAMES TO MINORS AND TO REQUIRE VIDEO GAME RETAILERS TO INFORM CONSUMERS THAT A VIDEO GAME RATING SYSTEM IS AVAILABLE, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 134** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE, is read the first time and referred to the Committee on Local Government I.

**S.B. 135** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY, is read the first time and referred to the Committee on Local Government II.

**S.B. 262** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE

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CEREMONIES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 356** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY PUMPER TRUCKS AND SWEEPERS, is read the first time and referred to the Committee on Finance.

**S.B. 701** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO CLARIFY THE LAW PROVIDING LEGISLATIVE OVERSIGHT OF AGENCY FEES AND CHARGES, is read the first time and referred to the Committee on Judiciary I.

**S.B. 988** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY TO GASTON COLLEGE, is read the first time and referred to the Committee on Education.

### **BILL INTRODUCED**

Without objection, **H.R. 1562**, A HOUSE RESOLUTION HONORING THE MEMORY OF JOHN DEERE AND RECOGNIZING THE CONTRIBUTIONS OF DEERE & COMPANY, is introduced and placed on the Calendar for immediate consideration.

The resolution is adopted, by electronic vote (116-0), and ordered printed.

The primary sponsors of the resolution are Representatives Lewis, Gibson, Hill, and Weiss. Co-Sponsors are Representatives Alexander, L. Allen, Allred, Blackwood, Brown, Brubaker, Carney, Church, Cole, Crawford, Culpepper, Cunningham, Daughtride, Dollar, Folwell, Gillespie, Harrell, Hollo, Holloway, Johnson, Jones, Lucas, Miller, Pierce, Rapp, Stam, Starnes, Steen, Stiller, Sutton, Tucker, Underhill, Vinson, Wainwright, Warren, Wilkins, and Wilson:

### **CALENDAR**

Action is taken on the following:

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**S.B. 43**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE, 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. 803** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO CHARGE AND COLLECT A LATE FILING FEE FOR LICENSEES THAT APPLY FOR RENEWAL OF THE LICENSE AFTER THE LICENSE HAS EXPIRED AND TO ELIMINATE SUPPLEMENTAL LICENSING BY THE MANUFACTURED HOUSING BOARD, 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, L. Allen, Allred, Almond, Barnhart, Bell, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Martin, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 102.

Voting in the negative: Representatives Blackwood, Blust, Cleveland, Frye, Gillespie, Hilton, Hollo, Holloway, Moore, Pate, Setzer, Vinson, West, and Wiley - 14.

Excused absences: Representatives Kiser, Luebke, McAllister, and McComas - 4.

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

**H.B. 387** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANY CONSTITUENT INSTITUTION FROM ASSIGNING

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A STUDENT'S SOCIAL SECURITY NUMBER AS THE STUDENT'S IDENTIFICATION NUMBER.

Representative Barnhart offers Amendment No. 1 which is adopted by electronic vote (116-0).

The bill, as amended, passes its second reading, by electronic vote (116-0), 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.

**WITHDRAWAL OF BILL FROM CALENDAR**

On motion of the Chair and without objection, **H.B. 1187**, A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN ORDER TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO EVEN OUT THE REMAINING RANGES, 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 (continued)**

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

**H.B. 771** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE PROHIBITION AGAINST CERTAIN SPOUSES OF MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, MEMBERS OF THE BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION, OR MEMBERS OF THE STATE BOARD OF COMMUNITY COLLEGES FROM BEING EMPLOYEES OR OFFICERS OF THE STATE, passes its second reading, by electronic vote (76-39).

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

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

**H.B. 1145** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROBATION IS STAYED DURING AN APPEAL FOR A TRIAL DE NOVO FROM A JUDGMENT ENTERED BY A MAGISTRATE OR DISTRICT COURT JUDGE, passes its second

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reading, by electronic vote (114-2), and there being no objection is read a third time.

Representative Insko requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (115-1).

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. 580** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT 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; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brubaker, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Lewis, Lucas, Martin, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 93.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Clary, Cleveland, Daughtry, Dollar, Eddins, Folwell, Gillespie, Hilton, Hollo, Holloway, Langdon, LaRoque, Moore, Rhodes, Setzer, Warren, and Wiley - 22.

Excused absences: Representatives Kiser, Luebke, McAllister, and McComas - 4.

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

**H.B. 581**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET

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OR SIDEWALK IMPROVEMENTS, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Hollo, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Martin, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 108.

Voting in the negative: Representatives Blackwood, Cleveland, Hilton, Holloway, Moore, Setzer, Starnes, and West - 8.

Excused absences: Representatives Kiser, Luebke, McAllister, and McComas - 4.

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

**H.B. 946**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OSSIPPEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS TO SHOW CONFORMANCE WITH G.S. 136-41.2, 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. 962**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, 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. 982**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND THE DISCHARGE OF HIGH-POWERED RIFLES FROM THE RIGHTS-OF-WAY OF PUBLIC ROADS IN VANCE COUNTY, AND TO INCREASE THE FINES FOR VIOLATIONS OF THE LAW REGULATING HUNTING ON REGISTERED LAND IN VANCE 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. 987** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CRAMERTON AND GRIFTON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWN'S WEEDED LOT ORDINANCE, 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. 1021**, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF NORTHAMPTON COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE 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. 1054**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS THAT ARE A PARTY TO THE SWIFT CREEK MANAGEMENT PLAN AND CERTAIN CITIZENS OF THOSE LOCAL GOVERNMENTS HAVE STANDING TO ENFORCE THE PROVISIONS OF S.L. 1998-192, 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.

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**H.B. 676**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE OFFICE OF STATE BUDGET AND MANAGEMENT MUST APPROVE CERTAIN FEES RELATING TO GOVERNMENT E-COMMERCE IN CONSULTATION WITH THE STATE CHIEF INFORMATION OFFICER AND THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS, passes its second reading, by electronic vote (114-2), 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.

**H.B. 911** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM AND ADDITIONAL END-OF-COURSE TESTS EXCEPT AS REQUIRED BY FEDERAL LAW, 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.

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

**H.B. 1012**, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF STATE-RECOGNIZED INDIAN TRIBES TO HUNT, TRAP, OR FISH ON TRIBAL LANDS WITHOUT OBTAINING A LICENSE ISSUED BY THE WILDLIFE RESOURCES COMMISSION.

Representative Sutton offers Amendment No. 1 which is adopted by electronic vote (114-0).

The bill, as amended, passes its second reading, by electronic vote (113-3), 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.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

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

**H.B. 923**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING POSTSEPARATION SUPPORT, 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.

#### **SUBCOMMITTEE REFERRALS**

Representatives Bell, Lucas and McLawhorn, Chairs, for the Standing Committee on Education, refer the following bills to the Education Subcommittee on Universities:

**H.B. 1354**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE SHALL STUDY THE POLICY OF EACH OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA REGARDING THE ACCEPTANCE OR REFUSAL OF PRIVATE GRANTS AND GIFTS TO THE INSTITUTION.

**H.B. 1464**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE LAW PROVIDING FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR CERTAIN PROJECTS OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE REPORTS ON ACTIONS TAKEN UNDER THAT LAW.

**H.B. 1515**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A CRIMINAL BACKGROUND CHECK OF ALL STUDENTS ADMITTED INTO A SCHOOL OF MEDICINE AT A NORTH CAROLINA INSTITUTION OF HIGHER EDUCATION.

**H.B. 1552**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE REGULATORY AUTHORITY OVER CAMPUS PARKING TO THE BOARD OF TRUSTEES OF NORTH CAROLINA A&T STATE UNIVERSITY.

Representative Culpepper moves, seconded by Representative Carney, that the House adjourn, subject to committee assignments, to reconvene April 27 at 4:00 p.m.

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The motion carries.

No committee assignments having been received, the House stands adjourned at 4:30 p.m.

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## **FIFTY-THIRD DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, April 27, 2005

The House meets at 4:00 p.m. pursuant to adjournment and is called to order by the Speaker.

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

"Gracious God:

"Throughout human history there has been the need for effective communicators, efficient managers, and progressive leaders to lead Your people. Neither eons nor ages have had a hold on the fact that all leaders need to possess gifts such as these. However, alongside of effective leadership, embedded just beneath the surface of egos and pride, resides a flaw in our human nature that lures us into thinking of ourselves more highly than we ought...to try and convince us that we are more important than we really are. Self-government does, indeed, call for good, effective and charismatic leaders. But, teach us, Lord, that the best leaders are those who exemplify and employ good listening skills and the sharing of ideas. Most of all, remind us, O God, that good leaders are those whose lives demonstrate a servant's heart. Amen. "

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

Leaves of absence are granted Representatives Adams, Alexander, Kiser, LaRoque, McComas, and McLawhorn for today.

### **ENROLLED BILLS**

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

April 27, 2005

**S.B. 43**, AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE.

### CHAPTERED BILLS

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

**H.B. 351**, AN ACT TO MODIFY THE OCCUPANCY TAX FOR PASQUOTANK COUNTY AND ELIZABETH CITY. (S.L. 2005-16)

### 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. 1061**, A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK, 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 Hackney, Chair, for the Committee on Judiciary I:

**H.B. 1297**, A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR ANY VOLUNTEER WHO SERVES IN A MEDICAL RESERVE CORPS UNIT OR ON A COMMUNITY EMERGENCY RESPONSE TEAM WHILE ENGAGED IN PROVIDING EMERGENCY SERVICES, 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 B. Allen and Justus, Chairs, for the Committee on State Personnel:

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**H.B. 87**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT STATE EMPLOYEES IN GRADE 64 AND UNDER SHALL HAVE THE OPTION TO BE PAID SEMIMONTHLY, 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 Appropriations.

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

**H.B. 715**, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO PROTECT THE PRIVACY OF CERTAIN PERSONAL AND EMPLOYMENT-RELATED INFORMATION PERTAINING TO STATE 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.

By Representative Miller, Chair, for the Committee on Science and Technology:

**H.B. 830**, A BILL TO BE ENTITLED AN ACT (1) APPROPRIATING FUNDS TO THE E-NC AUTHORITY FOR CREATION OF JOBS AND BUSINESSES BY CONTINUATION OF E-NC ACTIVITIES TO SUPPORT INFRASTRUCTURE DEPLOYMENT AND TECHNOLOGY-BASED ECONOMIC DEVELOPMENT IN THE RURAL AND DISTRESSED URBAN AREAS OF THE STATE AND FOR THE DEVELOPMENT OF TWO ADDITIONAL E-NC BUSINESS AND TECHNOLOGY TELE-CENTERS AND (2) PROVIDING THAT ALL MEMBERS OF THE E-NC GOVERNING COMMISSION MAY VOTE, 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 Appropriations.

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

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

**H.B. 1168**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DECEPTIVE USE OF THE NAME OR LOGO OF A BANKING ENTITY WITHOUT PERMISSION IN THE MARKETING OF FINANCIAL

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PRODUCTS AND SERVICES, 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. 1169**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INVESTMENT OF STATE AND LOCAL FUNDS IN NORTH CAROLINA FINANCIAL INSTITUTIONS, 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, Lucas and McLawhorn, Chairs, for the Committee on Education:

**H.B. 563**, A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, 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 Holliman, Chair, for the Committee on Insurance:

**H.B. 735**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANNUAL FILING AND ACTUARIAL CERTIFICATION OF RATES FOR INSURERS PROVIDING INDIVIDUAL ACCIDENT AND HEALTH INSURANCE BENEFITS AND TO BETTER PROTECT CONSUMERS FROM THE HARMFUL IMPACT OF BLOCKS OF BUSINESS BEING CLOSED, 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 Gibson, Chair, for the Committee on Alcoholic Beverage Control:

**H.B. 392** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER

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THE ALCOHOLIC BEVERAGE CONTROL LAWS, 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. 1174**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS REGARDING THE ISSUANCE AND REVOCATION OF PERMITS AT LOCATIONS THAT ARE OR BECOME UNSUITABLE TO HOLD ABC PERMITS, 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 Wilson, Chairs, for the Committee on Pensions and Retirement:

**H.B. 182**, 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.

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

**H.B. 485**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN EXISTING CHARTER SCHOOL 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, 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. 1073**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR ALLOWING RETIRED TEACHERS TO RETURN TO WORK AFTER SIX MONTHS WITHOUT LOSING RETIREMENT BENEFITS AND TO DIRECT A STUDY OF THE IMPACT OF ALLOWING

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RETIRED STATE EMPLOYEES TO RETURN TO WORK, 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 Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 941**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO REMOVE ABANDONED AIRPLANES FROM PUBLIC PROPERTY, with a favorable report.

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

**H.B. 1064**, A BILL TO BE ENTITLED AN ACT REGARDING THE PROVISION OF WATER SERVICE IN BUNCOMBE COUNTY, 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. 1065**, A BILL TO BE ENTITLED AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY, 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. 1078**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANGIER TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, with a favorable report.

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

**S.B. 462**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING DURING A PILOT PROGRAM IN DESIGNATED CORRIDORS, with a favorable report.

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

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**SUBCOMMITTEE REFERRALS**

Representatives Bell, Lucas, and McLawhorn, Chairs, for the Standing Committee on Education, refer the following bills to the Education Subcommittee on Pre-School, Elementary and Secondary Education:

**H.B. 1059**, A BILL TO BE ENTITLED AN ACT TO CORRECT INACCURACIES IN THE USE OF CERTAIN TERMS IN THE GENERAL STATUTES PERTAINING TO THE ADMINISTRATION OF A SCHOOL HEALTH EDUCATION PROGRAM.

**H.B. 1317**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE EDUCATION OF STUDENTS WITH DISABILITIES.

**H.B. 1491**, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE LIABILITY INSURANCE FOR SCHOOL SOCIAL WORKERS WHO TRANSPORT STUDENTS.

**H.B. 1546**, A BILL TO BE ENTITLED AN ACT TO ALIGN STATE LAW WITH FEDERAL LAW ON STUDENTS WITH DISABILITIES.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Alexander, Church, Earle, and Walker (Primary Sponsors); Adams, B. Allen, L. Allen, Bell, Bordsen, Carney, Coates, Cole, Coleman, Cunningham, England, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Hackney, Harrison, Hill, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Lucas, Luebke, Martin, McAllister, McLawhorn, Michaux, Owens, Parmon, Pierce, Rapp, Ross, Saunders, Tolson, Underhill, Wainwright, Warren, Weiss, Wilkins, Womble, Wray, and Yongue:

**H.B. 1563**, A BILL TO BE ENTITLED AN ACT TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; AND

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TO IMPOSE A REGULATORY SURCHARGE TO FINANCE THE FUND, is referred to the Committee on Election Law and Campaign Finance Reform and, if favorable, to the Committee on Finance.

By Representatives Nye and England (Primary Sponsors); Barnhart and Jones:

**H.B. 1564**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, FOR THE PURCHASE OF A WIRELESS MEDICATION MANAGEMENT PROGRAM, is referred to the Committee on Appropriations.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**H.B. 399** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS, 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. 699**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION, is returned for concurrence in the Senate amendment.

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

**S.B. 488** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR A CARETAKER TO EXPLOIT AN ELDER OR DISABLED ADULT IN ANY SETTING, is read the first time and referred to the Committee on Aging.

**S.B. 565** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED

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INSTRUCTIONAL EQUIPMENT TO THE COLLEGE, is read the first time and referred to the Education Subcommittee on Community Colleges.

### CALENDAR

Action is taken on the following:

**H.B. 580** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives B. Allen, L. Allen, Barnhart, Bell, Blust, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, England, Faison, Fisher, Folwell, Frye, Gibson, Glazier, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 92.

Voting in the negative: Representatives Allred, Almond, Blackwood, Capps, Cleveland, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, Moore, Rhodes, Setzer, West, and Wiley - 16.

Excused absences: Representatives Adams, Alexander, Kiser, LaRoque, McComas, and McLawhorn - 6.

Representatives Goforth, Walend, and Farmer-Butterfield state that their voting equipment malfunctioned and they request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (95-16).

**H.B. 581**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS, 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, L. Allen, Barnhart, Bell, Blust, Bordsen, Brown, Brubaker, Carney,

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Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, England, Faison, Fisher, Folwell, Frye, Gibson, Glazier, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 92.

Voting in the negative: Representatives Allred, Almond, Blackwood, Capps, Cleveland, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, Moore, Rhodes, Setzer, West, and Wiley - 16.

Excused absences: Representatives Adams, Alexander, Kiser, LaRoque, McComas, and McLawhorn - 6.

Representatives Goforth, Walend, and Farmer-Butterfield state that their voting equipment malfunctioned and they request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (95-16).

**H.B. 464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF WINSTON-SALEM TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY OF WINSTON-SALEM, 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, Barnhart, Bell, Bordsen, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Lucas, Luebke, Martin, McAllister, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Rayfield, Ross, Sauls, Saunders, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 86.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brown, Brubaker, Capps, Clary, Cleveland, Daughtridge, Dollar,

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Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Langdon, Lewis, McGee, Moore, Pate, Ray, Rhodes, Setzer, Stam, West, and Wiley - 28.

Excused absences: Representatives Adams, Alexander, Kiser, LaRoque, McComas, and McLawhorn - 6.

**H.B. 691** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARRBORO TO LEVY A MOTOR VEHICLE TAX NOT TO EXCEED TWENTY-FIVE DOLLARS, 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, Barnhart, Bell, Bordsen, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Lucas, Luebke, Martin, McAllister, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Rayfield, Ross, Sauls, Saunders, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 86.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brown, Brubaker, Capps, Clary, Cleveland, Daughtridge, Dollar, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Langdon, Lewis, McGee, Moore, Pate, Ray, Rhodes, Setzer, Stam, West, and Wiley - 28.

Excused absences: Representatives Adams, Alexander, Kiser, LaRoque, McComas, and McLawhorn - 6.

**H.B. 1037** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WRIGHTSVILLE BEACH TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWN AND TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO ESTABLISH A SCHEDULE OF DISCOUNTS TO BE APPLIED TO MOTOR VEHICLE TAXES PAID PRIOR TO JULY 1, 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, Barnhart, Bell, Bordsen, Carney, Church, Coates, Cole,

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Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Lucas, Luebke, Martin, McAllister, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Rayfield, Ross, Sauls, Saunders, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 86.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brown, Brubaker, Capps, Clary, Cleveland, Daughtridge, Dollar, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Langdon, Lewis, McGee, Moore, Pate, Ray, Rhodes, Setzer, Stam, West, and Wiley - 28.

Excused absences: Representatives Adams, Alexander, Kiser, LaRoque, McComas, and McLawhorn - 6.

**H.B. 488** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY, 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, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Adams, Alexander, Kiser, LaRoque, McComas, and McLawhorn - 6.

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**WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Warren and without objection, **S.B. 474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY AND THE CITY OF GREENVILLE 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 May 2.

**CALENDAR (continued)**

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

**H.B. 1052**, A BILL TO BE ENTITLED AN ACT TO PERMIT TRASH TRUCKS WHILE COLLECTING GARBAGE TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS IN BRUNSWICK 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. 803** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO CHARGE AND COLLECT A LATE FILING FEE FOR LICENSEES THAT APPLY FOR RENEWAL OF THE LICENSE AFTER THE LICENSE HAS EXPIRED AND TO ELIMINATE SUPPLEMENTAL LICENSING BY THE MANUFACTURED HOUSING BOARD, 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, L. Allen, Allred, Almond, Barnhart, Bell, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 100.

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Voting in the negative: Representatives Blackwood, Blust, Cleveland, Frye, Gillespie, Hollo, Holloway, Moore, Pate, Rayfield, Rhodes, Setzer, West, and Wiley - 14.

Excused absences: Representatives Adams, Alexander, Kiser, LaRoque, McComas, and McLawhorn - 6.

**H.B. 771** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE PROHIBITION AGAINST CERTAIN SPOUSES OF MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, MEMBERS OF THE BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION, OR MEMBERS OF THE STATE BOARD OF COMMUNITY COLLEGES FROM BEING EMPLOYEES OR OFFICERS OF THE STATE.

Pursuant to Rule 24.1A, Representative Luebke requests that he be excused from voting on this bill because of a conflict of interest. This request is granted.

On motion of Representative Dickson and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of April 28.

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

**H.B. 447** (Committee Substitute), 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, 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.

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

**H.B. 654** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES, passes its second reading, by electronic vote (110-3), 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. 655** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; AND REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT, 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.

#### **BILL PLACED ON CALENDAR**

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 1061** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (98-16), 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.

#### **CALENDAR (continued)**

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

**H.B. 737** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED, LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS FOR THIRTY-HOUR WORKWEEK

April 27, 2005

REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO FIVE; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; AND AMEND THE UTILIZATION REVIEW LAWS TO CLARIFY THAT SUCH LAWS PLAINLY APPLY TO INDIVIDUAL INSURANCE COVERAGE AS WELL AS GROUP COVERAGE, 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.

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

**H.B. 810**, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT, 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.

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

**H.B. 819** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY.

Representative Saunders offers Amendment No. 1 which is adopted by electronic vote (114-0).

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The bill, as amended, passes its second reading, by electronic vote (111-1), 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.

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

**H.B. 836** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO STUDENTS, passes its second reading, by electronic vote (104-8), and there being no objection is read a third time.

Representative Moore requests and is granted permission to change his vote from "no" to "aye". Representative Wright requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (106-7).

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. 914** (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.

Representative Blust is recognized to offer an amendment.

The Speaker rules the amendment out of order.

Representative Blust moves that the rules be suspended in order that he might offer an amendment which would affect the title of the bill. The motion fails by electronic vote (44-67).

Representative Blust appeals from the ruling of the Chair. The motion fails of a two-thirds majority by electronic vote (33-79).

Representatives Barnhart and Ray request and are granted permission to change their votes from "aye" to "no". The adjusted vote total is (31-81).

April 27, 2005

The bill passes its second reading, by electronic vote (102-11).

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

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

**H.B. 1015**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION.

Representative Hackney offers Amendment No. 1 which is adopted by electronic vote (112-1).

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 second reading, by electronic vote (113-0), 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.

#### **RULES SUSPENDED**

Representative Morgan moves that Rule 41(b) be suspended in order that **H.B. 914** (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, might be read a third time.

Representative Morgan calls the previous question on the motion and the call is sustained, by electronic vote (92-17).

The motion to suspend the rules carries by electronic vote (91-19).

The bill passes its third reading, by electronic vote (105-9), and is ordered sent to the Senate.

April 27, 2005

**CALENDAR (continued)**

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

**S.B. 586** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF NEW STATE PARKS AT CARVERS CREEK AND IN THE HICKORY NUT GORGE/CHIMNEY ROCK AREA TO THE STATE PARKS SYSTEM, passes its second reading, by electronic vote (113-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

**RE-REFERRALS**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 577**, A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE, is withdrawn from the Committee on State Government and re-referred to the Education Subcommittee on Community Colleges.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 972**, A BILL TO BE ENTITLED AN ACT ALLOWING ROCKINGHAM COUNTY TO REDUCE FUNDING TO ITS PUBLIC LIBRARY SYSTEM WITHOUT RECEIVING A REDUCTION IN OR TERMINATION OF FUNDING FROM THE STATE AID TO PUBLIC LIBRARIES FUND, is withdrawn from the Committee on Local Government I and re-referred to the Committee on Local Government II.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.R. 1366**, A HOUSE RESOLUTION URGING CONGRESS TO ENACT LEGISLATION TO PROVIDE THAT FUNDS RECEIVED AS UNIVERSAL SERVICE CONTRIBUTIONS AND THE UNIVERSAL SERVICE SUPPORTS PROGRAMS ARE NOT SUBJECT TO CERTAIN ACCOUNTING RULES, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Federal Relations and Trade Issues.

Representative Culpepper moves, seconded by Representative Cunningham, that the House adjourn, subject to committee assignments, to reconvene April 28 at 10:00 a.m.

April 27, 2005

The motion carries.

No committee assignments having been received, the House stands adjourned at 5:30 p.m.

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## **FIFTY-FOURTH DAY**

HOUSE OF REPRESENTATIVES  
Thursday, April 28, 2005

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by Representative Morgan, Speaker Pro Tempore.

The following prayer is offered by the son of Representative Holliman, Reverend Brad Holliman of Canton, North Carolina, Pastor of Long's United Methodist Church and Cruso United Methodist Church:

"Holy God:

"We come before You on this day to give You thanks for the many blessings that You have given to us. We pray, oh Lord, that You bless us with Your wisdom and Your grace. May we, together as Your people, put aside any kind of pettiness, and personal selfish agendas, that we may be about the work of the people of this great State that we call North Carolina. May we not be concerned with who gets the credit but rather with who gets the help that they need.

"In the name of the triune God. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 27 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Alexander, Brubaker, Hilton, Holmes, Kiser, LaRoque, McComas, Moore, Tucker, Underhill, Vinson, and West for today.

### **ENROLLED BILLS**

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

April 28, 2005



**S.B. 586**, AN ACT TO AUTHORIZE THE ADDITION OF NEW STATE PARKS AT CARVERS CREEK AND IN THE HICKORY NUT GORGE/CHIMNEY ROCK AREA TO THE STATE PARKS SYSTEM.

**H.B. 1061**, AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK.

### **CHAPTERED BILLS**

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

**S.B. 43**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE. (S.L. 2005-17)

### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives L. Allen, Allred, Carney, and Stiller, Chairs, for the Committee on Transportation:

**H.B. 669**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT 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.

**H.B. 750**, A BILL TO BE ENTITLED AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS, 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:

April 28, 2005

By Representatives Miller, Faison, and Stiller:

**H.B. 1565**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST THE DIVISION OF CRIMINAL STATISTICS IN LOCATING INDIVIDUALS REQUIRED TO REGISTER AS SEX OFFENDERS, is referred to the Committee on Appropriations.

By Representatives Womble and Parmon (Primary Sponsors):

**H.B. 1566**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CENTER FOR DESIGN INNOVATION, A PARTNERSHIP BETWEEN THE NORTH CAROLINA SCHOOL OF THE ARTS AND WINSTON-SALEM STATE UNIVERSITY, is referred to the Committee on Appropriations.

By Representatives Sutton, Yongue, and Pierce (Primary Sponsors):

**H.B. 1567**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SOUTHEASTERN AGRICULTURAL CENTER AND FARMERS MARKET, is referred to the Committee on Appropriations.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**H.B. 7**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO MAY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS, is returned for concurrence in the Senate amendment.

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

Upon concurrence the Senate amendment changes the title.

Senate Committee Substitute for **H.B. 489** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, 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.

April 28, 2005

Upon concurrence the Senate committee substitute bill changes the title.

**S.B. 321** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS SEVENTY AND OLDER REQUESTING TO BE EXCUSED FROM JURY DUTY TO REQUEST A PERMANENT EXEMPTION FROM THAT JURY SERVICE, is read the first time and referred to the Committee on Judiciary I.

**S.B. 700** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CUSTOMIZED INDUSTRY TRAINING PROGRAM, is read the first time and referred to the Committee on Education.

Representative Culpepper moves, seconded by Representative Langdon, that the House adjourn, subject to committee assignments, to reconvene Monday, May 2, 2005, at 7:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 10:24 a.m.

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## **FIFTY-FIFTH DAY**

HOUSE OF REPRESENTATIVES  
Monday, May 2, 2005

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

The following prayer is offered by the Reverend Franklin Williams, Roanoke Chapel Baptist Church, Jackson, North Carolina:

"Most Holy One:

"We come before You tonight with hearts uplifted. We thank You for the tender mercies bestowed upon us. We ask that You bless us and all the Members of this Assembly to bear the awesome burden of leadership. Give us the wisdom to be wise and just - to do what is best for the great State of North Carolina. We ask these blessings in Your name. Amen."

May 2, 2005

The Speaker Pro Tempore leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 28 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Brubaker, Holliman, Johnson, and McMahan for today.

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

**STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR**  
20301 Mail Service Center • Raleigh, NC 27699-0301

Michael F. Easley  
*Governor*

April 29, 2005

The Honorable James Black  
Speaker of the House  
North Carolina General Assembly  
2307 Legislative Building  
Raleigh, NC 27603

Dear Speaker Black:

Pursuant to General Statute §62-10, I hereby appoint Dr. Robert Koger to serve as a member of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. His term shall begin upon confirmation and will expire June 30, 2013.

Enclosed is biographical information on Dr. Koger. Please feel free to call on him or members of my staff if you need additional information.

With kindest regards, I remain

Very truly yours,  
S/ Michael F. Easley

May 2, 2005

The letter is referred to the Committee on Public Utilities.

### ENROLLED BILLS

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

**H.B. 707**, AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES.

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

**H.B. 963**, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF MATTHEWS.

**H.B. 973**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE.

### CHAPTERED BILLS

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

**H.B. 1061**, AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK. (S.L. 2005-18)

**H.B. 239**, AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL HEALTH DEPARTMENTS AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED. (S.L. 2005-19)

**H.B. 752**, AN ACT TO EXEMPT FROM THE UMSTEAD ACT THE SALE BY NORTH CAROLINA STATE UNIVERSITY OF PRODUCTS PRODUCED BY THE DAIRY AND PROCESS APPLICATION LABORATORY. (S.L. 2005-20)

**S.B. 210**, AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE

May 2, 2005

VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE. (S.L. 2005-21)

**H.B. 496**, AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES PERMITTING STUDENTS WITH ASTHMA OR STUDENTS SUBJECT TO ANAPHYLACTIC REACTIONS, OR BOTH, TO POSSESS AND SELF-ADMINISTER ASTHMA MEDICATION, AND TO RECODIFY CERTAIN STATUTES TO CREATE A NEW ARTICLE 26A IN CHAPTER 115C OF THE GENERAL STATUTES. (S.L. 2005-22)

**H.B. 45**, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' ADULT PROTECTIVE SERVICES TASK FORCE TO COLLABORATE WITH OTHERS INTERESTED IN IMPROVING ADULT PROTECTIVE SERVICES AND REPORT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING. (S.L. 2005-23)

#### WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 715** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO PROTECT THE PRIVACY OF CERTAIN PERSONAL AND EMPLOYMENT-RELATED INFORMATION PERTAINING TO STATE EMPLOYEES, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Judiciary I.

#### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

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

**H.B. 671**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANT PEST LAW TO PREEMPT LOCAL REGULATION OF PLANTS AND PLANT PESTS, 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.

May 2, 2005

**H.B. 767** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENHANCING THE MIGRANT HOUSING LAWS OF NORTH CAROLINA, 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.

By Representatives Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

**H.B. 1115**, A BILL TO BE ENTITLED AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO CHANGE THE DEADLINE FOR FILING A PROTEST FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING PLACES ON ELECTION DAY; TO CHANGE THE REQUIREMENT FOR A STATEWIDE UNAFFILIATED CANDIDATE TO CONFORM TO A FEDERAL COURT DECISION; TO PROHIBIT PIECE PAYMENT FOR VOTER REGISTRATION DRIVES; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW THE STATE BOARD OF ELECTIONS TO AUTOMATICALLY CANCEL A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR; AND TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

May 2, 2005

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

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

**H.J.R. 989**, A JOINT RESOLUTION HONORING THE FOUNDERS OF HUDSON ON THE TOWN'S 100TH ANNIVERSARY, with a favorable report.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of May 3.

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

**H.B. 561**, A BILL TO BE ENTITLED AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES, 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 Ed Jones, Vice Chair, for the Committee on Insurance:

**H.B. 734**, A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; CLARIFY THAT SERVICES COVERED ONLY FOR CERTAIN MEDICAL CONDITIONS OR DIAGNOSES MUST BE TREATED AS UTILIZATION REVIEW DECISIONS WHEN IT IS NECESSARY TO REVIEW THE COVERED PERSON'S CONDITION OR DIAGNOSIS IN ORDER TO DETERMINE IF THE SERVICE IS EXCLUDED OR COVERED; ENSURE THAT COVERED PERSONS RECEIVING EXTERNAL REVIEW KNOW WHAT INFORMATION THEIR INSURER PROVIDES TO THE EXTERNAL REVIEW ORGANIZATION PERFORMING THE REVIEW; AND ELIMINATE EXTERNAL REVIEW OUTSIDE OF NORMAL BUSINESS HOURS, 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.

May 2, 2005



By Representative Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 687**, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIO-VISUAL RECORDING DEVICE, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

Pursuant to Rule 38(a), the committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

**H.B. 1133**, A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL RECORDS CHECKS FOR COUNTY GOVERNMENTS, 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. 1176**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON PROPERTY OF A JUDGMENT DEBTOR THAT IS FREE OF THE ENFORCEMENT OF THE CLAIMS OF CREDITORS, TO EXEMPT ADDITIONAL TYPES OF PROPERTY FROM ENFORCEMENT, TO PROVIDE FOR FUTURE AUTOMATIC ADJUSTMENTS OF THESE CAPS ON EXEMPT PROPERTY, AND TO MAKE CONFORMING CHANGES, 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 B. Allen and Justus, Chairs, for the Committee on State Personnel:

**H.B. 714**, A BILL TO BE ENTITLED AN ACT ALLOWING STATE AGENCIES UNDER CERTAIN CIRCUMSTANCES TO WITHHOLD INFORMATION THAT WOULD OTHERWISE BE OPEN TO INSPECTION BY THE PUBLIC, 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.

May 2, 2005

**H.B. 1022**, A BILL TO BE ENTITLED AN ACT ADDRESSING FAIR PAY IN STATE GOVERNMENT EMPLOYMENT BY REQUIRING MANAGEMENT ACCOUNTABILITY FOR PAY-RELATED PERSONNEL DECISIONS, 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 Representative Hackney, Chair, for the Committee on Judiciary I:

**H.B. 1085**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEFENDANT ARRESTED FOR USING DOGS FOR FIGHTING TO POST A DEPOSIT TO THE ANIMAL SHELTER TO PAY FOR THE DOG'S KEEP DURING THE PERIOD PRIOR TO ADJUDICATION OF THE CHARGES, 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 Daughtridge, Goforth, LaRoque, and Rapp, Chairs, for the Committee on Commerce:

**H.B. 947**, A BILL TO BE ENTITLED AN ACT TO REPLACE THE TAX CREDITS GENERALLY AVAILABLE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT WITH MORE NARROWLY FOCUSED CREDITS FOR JOB CREATION AND BUSINESS INVESTMENT; AND TO EXTEND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, 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.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

May 2, 2005

By Representatives Harrell and Wright (Primary Sponsors); B. Allen, Bell, Bordsen, Brubaker, Carney, Coates, Cole, Coleman, Crawford, Culp, Daughtry, Dickson, Dockham, Earle, Faison, Gibson, Glazier, Grady, Haire, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Jeffus, Johnson, Jones, Ed Jones, Justice, LaRoque, Lucas, McLawhorn, McMahan, Parmon, Pierce, Preston, Rapp, Saunders, Setzer, Sherrill, Steen, Tucker, Underhill, Wainwright, Walker, Williams, Wilson, Womble, and Wray:

**H.B. 1568**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STUDY AND EVALUATE THE ECONOMIC IMPACT OF THE GREEN INDUSTRY IN NORTH CAROLINA, is referred to the Committee on Appropriations.

By Representatives Culpepper, Justice, and Harrison (Primary Sponsors); Bordsen, Carney, Cleveland, Coleman, Dickson, Faison, Fisher, Glazier, Hackney, Insko, Jeffus, Jones, Luebke, McLawhorn, Preston, Ross, Underhill, Wainwright, Weiss, and Williams:

**H.B. 1569**, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE INFRASTRUCTURE THAT SUPPORTS OYSTER RESTORATION ACTIVITIES, TO PROTECT AND RESTORE WATER QUALITY AND HABITAT IN PRIME OYSTER GROWING AREAS, TO APPROPRIATE FUNDS TO HELP SUPPORT PROJECTS TO REHABILITATE OYSTER HABITATS AND SANCTUARIES, TO APPROPRIATE FUNDS TO PLAN FOR THE DEVELOPMENT OF OYSTER HATCHERIES AT EACH OF THE THREE NORTH CAROLINA AQUARIUMS, AND TO DEVELOP PUBLIC EDUCATION PROGRAMS REGARDING THOSE OYSTER HATCHERIES, is referred to the Committee on Appropriations.

By Representatives Insko, Alexander, Faison, Parmon, Wainwright, and Weiss:

**H.B. 1570**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD HEALTH ASSESSMENT AND MONITORING PROGRAM, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND, is referred to the Committee on Appropriations.

By Representatives Insko and Weiss (Primary Sponsors); Alexander, Faison, Glazier, and Wainwright:

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**H.B. 1571**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AUDITORY LEARNING CENTER, is referred to the Committee on Appropriations.

By Representative Tucker:

**H.B. 1572**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE COMPLETION OF THE WORD OF FAITH MINISTRIES FOOD WAREHOUSE IN DUPLIN COUNTY, is referred to the Committee on Appropriations.

By Representatives Tucker and LaRoque:

**H.B. 1573**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR A COMMUNITY LIBRARY BUILDING IN ALBERTSON, is referred to the Committee on Appropriations.

By Representative Goodwin:

**H.B. 1574**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PRESERVATION OF THE OLD COUNTY HOME CEMETERY IN MONTGOMERY COUNTY, is referred to the Committee on Appropriations.

By Representative Folwell:

**H.B. 1575**, A BILL TO BE ENTITLED AN ACT TO REIMBURSE COUNTIES FOR THE COST OF OUT-OF-PRECINCT PROVISIONAL BALLOTS, is referred to the Committee on Election Law and Campaign Finance Reform and, if favorable, to the Committee on Appropriations.

By Representatives Weiss and Insko (Primary Sponsors); Alexander, Coleman, Glazier, Hackney, Harrison, Luebke, Parmon, Ross, and Wainwright:

**H.B. 1576**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR EARLY INTERVENTION SERVICES, is referred to the Committee on Appropriations.

By Representatives Goodwin, Culp, and Gibson (Primary Sponsors):

**H.B. 1577**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE CENTRAL PARK OF NORTH CAROLINA, is referred to the Committee on Appropriations.

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**MESSAGES FROM THE SENATE**

The following are received from the Senate:

**S.B. 116**, A BILL TO BE ENTITLED AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS PLANT OF THE STATE OF NORTH CAROLINA, is read the first time and referred to the Committee on State Government.

**S.B. 128** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING OFFICIAL STATE DANCES, is read the first time and referred to the Committee on State Government.

**S.B. 883** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NOTIFICATION REQUIREMENT FOR MECKLENBURG COUNTY REGARDING THE DISPOSITION OF A SEIZED FIREARM AND TO PROVIDE THAT IN MECKLENBURG COUNTY EITHER THE SHERIFF OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY WITH JURISDICTION TO ENFORCE THE LAW WHERE THE FIREARM WAS SEIZED MAY DESTROY THE FIREARM IN ACCORDANCE WITH A COURT ORDER, is read the first time and referred to the Committee on Judiciary III.

**CALENDAR**

Action is taken on the following:

**H.B. 464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF WINSTON-SALEM TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY OF WINSTON-SALEM, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Carney, Coates, Cole, Coleman, Culp, Culpepper, Cunningham, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Holmes, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders,

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Sherrill, Starnes, Steen, Sutton, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 77.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brown, Capps, Clary, Cleveland, Current, Daughtridge, Daughtry, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Langdon, LaRoque, McGee, Moore, Pate, Rayfield, Rhodes, Setzer, Stam, Stiller, Vinson, Walend, West, and Wiley - 33.

Excused absences: Representatives Adams, Brubaker, Holliman, Johnson, and McMahan - 5.

SPEAKER BLACK PRESIDING.

**H.B. 488** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Hilton, Hollo, Holloway, Holmes, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 110.

Voting in the negative: None.

Excused absences: Representatives Adams, Brubaker, Holliman, Johnson, and McMahan - 5.

**H.B. 691** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARRBORO TO LEVY A MOTOR

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VEHICLE TAX NOT TO EXCEED TWENTY-FIVE DOLLARS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Carney, Coates, Cole, Coleman, Culp, Culpepper, Cunningham, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Starnes, Steen, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 79.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brown, Capps, Clary, Cleveland, Current, Daughtry, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Holmes, Kiser, Langdon, LaRoque, Moore, Pate, Rayfield, Rhodes, Setzer, Stam, Stiller, Vinson, West, and Wiley - 32.

Excused absences: Representatives Adams, Brubaker, Holliman, Johnson, and McMahan - 5.

**H.B. 1037** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WRIGHTSVILLE BEACH TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWN AND TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO ESTABLISH A SCHEDULE OF DISCOUNTS TO BE APPLIED TO MOTOR VEHICLE TAXES PAID PRIOR TO JULY 1, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Carney, Coates, Cole, Coleman, Culp, Culpepper, Cunningham, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Ross,

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Sauls, Saunders, Sherrill, Starnes, Steen, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 79.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brown, Capps, Clary, Cleveland, Current, Daughtry, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Holmes, Kiser, Langdon, LaRoque, Moore, Pate, Rayfield, Rhodes, Setzer, Stam, Stiller, Vinson, West, and Wiley - 32.

Excused absences: Representatives Adams, Brubaker, Holliman, Johnson, and McMahan - 5.

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

**H.B. 733** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE.

On motion of Representative Wright and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of May 3.

**H.B. 771** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE PROHIBITION AGAINST CERTAIN SPOUSES OF MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, MEMBERS OF THE BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION, OR MEMBERS OF THE STATE BOARD OF COMMUNITY COLLEGES FROM BEING EMPLOYEES OR OFFICERS OF THE STATE.

Pursuant to Rule 24.1A(c), the request that Representative Luebke be excused from voting on April 26 is continued.

The bill passes its third reading, by electronic vote (76-33), and is ordered sent to the Senate.

#### WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Haire and without objection, **H.B. 1186**, A BILL TO BE ENTITLED AN ACT TO MAKE THE INCREASE IN SENTENCE LENGTHS BETWEEN PRIOR RECORD LEVELS MORE PROPORTIONATE USING A SET PERCENTAGE INCREMENT, is withdrawn from the Calendar and placed on the Calendar of May 9.

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**CALENDAR (continued)**

**S.B. 474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY AND THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

Representative Wiley offers Amendment No. 1 which is adopted by electronic vote (108-1).

Representative Cunningham requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (109-1).

Representative Weiss offers Amendment No. 2 which is adopted by electronic vote (108-2). This amendment changes the title.

The bill, as amended, passes its second reading, by electronic vote (106-4). The caption having been amended, the bill remains on the Calendar.

**INTRODUCTION OF PAGES**

Pages for the week of May 2 are introduced to the membership. They are: Ariel Butters of Wake; Cameron Harwick of Rowan; Shari Henderson of Granville; Zack Joyner of Gaston; Leonard Kilgo-Stockton of Mecklenburg; Leonette Kilgo-Stockton of Mecklenburg; Lonai Leach of Robeson; Christian Leonard of Franklin; Kevin Myers of Johnston; Shannon Power of Granville; Kymberly Rumley of Wake; Juan Tuset of Wake; and Ashley Winders of Wayne.

On motion of Representative Culpepper, seconded by Representative Luebke, the House adjourns at 7:44 p.m. to reconvene May 3 at 3:00 p.m.

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**FIFTY-SIXTH DAY**

HOUSE OF REPRESENTATIVES  
Tuesday, May 3, 2005

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

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

"Glorious God:

"The earth sings of Your beauty. The stars harmonize to Your magnificence. The sun and the moon, along with all of creation, speak of Your wonder and glory! We thank Thee, O God, for the splendor, the awesome power and the glory displayed through all the earth. Give unto us a renewed appreciation for Your created order and make us good stewards of all that You have provided us. Place within our hearts a new song as we move and have our being amidst the scenery of our lives. Give us a fresh melody to sing as we contemplate the wonder of all creation; especially our place and role in the world You have mercifully given unto us. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 2 has been examined and found correct. Upon his motion, the Journal is approved as written.

A leave of absence is granted Representative Johnson for today.

#### **CHAPTERED BILLS**

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

**H.B. 963**, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF MATTHEWS. (S.L. 2005-24)

**H.B. 973**, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE. (S.L. 2005-25)

#### **WITHDRAWAL OF BILLS FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 714** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING STATE AGENCIES UNDER CERTAIN CIRCUMSTANCES TO WITHHOLD INFORMATION THAT WOULD OTHERWISE BE OPEN TO INSPECTION BY THE PUBLIC, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Judiciary I.

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Pursuant to Rule 36(b)(2), **H.B. 1064** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE PROVISION OF WATER SERVICE IN BUNCOMBE 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.

Pursuant to Rule 36(b)(2), **H.B. 1065** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING WATER RATES IN BUNCOMBE 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.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

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

**H.B. 1320**, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURES OF CERTAIN MONETARY TRANSMISSIONS, with a favorable report.

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

By Representatives Bell and Wilson, Chairs, for the Committee on Pensions and Retirement:

**H.B. 763**, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS FOR CAREER FIREFIGHTERS AND CAREER RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, 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 Michaux, Chair, for the Committee on Judiciary II:

**H.B. 423**, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF HABITUAL MISDEMEANOR LARCENY, with a favorable

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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.

### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Harrell and Gibson (Primary Sponsors):

**H.B. 1578**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA VITICULTURE AND ENOLOGY CENTER ON THE CAMPUS OF SURRY COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

By Representatives Womble, Parmon, McGee, and Folwell (Primary Sponsors); Brown, Coleman, Faison, Hackney, Luebke, Miller, Wainwright, and Weiss:

**H.J.R. 1579**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLARENCE E. "BIG HOUSE" GAINES, SR., LEGENDARY BASKETBALL COACH, 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:

**S.J.R. 1171**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM HOLLAND THOMAS, FORMER MEMBER OF THE GENERAL ASSEMBLY, ON THE 200TH ANNIVERSARY OF HIS BIRTH, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

### **MESSAGES FROM THE SENATE**

The following are received from the Senate:

**S.B. 62** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF GIBSON TO EXTEND

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THE TOWN COMMISSIONERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS, is read the first time and referred to the Committee on Local Government I.

**S.B. 226** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 254** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES FRANCES AND IVAN, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 644**, A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER THE COMPENSATION PROVISIONS OF THE STATE PERSONNEL ACT, is read the first time and referred to the Committee on Financial Institutions.

**S.B. 686** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD PSEUDOEPHEDRINE, A CRITICAL INGREDIENT IN THE MANUFACTURE OF THE ILLEGAL DRUG METHAMPHETAMINE, TO SCHEDULE V OF THE CONTROLLED SUBSTANCES LIST; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUES RELATING TO THE ABUSE OF METHAMPHETAMINE; AND TO MAKE TECHNICAL CHANGES, is read the first time and referred to the Committee on Judiciary IV.

**S.B. 763** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES

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PUBLIC, is read the first time and referred to the Committee on Ways and Means.

**S.B. 862**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF KOREA AND VIETNAM, is read the first time and referred to the Committee on Education.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Gibson, Chair, for the Committee on Alcoholic Beverage Control:

**H.B. 1025**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES, with a favorable report.

Pursuant to Rule 38(b), the bill is re-referred to the Committee on Finance.

**H.B. 1389**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS, with a favorable report.

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

**H.B. 1390**, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW GOVERNING THE COMMERCIAL TRANSPORTATION OF ALCOHOLIC BEVERAGES CONSISTENT WITH THE LAW GOVERNING THE AMOUNTS OF ALCOHOLIC BEVERAGES THAT MAY BE PURCHASED WITHOUT A PERMIT, with a favorable report.

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

#### **CALENDAR**

Action is taken on the following:

**H.J.R. 989**, A JOINT RESOLUTION HONORING THE FOUNDERS OF HUDSON ON THE TOWN'S 100TH ANNIVERSARY, passes its second

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reading, by electronic vote (118-0), 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.

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

Senate Committee Substitute for **H.B. 489** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY.

On motion of Representative Weiss, the House does not concur in the Senate committee substitute bill, by electronic vote (118-0), and conferees are requested.

**S.B. 474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF GREENVILLE AND HIGH POINT TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

The bill, as amended, passes its third reading, by electronic vote (112-6), and is ordered sent to the Senate for concurrence in House amendment.

#### CONFEREES APPOINTED

The Speaker appoints the following conferees on Senate Committee Substitute for **H.B. 489** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY: Representatives Weiss, Wright, McComas, Hackney, and Dollar.

The Senate is so notified by Special Message.

#### CALENDAR (continued)

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

**H.B. 116** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PRESENT-USE VALUE ELIGIBILITY, TO AMEND

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THE PERIOD FOR APPEAL OF A PRESENT-USE VALUE DETERMINATION OR APPRAISAL, TO MODIFY THE TAX YEAR FOR MOTOR VEHICLES THAT ARE TO BE SWITCHED FROM AN ANNUAL SYSTEM OF REGISTRATION TO A STAGGERED SYSTEM EFFECTIVE JANUARY 1, 2006, AND TO APPLY THE SAME PENALTY THAT CURRENTLY APPLIES TO PAYMENTS BY CHECK TO PROPERTY TAX PAYMENTS MADE BY ELECTRONIC PAYMENTS, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 118.

Voting in the negative: None.

Excused absence: Representative Johnson.

**H.B. 646**, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES TO ENHANCE EFFICIENT ADMINISTRATION OF FEE COLLECTION AND PROCESSING.

On motion of Representative Holliman, Committee Amendment No. 1 is adopted by electronic vote (115-1).

Representative Wiley requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (116-0).

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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 Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 101.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Cleveland, Daughtridge, Dollar, Frye, Gillespie, Hilton, Hollo, Holloway, Moore, Rayfield, Rhodes, Setzer, West, and Wiley - 18.

Excused absence: Representative Johnson.

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

**H.B. 1004** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL GOVERNMENTS TO PLEDGE AND ENCUMBER HOSPITAL FACILITIES AND EQUIPMENT IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas,

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McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 119.

Voting in the negative: None.

Excused absence: Representative Johnson.

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

**H.B. 1117** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS.

Representative Ross offers Amendment No. 1 which is adopted by electronic vote (117-2).

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

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 116.

Voting in the negative: Representatives Cleveland and Dollar - 2.

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Excused absence: Representative Johnson.

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

**H.B. 392** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS.

Pursuant to Rule 24.1A, Representative Daughtry requests that he be excused from voting on this bill because of a business conflict. 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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Bell, Blackwood, Bordsen, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridg, Dickson, Dollar, Earle, England, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Hunter, Insko, Jeffus, Jones, Ed Jones, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, Michaux, Morgan, Owens, Parmon, Preston, Ray, Ross, Setzer, Sherrill, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Warren, Weiss, Wiley, Williams, Wilson, Womble, Wright, and Yongue - 72.

Voting in the negative: Representatives Almond, Barnhart, Blust, Brown, Brubaker, Capps, Cleveland, Dockham, Eddins, Faison, Frye, Gillespie, Grady, Hilton, Hollo, Holloway, Holmes, Howard, Justus, Kiser, Langdon, McGee, McLawhorn, McMahan, Moore, Nye, Pate, Pierce, Rapp, Rayfield, Rhodes, Sauls, Saunders, Stam, Starnes, Steen, Stiller, Walker, and West - 39.

Excused absences: Representatives Johnson and Justice - 2.

Excused vote: Representative Daughtry.

Representative Lewis states that his voting equipment malfunctioned and he requests to be recorded as voting "no". This request is granted. Representatives Cunningham and Wray request and are granted permission to be recorded as voting "aye". Representative Harrell requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (73-41).

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**WITHDRAWAL OF BILLS FROM CALENDAR**

On motion of Representative Haire and without objection, the following bills are withdrawn from the Calendar and placed on the Calendar of May 9.

**H.B. 1188**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COURT-IMPOSED AND ENFORCED POST-RELEASE PUNISHMENT OF PRISONERS UNDER STRUCTURED SENTENCING.

**H.B. 1215**, A BILL TO BE ENTITLED AN ACT TO REALLOCATE THREE MONTHS FROM THE MINIMUM SENTENCE OF CLASSES B1 THROUGH E TO THE MAXIMUM SENTENCE, AND TO INCREASE THE PERIOD OF POST-RELEASE SUPERVISION FROM NINE MONTHS TO TWELVE MONTHS.

**RE-REFERRALS**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 779**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF EIGHTEEN AND TO INCREASE THE PENALTY FOR TRUANCY, is withdrawn from the Committee on Education and re-referred to the Committee on Judiciary II.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1244**, A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS BY PROHIBITING COERCIVE AND DISCRIMINATORY PRACTICES IN THE REPAIR OF MOTOR VEHICLES AND AUTOMOBILE GLASS REPAIR AND REPLACEMENT, BY PROVIDING FOR MORE CONSUMER DISCLOSURE BY INSURERS IN THE COLLISION REPAIR PROCESS, AND BY IMPOSING STRICTER MOTOR VEHICLE DAMAGE AND AUTOMOBILE GLASS REPAIR REGULATIONS AND PENALTIES ON INSURERS, is withdrawn from the Committee on Insurance and re-referred to the Committee on Judiciary III.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 472**, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS, AND TO REQUIRE PERSONS CONVICTED

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OF THIS OFFENSE TO REGISTER AS SEX OFFENDERS, is withdrawn from the Committee on Judiciary IV and re-referred to the Committee on Judiciary II.

On motion of Representative Culpepper, seconded by Representative Miller, the House adjourns at 4:16 p.m. to reconvene May 4 at 4:00 p.m.

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## FIFTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES  
Wednesday, May 4, 2005

The House meets at 4:00 p.m. pursuant to adjournment and is called to order by Representative Morgan, Speaker Pro Tempore.

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

"Sovereign God:

"Through the wonder of Your creation we see the power of Your mightiness. Through the wisdom of the ages we are witnesses of Your faithfulness to all generations. Now, as those under Your watchful care, we humbly beseech Thee to grant us a special dispensation of the spiritual gifts of discernment and servant leadership. We pray to You, Lord, for the wisdom to know what we are to do with the business that is in front of us and for the battles that lie ahead. Many eyes are upon us. May we be prudent, humble yet bold in carrying out our responsibilities; and ever mindful of Your holy intrusion into our lives. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 3 has been examined and found correct. Upon his motion, the Journal is approved as written.

A leave of absence is granted Representative Johnson for today.

### WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 763** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS FOR CAREER FIREFIGHTERS AND CAREER RESCUE SQUAD WORKERS WHO ARE

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MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, 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 Gibson, Chair, for the Committee on Alcoholic Beverage Control:

**H.B. 1500**, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT, 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 Frye and Hilton, Chairs, for the Committee on Federal Relations and Trade Issues:

**H.B. 800**, A BILL TO BE ENTITLED AN ACT REQUIRING VENDORS BIDDING ON STATE CONTRACTS TO DISCLOSE WHETHER SERVICES WILL BE PERFORMED OUTSIDE THE UNITED STATES, 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 Holliman, Chair, for the Committee on Insurance:

**H.B. 658**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS, TO AUTHORIZE THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR PROFESSIONAL DEVELOPMENT OF CODE-ENFORCEMENT OFFICIALS, AND TO APPROPRIATE FUNDS FROM THE INSURANCE REGULATORY FUND FOR THAT PURPOSE, 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. 672**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF A DEMUTUALIZED INSURANCE COMPANY, 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 Hackney, Chair, for the Committee on Judiciary I:

**H.B. 1150**, A BILL TO BE ENTITLED AN ACT TO AMEND THE JUVENILE CODE TO EXPEDITE OUTCOMES FOR CHILDREN AND FAMILIES INVOLVED IN WELFARE CASES AND APPEALS AND TO LIMIT THE APPOINTMENT OF GUARDIANS AD LITEM FOR PARENTS IN ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS, AS RECOMMENDED BY THE COURT IMPROVEMENT PROJECT, 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. 1319**, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION 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.

By Representative Womble, Chair, for the Committee on Ways and Means:

**H.B. 1202**, A BILL TO BE ENTITLED AN ACT TO CLARIFY ALTERNATIVE REPRESENTATION OF METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES, with a favorable report.

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

**H.B. 1332**, A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES, with a favorable report.

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

### ENROLLED BILLS

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

**H.B. 508**, AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE DIVORCE WAS GRANTED.

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

**H.J.R. 989**, A JOINT RESOLUTION HONORING THE FOUNDERS OF HUDSON ON THE TOWN'S 100TH ANNIVERSARY. (RESOLUTION 2005-27)

### CHAPTERED BILLS

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

**S.B. 586**, AN ACT TO AUTHORIZE THE ADDITION OF NEW STATE PARKS AT CARVERS CREEK AND IN THE HICKORY NUT GORGE/CHIMNEY ROCK AREA TO THE STATE PARKS SYSTEM. (S.L. 2005-26)

### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Daughtridge, Goforth, LaRoque, and Rapp, Chairs, for the Committee on Commerce:

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**H.B. 630**, A BILL TO BE ENTITLED AN ACT TO REQUIRE MANUFACTURED HOMES ESCROW ACCOUNTS, 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. 1365**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE, with a favorable report.

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

By Representative Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 1375**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATING TO CHILD SUPPORT ENFORCEMENT IN ORDER TO CLARIFY AND ENHANCE THOSE LAWS, 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. 1434**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE, FOR SERVICE OF PROCESS UPON A NATURAL PERSON OR FOR PROOF OF PERSONAL SERVICE UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE, CERTAIN ELECTRONIC SIGNATURE CONFIRMATION, 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. 1503**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES AND REGIONAL TRANSPORTATION AUTHORITIES ARE INCLUDED IN THE STATE TORT CLAIMS ACT, 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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By Representative Sutton, Chair, for the Committee on Judiciary III:

**H.B. 1120**, A BILL TO BE ENTITLED AN ACT TO OFFICIALLY ACKNOWLEDGE THE IMPORTANCE OF NEIGHBORHOOD CRIME WATCH PROGRAMS AND TO ESTABLISH A CRIMINAL PENALTY FOR HARASSMENT OF A MEMBER OF A NEIGHBORHOOD CRIME WATCH PROGRAM, 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 Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 105**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, 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. 454**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GUARANTEED ENERGY SAVINGS CONTRACTS INCLUDE CONSERVATION MEASURES FOR WATER AND OTHER UTILITIES, TO RAISE THE CAP FOR GUARANTEED ENERGY SAVINGS CONTRACTS, TO EXPAND THE STATE'S ENERGY POLICY AND LIFE-CYCLE COST ANALYSIS TO INCLUDE THE CONSERVATION OF WATER AND OTHER UTILITIES, AND TO MAKE CONFORMING CHANGES, 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. 689**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, with a favorable report as to 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. 896**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE STATE BAR WITH AN APPEAL OF RIGHT FROM FINAL ORDERS

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OF THE DISCIPLINARY HEARING COMMISSION AND TO INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL MEMBERSHIP FEES FOR MEMBERS OF THE STATE BAR, with a favorable report.

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

**H.B. 1030**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ACTS REGULATING THE BRUNSWICK COUNTY AIRPORT COMMISSION AND TO CLARIFY THE POWERS OF THE 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. 1217**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES, with a favorable report.

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

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

**H.B. 528**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT, with a favorable report.

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

**H.B. 791**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE MATCHING LIMIT FOR COUNTY VETERANS SERVICE OFFICES AND TO APPROPRIATE FUNDS FOR THIS PURPOSE, 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 Bell, Lucas, and McLawhorn, Chairs, for the Committee on Education:

**H.B. 16**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE CONSUMER EDUCATION IN

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GRADES NINE THROUGH TWELVE, 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. 413**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY OF WHAT HIGH SCHOOL GRADUATES NEED TO KNOW IN A RAPIDLY CHANGING AND COMPLEX GLOBAL SOCIETY AND ECONOMY, 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. 1079**, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE, with a favorable report and recommendation that the bill be re-referred to the Committee on Rules, Calendar, and Operations of the House.

The bill is re-referred to the Committee on Rules, Calendar, and Operations of the House.

**H.B. 1342**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF WORLD WAR II, KOREA, AND VIETNAM, with a favorable report.

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

By Representatives Harrell and Justice, Chairs, for the Committee on Environment and Natural Resources:

**H.B. 698**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE FINDINGS, THE PURPOSE, AND THE APPROVED PRACTICES OF THE CURRENT FOREST DEVELOPMENT 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.

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**H.B. 1097**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO AWARD CONTRACTS FOR THE MANAGEMENT OF SLUDGE ON THE BASIS OF FACTORS OTHER THAN COST ALONE AND TO ENTER INTO CONTRACTS THAT PROVIDE FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF SLUDGE MANAGEMENT FACILITIES BY A SINGLE ENTITY, 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. 1523**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PROVISION OF THE COASTAL HABITAT PROTECTION PLAN BY PROVIDING FOR GREATER FLEXIBILITY IN THE USE OF FUNDS FROM THE RIPARIAN BUFFER RESTORATION FUND TO CONSTRUCT ALTERNATIVE MEASURES TO REDUCE NUTRIENT LOADING AND BY PROVIDING THAT IF A LAND-DISTURBING ACTIVITY LEAVES AN EXPOSED SLOPE, THE SLOPE SHALL BE PLANTED WITH TEMPORARY OR PERMANENT GROUND COVER WITHIN TWENTY-ONE CALENDAR 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 Steen and Williams, Chairs, for the Committee on Wildlife Resources:

**H.B. 949**, A BILL TO BE ENTITLED AN ACT TO ADD CURRITUCK COUNTY TO THOSE COUNTIES WITH AN EXTENDED BEAR HUNTING SEASON, with a favorable report.

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

**H.B. 1277**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

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The bill is re-referred to the Committee on Finance.

**H.B. 1395**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROHIBITING THE BAITING OF BLACK BEAR, with a favorable report.

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

By Representatives Bell and Wilson, Chairs, for the Committee on Pensions and Retirement:

**H.B. 1237**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR ADDITIONAL MEMBERS OF THE BOARD OF TRUSTEES OF 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.

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 Frye, Hilton, Glazier, and Farmer-Butterfield (Primary Sponsors); Brown, Faison, Pate, and Wray:

**H.B. 1580**, A BILL TO BE ENTITLED AN ACT TO PROVIDE INVESTMENT TAX CREDITS TO EXISTING NORTH CAROLINA BUSINESSES THAT INVEST IN NEW TECHNOLOGY TO BETTER COMPETE IN THE GLOBAL ECONOMY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Justice and Wright (Primary Sponsors):

**H.B. 1581**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PENDER COUNTY FOR THE PRESERVATION OF THE MURRAY FARM, is referred to the Committee on Appropriations.

By Representatives Saunders and Brubaker (Primary Sponsors):

**H.J.R. 1582**, A JOINT RESOLUTION FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS TO THE UTILITIES COMMISSION, is referred to the Committee on Public Utilities.

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By Representative Bell:

**H.B. 1583**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DILLARD/GOLDSBORO ALUMNI AND FRIENDS FOR A COMMUNITY CENTER, is referred to the Committee on Appropriations.

By Representative Bell:

**H.B. 1584**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SAMPSON COUNTY HISTORY MUSEUM, is referred to the Committee on Appropriations.

By Representative Bell:

**H.B. 1585**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE IVANHOE OUTREACH CENTER FOR COMMUNITY HEALTH CARE CLASSES, is referred to the Committee on Appropriations.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

By Representatives Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

**H.B. 1469**, A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, 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.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Tolson and without objection, **H.B. 563** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, is withdrawn from the Calendar and placed on the Calendar of May 11.

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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. 399** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS.

On motion of Representative Owens, 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.

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

**H.B. 699**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION.

Pursuant to Rule 20(c), the Chair directs the time for voting changed from 15 seconds to 10 seconds.

On motion of Representative Owens, the House concurs in the Senate amendment, by electronic vote (106-8), and the bill is ordered enrolled and presented to the Governor.

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

**H.B. 35** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN

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OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: Representatives Allred and Dollar - 2.

Excused absence: Representative Johnson.

**H.B. 733** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE.

Representative Holliman offers Amendment No. 1 which is adopted by electronic vote (115-0).

The bill, as amended, passes its second reading, by electronic vote (110-4), 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.

**H.B. 923** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING POSTSEPARATION

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SUPPORT, 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. 988** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE HIGHWAY USE TAXES AS A FACTOR IN DETERMINING THE TRUE VALUE IN MONEY OF MOTOR VEHICLES FOR PROPERTY TAX PURPOSES, 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 engrossed and sent to the Senate.

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

**H.B. 1194** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE PHYSICAL THERAPY AS A PROFESSIONAL SERVICE UNDER THE PROFESSIONAL CORPORATION ACT, TO AUTHORIZE THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO DISCIPLINE PERSONS FOR PAYING FOR REFERRALS OF PHYSICAL THERAPY PATIENTS, AND TO PREVENT CORPORATE OR BUSINESS INTERESTS FROM INTERFERING WITH PROFESSIONAL PHYSICAL THERAPY JUDGMENTS CONCERNING THE BEST INTERESTS OF PATIENTS, 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.

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

**H.B. 1230** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OF THE STATE.

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

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The bill, as amended, passes its second reading, by electronic vote (115-0), 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.

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

**H.B. 1262**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA SOCIAL WORK CERTIFICATION AND LICENSURE BOARD TO EMPLOY PERSONNEL NECESSARY TO CARRY OUT THE PROVISIONS OF THE SOCIAL WORK CERTIFICATION AND LICENSURE ACT.

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

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

**H.B. 941**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO REMOVE ABANDONED AIRPLANES FROM PUBLIC 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.

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

**H.B. 1078**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANGIER TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, 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. 462** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED MEASURING DURING A PILOT PROGRAM IN DESIGNATED CORRIDORS, 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 enrolled.

**H.B. 116** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PRESENT-USE VALUE ELIGIBILITY, TO AMEND THE PERIOD FOR APPEAL OF A PRESENT-USE VALUE DETERMINATION OR APPRAISAL, TO MODIFY THE TAX YEAR FOR MOTOR VEHICLES THAT ARE TO BE SWITCHED FROM AN ANNUAL SYSTEM OF REGISTRATION TO A STAGGERED SYSTEM EFFECTIVE JANUARY 1, 2006, AND TO APPLY THE SAME PENALTY THAT CURRENTLY APPLIES TO PAYMENTS BY CHECK TO PROPERTY TAX PAYMENTS MADE BY ELECTRONIC PAYMENTS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Wray, Wright, and Yongue - 114.

Voting in the negative: None.

Excused absence: Representative Johnson.

**H.B. 646**, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES TO ENHANCE EFFICIENT ADMINISTRATION OF FEE COLLECTION AND PROCESSING.

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

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Brubaker,

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Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Cunningham, Current, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justus, Kiser, Langdon, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ross, Sauls, Saunders, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Wilson, Womble, Wray, Wright, and Yongue - 91.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Cleveland, Daughtridg, Dollar, Eddins, Frye, Gillespie, Hilton, Hollo, Holloway, Lewis, Moore, Ray, Rayfield, Rhodes, Vinson, West, and Wiley - 21.

Excused absence: Representative Johnson.

Representative Justice requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (92-21).

**H.B. 1004** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL GOVERNMENTS TO PLEDGE AND ENCUMBER HOSPITAL FACILITIES AND EQUIPMENT IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer,

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Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 116.

Voting in the negative: None.

Excused absence: Representative Johnson.

**H.B. 1117** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS.

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

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: Representative Cleveland.

Excused absence: Representative Johnson.

**H.B. 1262**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA SOCIAL WORK CERTIFICATION AND LICENSURE BOARD TO EMPLOY PERSONNEL NECESSARY TO CARRY OUT THE PROVISIONS OF THE SOCIAL WORK CERTIFICATION AND LICENSURE ACT, which was temporarily displaced, is before the Body.

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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.

**H.B. 392** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS.

Pursuant to Rule 24.1A(c), the request that Representative Daughtry be excused from voting on May 3 is continued.

Representative Capps is recognized to offer an amendment.

The Speaker Pro Tempore rules the amendment out of order.

The bill passes its third reading, by electronic vote (68-46), and is ordered sent to the Senate.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

By Representative Wright, Chair, for the Committee on Health.

**H.B. 916**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET FROM THE LAW EXEMPTING FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS, 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.

**H.B. 182**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

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AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN, 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.

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

**H.B. 485** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN EXISTING CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, 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.

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

**H.B. 735** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANNUAL FILING AND ACTUARIAL CERTIFICATION OF RATES FOR INSURERS PROVIDING INDIVIDUAL ACCIDENT AND HEALTH INSURANCE BENEFITS AND TO BETTER PROTECT CONSUMERS FROM THE HARMFUL IMPACT OF BLOCKS OF BUSINESS BEING CLOSED, passes its second reading, by electronic vote (115-0), and there being no objection is read a third time.

Representative Howard requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (116-0).

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. 1168** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DECEPTIVE USE OF THE NAME OR LOGO OF A BANKING ENTITY WITHOUT PERMISSION IN THE MARKETING OF FINANCIAL PRODUCTS AND SERVICES, passes its second reading, by electronic vote (115-0).

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

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

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**H.B. 1169** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INVESTMENT OF STATE AND LOCAL FUNDS IN NORTH CAROLINA FINANCIAL INSTITUTIONS, 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.

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

**H.B. 1174** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS REGARDING THE ISSUANCE AND REVOCATION OF PERMITS AT LOCATIONS THAT ARE OR BECOME UNSUITABLE TO HOLD ABC PERMITS, passes its second reading, by electronic vote (113-1).

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

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

**H.B. 1297** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR ANY VOLUNTEER WHO SERVES IN A MEDICAL RESERVE CORPS UNIT OR ON A COMMUNITY EMERGENCY RESPONSE TEAM WHILE ENGAGED IN PROVIDING EMERGENCY SERVICES, 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.

On motion of Representative LaRoque, seconded by Representative Sherrill, the House adjourns at 5:34 p.m. to reconvene May 5 at 12:00 Noon.

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## FIFTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES  
Thursday, May 5, 2005

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

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

"Heavenly Father:

"As Father and Lord over all of creation, You above all names, know the meaning of the word love in its purest form. As you sit on heaven's throne as the parent of us all, You understand the gift of a mother's love. As we prepare to celebrate our mothers as well as those who have provided maternal love to us throughout our years, we thank You for this most precious gift. As the giver of every good and perfect gift, we applaud You in offering us the gift of both childhood and parenthood. Like a mother gently gathers her brood under her breast, so too, Lord, draw us in the Spirit's tether; and fill us with Thy love. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 4 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brubaker, Clary, Dockham, Earle, Johnson, Parmon, Underhill, Walend, Weiss, and West for today. Representative Miller is excused for a portion of the Session.

#### **ENROLLED BILLS**

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

**H.B. 399**, AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS.

**H.B. 699**, AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION.

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

**S.B. 462**, AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC

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SPEED MEASURING DURING A PILOT PROGRAM IN DESIGNATED CORRIDORS.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 1176** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CAP ON PROPERTY OF A JUDGMENT DEBTOR THAT IS FREE OF THE ENFORCEMENT OF THE CLAIMS OF CREDITORS, TO EXEMPT CERTAIN TYPES OF PROPERTY FROM ENFORCEMENT, TO PROVIDE FOR FUTURE AUTOMATIC ADJUSTMENTS OF THESE CAPS ON EXEMPT PROPERTY, AND TO MAKE CONFORMING CHANGES, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Judiciary IV.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Bell and Wilson, Chairs, for the Committee on Pensions and Retirement:

**H.B. 710**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, 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 England and Sauls, Chairs, for the Education Subcommittee on Community Colleges:

**H.B. 677**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TREASURER TO DESIGNATE A PERSON TO REPRESENT THE TREASURER ON THE STATE BOARD OF COMMUNITY COLLEGES, with a favorable report.

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

**H.B. 833**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO SET NON-ACADEMIC CRITERIA FOR ADMISSION INTO CERTAIN PROGRAMS, with a favorable report.

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

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

**H.B. 1463**, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ENHANCED SENTENCE FOR CERTAIN CRIMINAL OFFENSES COMMITTED AGAINST A VICTIM WHO IS FIFTEEN YEARS OLD OR YOUNGER IF THE PERSON CONVICTED IS THE VICTIM'S LEGAL CUSTODIAN, GUARDIAN, PARENT, OR OTHER PERSON STANDING IN LOCO PARENTIS, 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 Kiser, Vice Chair, for the Committee on Judiciary IV:

**H.B. 1485**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SEARCH WARRANTS MAY BE OBTAINED BY AUDIO/VIDEO TRANSMISSIONS, with a favorable report.

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

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 940**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LELAND TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE, 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. 1055**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY, THE JONES COUNTY BOARD OF EDUCATION

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MUST APPOINT THE NOMINEE OF THE PARTY EXECUTIVE COMMITTEE OF THE VACATING OFFICER, 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. 1069**, A BILL TO BE ENTITLED AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS FOR THE TOWN OF OAK ISLAND, with a favorable report.

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

**H.B. 1281**, A BILL TO BE ENTITLED AN ACT TO GRANT COUNTIES THE AUTHORITY TO MAKE SPECIAL ASSESSMENTS FOR NOXIOUS WEED CONTROL PROJECTS IN RIVERS AND LAKES AND TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS WEED CONTROL SERVICE DISTRICTS, 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.

**S.B. 348**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON, 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 Representatives Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

**H.B. 1128**, A BILL TO BE ENTITLED AN ACT TO REQUIRE TRAINING FOR ALL CAMPAIGN TREASURERS; TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO SET A

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THREE-YEAR TIME LIMIT BEFORE ANY UNPAID DEBT IN A CAMPAIGN IS DEEMED TO BE A CONTRIBUTION; TO INCLUDE VACANCY ELECTIONS AND NONPARTISAN RUNOFFS IN THE DEFINITION OF "ELECTION" FOR PURPOSES OF CONTRIBUTION LIMITS; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO LIMIT THE USE OF CREDIT CARDS FOR PAYMENT OF EXPENDITURES IN PUBLICLY FUNDED JUDICIAL CAMPAIGNS; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; AND TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT, 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.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Harrell, L. Allen, Faison, and Lewis:

**H.B. 1586**, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX INCENTIVES FOR THE REVITALIZATION OF MILL FACILITIES, is referred to the Committee on Finance.

By Representatives Miller, Luebke, Michaux, and Wilkins:

**H.B. 1587**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A MEDIATION CENTER IN DURHAM, is referred to the Committee on Appropriations.

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By Representatives Underhill and Wainwright (Primary Sponsors):

**H.B. 1588**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE TERCENTENARY ANNIVERSARY OF THE CITY OF NEW BERN, is referred to the Committee on Appropriations.

By Representative Lucas:

**H.B. 1589**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SANDHILLS FAMILY HERITAGE ASSOCIATION, is referred to the Committee on Appropriations.

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

**H.B. 1590**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO PURCHASE EQUIPMENT FOR THE CONSTRUCTION TRADES JOB TRAINING COLLABORATIVE IN YANCEY COUNTY, is referred to the Committee on Appropriations.

By Representatives Rapp and Frye (Primary Sponsors):

**H.B. 1591**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW PUBLIC LIBRARY IN YANCEY COUNTY, is referred to the Committee on Appropriations.

By Representative Warren:

**H.B. 1592**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR CASH RENT SURVEYS, is referred to the Committee on Appropriations.

By Representatives McLawhorn and Warren:

**H.B. 1593**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW DINING AND RECREATION HALL AT THE NORTH CAROLINA FFA CENTER AT WHITE LAKE, is referred to the Committee on Appropriations.

By Representatives McLawhorn and Warren:

**H.B. 1594**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN AGRICULTURAL CURRICULUM DEVELOPMENT

May 5, 2005

COORDINATOR AT NORTH CAROLINA STATE UNIVERSITY, is referred to the Committee on Appropriations.

By Representatives Alexander and Tolson (Primary Sponsors); Faison and Harrison:

**H.B. 1595**, A BILL TO BE ENTITLED AN ACT TO REDUCE MOBILE SOURCE EMISSIONS BY ESTABLISHING A MOBILE SOURCE EMISSIONS REDUCTION PROGRAM FUNDED BY AN EMISSIONS-BASED SURCHARGE ON VEHICLE REGISTRATION FEES, is referred to the Committee on Finance.

By Representative Williams:

**H.B. 1596**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NEW PUBLIC LIBRARY IN THE TOWN OF BATH, is referred to the Committee on Appropriations.

By Representative Wright:

**H.B. 1597**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RENOVATE THE HISTORIC BURGAW DEPOT, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1598**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PAVE THE BUS PARKING LOT AT BARTLETT YANCEY HIGH SCHOOL IN CASWELL COUNTY, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1599**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXTEND WATER AND SEWER SERVICES TO THE CASWELL COUNTY INDUSTRIAL PARK, is referred to the Committee on Appropriations.

By Representatives Harrison, Fisher, Haire, and Underhill (Primary Sponsors); B. Allen, Bordsen, Faison, Farmer-Butterfield, Insko, Jones, Luebke, and Weiss:

**H.B. 1600**, A BILL TO BE ENTITLED AN ACT TO DIRECT STATE AGENCIES TO EVALUATE AND REPORT ANNUALLY ON THEIR

May 5, 2005



ACTIVITIES AND RESEARCH RELATED TO GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE; TO DIRECT THE STATE ENERGY OFFICE TO PREPARE AN ANNUAL ASSESSMENT OF THE STATE'S ACTIVITIES RELATED TO GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PROVISIONS OF THIS ACT, is referred to the Committee on Appropriations.

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

**H.B. 1601**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RENOVATE THE RURAL LIFE MUSEUM ON THE CAMPUS OF MARS HILL COLLEGE, is referred to the Committee on Appropriations.

By Representatives Bell and Pate:

**H.B. 1602**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REBUILDING BROKEN PLACES, COMMUNITY DEVELOPMENT CORPORATION, TO BUILD AFFORDABLE HOMES FOR THE ELDERLY IN GOLDSBORO, is referred to the Committee on Appropriations.

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

**H.B. 1603**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE EDGECOMBE COUNTY BUSINESS/INDUSTRIAL INCUBATOR FOR CAPITAL AND OPERATING EXPENSES, is referred to the Committee on Appropriations.

By Representatives Ray, Alexander, Barnhart, Carney, Daughtridge, Faison, Lewis, Rapp, and Setzer:

**H.J.R. 1604**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR WILLIAM HENRY GETTY "BIG BILL" FRANCE, FOUNDER OF THE NATIONAL ASSOCIATION FOR STOCK CAR AUTOMOBILE RACING, CELEBRATE THE NASCAR NEXTEL ALL-STAR CHALLENGE TROPHY TOUR AND THE 2005 NASCAR NEXTEL ALL-STAR CHALLENGE RACE, AND INVITE HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY.

Pursuant to Rule 32(a), the resolution is placed on today's Calendar.

May 5, 2005

By Representatives Ray, Alexander, Barnhart, Carney, Cole, Daughtridge, Faison, Folwell, Goforth, Lewis, Rapp, Setzer, Wainwright, Williams, and Wray:

**H.J.R. 1605**, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM "BIG BILL" FRANCE, NASCAR'S FOUNDER, AND ENCOURAGING THE NASCAR ORGANIZATION TO KEEP THE LOWE'S MOTOR SPEEDWAY AS THE SITE OF THE NASCAR NEXTEL ALL-STAR CHALLENGE.

Pursuant to Rule 32(a), the resolution is placed on the Calendar of May 10.

**SPECIAL MESSAGE FROM THE SENATE**

**2005 GENERAL ASSEMBLY  
FIRST SESSION**

Senate Chamber  
May 4, 2005

Mr. Speaker:

Pursuant to your message received on May 3, 2005, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 489** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, and requests conferees, the President *Pro Tempore* appoints:

Senator Clodfelter, Chair  
Senator Hartsell  
Senator Atwater  
Senator Boseman  
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*

May 5, 2005

**SPECIAL MESSAGE FROM THE SENATE****2005 GENERAL ASSEMBLY  
FIRST SESSION**

Senate Chamber  
May 5, 2005

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in House Amendments No. 1 and No. 2 to **S.B. 474**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, and requests conferees. The President *Pro Tempore* appoints:

Senator Kerr, Chair  
Senator Dorsett  
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*

**MESSAGES FROM THE SENATE**

The following are received from the Senate:

**S.B. 603**, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN BUILDING SUPPLIES AND EQUIPMENT FROM THE LIGHT-DUTY ROAD WEIGHT LIMITATIONS, is read the first time and referred to the Committee on Transportation.

**S.B. 821** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC, is read the first time and referred to the Education Subcommittee on Pre-School, Elementary and Secondary Education.

May 5, 2005

**S.B. 884**, A BILL TO BE ENTITLED AN ACT RECOGNIZING THE SEAGROVE AREA AS THE BIRTHPLACE OF NORTH CAROLINA TRADITIONAL POTTERY, is read the first time and referred to the Committee on State Government.

**S.B. 936** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC NOTIFICATION REQUIREMENTS PERTAINING TO AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR A SMALL SOLAR PHOTO-VOLTAIC OR BIOMASS FACILITY, is read the first time and referred to the Committee on Public Utilities.

**S.B. 972** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF RELIGIOUS WORSHIP, is read the first time and referred to the Committee on Judiciary II.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives L. Allen, Allred, Carney, and Stiller, Chairs, for the Committee on Transportation:

**H.B. 670**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES, 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. 786**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE DEALERS LICENSING 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.

**H.B. 1266**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT THE DEPARTMENT OF TRANSPORTATION WILL PAY AS RELOCATION ASSISTANCE FOR REASONABLE EXPENSES

May 5, 2005

FOR SEARCHING FOR A REPLACEMENT BUSINESS OR FARM, AS REQUIRED BY FEDERAL REGULATION, with a favorable report.

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

**H.B. 1280**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE GENERAL ASSEMBLY ON STRATEGIES TO BEST UTILIZE FEDERAL FUNDS FOR RAIL IMPROVEMENTS SUCH AS THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR, 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

Action is taken on the following:

**H.B. 7**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO MAY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS.

On motion of Representative Saunders, the House does not concur in the Senate amendment, by electronic vote (105-0), and conferees are requested.

The Chair appoints Representative Saunders, Chair; Representatives Carney and Jones, as conferees on the part of the House, and the Senate is so notified by Special Message.

**H.B. 35** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES

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EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Hilton, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Vinson, Wainwright, Walker, Warren, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 104.

Voting in the negative: Representatives Allred and Dollar - 2.

Excused absences: Representatives Brubaker, Clary, Dockham, Earle, Johnson, Parmon, Underhill, Walend, Weiss, and West - 10.

**H.B. 1168** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DECEPTIVE USE OF THE NAME OR LOGO OF A BANKING ENTITY WITHOUT PERMISSION IN THE MARKETING OF FINANCIAL PRODUCTS AND SERVICES, passes its third reading, by electronic vote (106-0), and is ordered sent to the Senate.

**H.B. 1174** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS REGARDING THE ISSUANCE AND REVOCATION OF PERMITS AT LOCATIONS THAT ARE OR BECOME UNSUITABLE TO HOLD ABC PERMITS, passes its third reading, by electronic vote (101-3), and is ordered sent to the Senate.

Representative Almond requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (102-3).

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

**H.B. 669** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES.

Representative Cole offers Amendment No. 1 which is adopted by electronic vote (105-0).

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.

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

**H.B. 750** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS, passes its second reading by electronic vote (78-26).

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

#### **CONFEREES APPOINTED**

The Chair appoints the following conferees on **S.B. 474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF GREENVILLE AND HIGH POINT TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS: Representatives Warren, Tucker, and Cole.

The Senate is so notified by Special Message.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

By Representative Kiser, Vice Chair, for the Committee on Judiciary IV:

**H.B. 1271**, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS,

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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. The original bill is placed on the Unfavorable Calendar.

#### CALENDAR (continued)

**H.J.R. 1604**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR WILLIAM HENRY GETTY "BIG BILL" FRANCE, FOUNDER OF THE NATIONAL ASSOCIATION FOR STOCK CAR AUTOMOBILE RACING, CELEBRATE THE NASCAR NEXTEL ALL-STAR CHALLENGE TROPHY TOUR AND THE 2005 NASCAR NEXTEL ALL-STAR CHALLENGE RACE, AND INVITE HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, passes its second reading, by electronic vote (101-0), 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.

#### RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 126**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE THROUGH ELECTION DAY AS THE PREDOMINANT VOTING METHOD, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS, is withdrawn from the Committee on Election Law and Campaign Finance Reform and re-referred to the Committee on Education.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 855**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A SPECIAL PURCHASE-TRANSPORTATION PERMIT FOR KEGS CONTAINING ALCOHOLIC BEVERAGES, is withdrawn from the Committee on Finance and re-referred to the Committee on Education.

Representative Culpepper moves, seconded by Representative LaRoque, that the House adjourn, subject to committee assignments, to reconvene Monday, May 9, 2005, at 7:00 p.m.

May 5, 2005



The motion carries.

No committee assignments having been received, the House stands adjourned at 12:54 p.m.

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## FIFTY-NINTH DAY

HOUSE OF REPRESENTATIVES  
Monday, May 9, 2005

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

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

"Eternal God:

"New every day is Your love for us, great God of heaven; and all day long You are working for good in the world. As we resume our legislative week, teach us that our work here does not have to be 'business as usual', and that each new day can bring with it new opportunities for creative government. Stir up within us a sincere desire to serve You so that our efforts here might be pleasing and acceptable in Your sight. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 4 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Preston, and Starnes for today.

### CHAPTERED BILLS

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

**S.B. 462, AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC**

May 9, 2005

SPEED MEASURING DURING A PILOT PROGRAM IN DESIGNATED CORRIDORS. (S.L. 2005-27)

#### WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 1365**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE, 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 Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

**H.B. 1261**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, 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.

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

**H.B. 768**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA, 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.

**H.B. 935**, A BILL TO BE ENTITLED AN ACT TO MAKE LARCENY FROM A CONSTRUCTION SITE A FELONY, with a

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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 Appropriations.

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

**H.B. 1213**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES MAY HAVE THOSE CHARGES EXPUNGED IF THE ALLEGED OFFENSES OCCURRED WITHIN THE SAME TWELVE-MONTH PERIOD OF TIME AND THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT, with a favorable report.

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

**H.B. 1299**, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT THE COST OF REPAIR WORK CONSISTS OF WHEN DETERMINING WHETHER THE COST OF REPAIR WORK IS SUFFICIENT TO REQUIRE A MOTOR VEHICLE REPAIR SHOP TO PREPARE A WRITTEN REPAIR ESTIMATE, 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 Steen and Williams, Chairs, for the Committee on Wildlife Resources:

**H.B. 1206**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DOMESTICALLY PROPAGATED WATERFOWL AND GAME BIRDS IN DOG TRAINING UNDER CERTAIN CONDITIONS, 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. 1430**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING AREA, 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.

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

**H.J.R. 198**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MILTON F. FITCH, SR., AND CORA WHITTED FITCH, DISTINGUISHED CITIZENS AND CIVIL RIGHTS ACTIVISTS, with a favorable report.

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

**H.J.R. 774**, A JOINT RESOLUTION HONORING THOSE WHO CONTRIBUTED TO THE CONSTRUCTION OF THE DISMAL SWAMP CANAL ON THE TWO HUNDREDTH ANNIVERSARY OF THIS HISTORIC LANDMARK, with a favorable report.

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

**S.B. 262** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES, with a favorable report.

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

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives LaRoque and Wainwright (Primary Sponsors):

**H.B. 1606**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE LENOIR COUNTY COUNCIL ON AGING, is referred to the Committee on Appropriations.

By Representatives Womble and Jones (Primary Sponsors); B. Allen, Luebke, Parmon, and Weiss:

**H.B. 1607**, A BILL TO BE ENTITLED AN ACT TO PROVIDE COMPENSATION TO THE PERSONS STERILIZED THROUGH THE

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STATE'S EUGENIC STERILIZATION PROGRAM, is referred to the Committee on Appropriations.

By Representatives Weiss and Ross (Primary Sponsors); B. Allen, Coleman, and Martin:

**H.B. 1608**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WAKE COUNTY FOR PROJECT ENLIGHTENMENT, is referred to the Committee on Appropriations.

By Representatives Pate and Wilson (Primary Sponsors); Allred, Brubaker, Capps, Culp, Daughtry, Dockham, Eddins, Grady, Holmes, Howard, Kiser, Luebke, McMahan, Preston, Rayfield, Sherrill, Stam, Starnes, and Walker:

**H.J.R. 1609**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM "BILL" SETH HIATT, FORMER COMMISSIONER OF THE NORTH CAROLINA DEPARTMENT OF MOTOR VEHICLES AND FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wilkins:

**H.B. 1610**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ROXBORO UPTOWN DEVELOPMENT CORPORATION, is referred to the Committee on Appropriations.

By Representative Wilkins:

**H.B. 1611**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE PERSON COUNTY MUSEUM OF HISTORY, is referred to the Committee on Appropriations.

By Representative Wilkins:

**H.B. 1612**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE LITTLE RIVER COMMUNITY COMPLEX IN DURHAM COUNTY FOR BUILDING MAINTENANCE, is referred to the Committee on Appropriations.

By Representative Vinson:

**H.B. 1613**, A BILL TO BE ENTITLED AN ACT TO CREATE A TAX CREDIT FOR INVESTING IN CENTRAL ADMINISTRATIVE

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OFFICE PROPERTY AND TO MAKE TECHNICAL AND CONFORMING CHANGES, is referred to the Committee on Finance.

By Representative Glazier:

**H.R. 1614**, A HOUSE RESOLUTION URGING THE GENERAL ASSEMBLY TO ENDORSE THE RECOMMENDATIONS OF THE INTERGOVERNMENTAL POLICY ADVISORY COMMITTEE'S REPORT ON THE US-CENTRAL AMERICA FREE TRADE AGREEMENT, is referred to the Committee on Federal Relations and Trade Issues.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 734** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 4 OF CHAPTER 45 RELATING TO THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION, is read the first time and referred to the Committee on Judiciary III.

**S.B. 748** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURE FOR IMPLEMENTING AN ORDER FOR ELECTRONIC SURVEILLANCE, TO PROVIDE THAT IN CERTAIN CIRCUMSTANCES IT IS NOT NECESSARY TO IDENTIFY THE PLACE WHERE THE COMMUNICATION WILL BE INTERCEPTED BY ELECTRONIC SURVEILLANCE, AND ALSO TO PROVIDE THE TIME FRAME WITHIN WHICH THE ELECTRONIC SURVEILLANCE IN AN UNDISCLOSED LOCATION MAY BEGIN, is read the first time and referred to the Committee on Judiciary I.

**S.B. 893** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO SUBROGATION RIGHTS OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, is read the first time and referred to the Committee on Health.

**S.B. 907** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE SECRETARY OF ADMINISTRATION TO ADOPT RULES AND PROCEDURES TO CERTIFY HISTORICALLY UNDER-UTILIZED BUSINESSES AND TO MAINTAIN A DATABASE OF THE BUSINESSES CERTIFIED, is read the first time and referred to the Committee on State Government.

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**S.B. 1118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT CERTAIN CLAIMS UNDER THE TORT CLAIMS ACT WHEN THE STATE REFUSED TO DEFEND A CIVIL ACTION BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER ON THE GROUNDS THAT THE OFFICER DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINED THAT THE OFFICER DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, is read the first time and referred to the Committee on Judiciary II.

#### WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Cole and without objection, **H.B. 750** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS is withdrawn from the Calendar and placed on the Calendar of May 12.

#### CALENDAR

Action is taken on the following:

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

**H.B. 561** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES.

Pursuant to Rule 24.1A, Representative Stam requests that he be excused from voting on this bill because his own compensation will be directly affected by the bill in a way not generally applicable to other Members. This request is granted.

The bill 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. 671** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REGULATION OF PLANTS, passes its second reading, by electronic vote (114-1), 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. 734** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; ENSURE THAT COVERED PERSONS RECEIVING EXTERNAL REVIEW KNOW WHAT INFORMATION THEIR INSURER PROVIDES TO THE EXTERNAL REVIEW ORGANIZATION PERFORMING THE REVIEW; AND ELIMINATE EXTERNAL REVIEW OUTSIDE OF NORMAL BUSINESS HOURS, passes its second reading, by electronic vote (115-0), and remains on the Calendar.

### ENROLLED BILLS

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

**H.B. 780**, AN ACT TO MODIFY THE PROCESS BY WHICH THE NEED-BASED SCHOLARSHIP LOAN FUND IS ADMINISTERED.

**H.B. 908**, AN ACT TO PROVIDE THAT ONE OF THE FIFTEEN MEMBERS OF THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION MAY BE FROM A WATER OR SEWER MUNICIPAL UTILITY RATHER THAN AN AUTHORITY AND TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY WHOSE DISTRICTS INCLUDE ANY PART OF THE NORTH CAROLINA PORTION OF THE ROANOKE RIVER BASIN MAY SERVE AS LEGISLATIVE MEMBERS OF THE ROANOKE RIVER BASIN BI-STATE COMMISSION.

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

**H.B. 798**, AN ACT TO REPEAL THE LAW REGULATING FOX HUNTING IN HARNETT COUNTY.

**H.B. 807**, AN ACT AUTHORIZING THE TOWN OF FARMVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

**H.B. 887**, AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO ALLOW THE CITY TO IMPOSE CERTAIN RESTRICTIONS ON PERSONS SOLICITING ON STATE HIGHWAYS AND STREETS.

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**H.B. 982**, AN ACT TO PROHIBIT HUNTING AND THE DISCHARGE OF HIGH-POWERED RIFLES FROM THE RIGHTS-OF-WAY OF PUBLIC ROADS IN VANCE COUNTY, AND TO INCREASE THE FINES FOR VIOLATIONS OF THE LAW REGULATING HUNTING ON REGISTERED LAND IN VANCE COUNTY.

**H.B. 997**, AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF DAVIE COUNTY AS TO AN EMERGENCY MEDICAL SERVICES STATION.

**H.B. 1021**, AN ACT REQUIRING THE CONSENT OF NORTHAMPTON COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

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

**H.J.R. 1604**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR WILLIAM HENRY GETTY "BIG BILL" FRANCE, FOUNDER OF THE NATIONAL ASSOCIATION FOR STOCK CAR AUTOMOBILE RACING, CELEBRATE THE NASCAR NEXTEL ALL-STAR CHALLENGE TROPHY TOUR AND THE 2005 NASCAR NEXTEL ALL-STAR CHALLENGE RACE, AND INVITE HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY. (RESOLUTION 2005-28)

#### **CALENDAR (continued)**

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

**H.B. 1085** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEFENDANT ARRESTED FOR USING DOGS FOR FIGHTING TO POST A DEPOSIT TO THE ANIMAL SHELTER TO PAY FOR THE DOGS' KEEP DURING THE PERIOD PRIOR TO ADJUDICATION OF THE CHARGES, 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.

#### **BILL PLACED ON CALENDAR**

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.J.R. 198**, A JOINT RESOLUTION HONORING THE LIFE AND

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MEMORY OF MILTON F. FITCH, SR., AND CORA WHITTED FITCH, DISTINGUISHED CITIZENS AND CIVIL RIGHTS ACTIVISTS, is placed on today's Calendar for immediate consideration.

Representative Farmer-Butterfield offers Amendment No. 1 which is adopted by electronic vote (114-0).

The resolution, as amended, passes its second reading, by electronic vote (115-0), and there being no objection is read a third time.

On motion of Representative McAllister and without objection, the text of the resolution is spread upon the Journal.

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MILTON F. FITCH, SR., AND CORA WHITTED FITCH, DISTINGUISHED CITIZENS AND CIVIL RIGHTS ACTIVISTS.

Whereas, Milton F. Fitch, Sr., of New Haven, Connecticut, and Cora Jordan Whitted of Wilson, North Carolina, were married in 1941; and

Whereas, Milton Fitch served nearly five years in the United States Army, earning several medals and three battle stars and distinguishing himself during World War II by contributing to the success of the Red Ball Express, a massive convoy system that delivered supplies to the Allied troops at the war front in Europe; and

Whereas, after the war, Milton and Cora Fitch settled in the City of Wilson where he became a postal worker and she became a schoolteacher; and

Whereas, Milton and Cora Fitch were married for 47 years and were the loving parents of five children; and

Whereas, Milton and Cora Fitch stressed the importance of education in their household and were proud that Jerome and Christine earned doctorate degrees, Milton, Jr., and Patricia received law degrees, and Ernestine obtained a medical degree; and

Whereas, Milton and Cora Fitch became strong advocates for civil rights and frequently took action without regard to their own personal safety to improve the unjust and inequitable conditions faced by African-Americans in their community; and

Whereas, Milton Fitch won a lawsuit against the federal government to become the first African-American letter carrier in the City of Wilson since Reconstruction and helped to initiate a lawsuit against Wilson County over the county's voting patterns, a case that was argued before the United States Supreme Court and led to the county's adoption of a ward system of representation; and

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Whereas, Milton Fitch was instrumental in securing burial space for poor veterans in the Rest Haven Cemetery and played a key role convincing the Wilson County government to remove a plaque on the courthouse that listed the county's World War II dead by race; and

Whereas, Cora Fitch organized the first African-American Girl Scout troop in Wilson and was elected to the Wilson County Board of County Commissioners in 1986; and

Whereas, Milton and Cora Fitch also made significant contributions to their community through their involvement in numerous social, fraternal, and civic organizations; and

Whereas, Milton Fitch served as the North Carolina Coordinator for the Southern Christian Leadership Conference, a role which caused him to participate in activities throughout the South, was active in the NAACP, and worked on the campaigns of candidates seeking national and statewide offices; and

Whereas, Milton Fitch was a 33<sup>rd</sup> degree Mason and on October 7, 1995, was elected Most Worshipful Grand Master of the Prince Hall Masons, Jurisdiction of North Carolina, an honor bestowed upon him for his many years of commitment and dedication to the Masons; and

Whereas, Milton Fitch held a number of other positions as a Mason and was associated with many lodges, including Mizpah Temple #66 and C.A. Whitehead Consistory #188; and

Whereas, Cora Fitch served on the boards of the Wilson County Department of Social Services and the Wilson County Library and was a founding member of the Wilson Alumnae Chapter of Delta Sigma Theta Sorority, Inc., an organization that boasts more than 200,000 members across the country and more than 150 chapters in the South Atlantic Region; and

Whereas, Cora Fitch was active in the Jackson Chapel First Baptist Church, serving as Minister of Music and Youth Choir Director; and

Whereas, Milton and Cora Fitch were especially proud that their son, Milton F. 'Toby' Fitch, Jr., served approximately 19 years in the North Carolina House of Representatives and was a majority leader, and their daughter, Dr. Christine Fitch, serves on the Wilson County Board of Education and has done so for a number of years; and

Whereas, Cora Fitch died on August 7, 1987, and Milton Fitch died on November 2, 1995; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

**SECTION 1.** The General Assembly expresses its deep appreciation for the lives, accomplishments, and courage of Milton F. Fitch, Sr., and Cora Whitted Fitch, and for the service they rendered to the citizens in their community, the State of North Carolina, and the nation.

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**SECTION 2.** The Secretary of State shall transmit a certified copy of this resolution to the family of Milton F. Fitch, Sr., and Cora Whitted Fitch.

**SECTION 3.** This resolution is effective upon ratification.

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

### INTRODUCTION OF PAGES

Pages for the week of May 9 are introduced to the membership. They are: Danielle Glaser of Wake; Amber Henline of Mitchell; Anne Hoyle of Durham; Matthew Knight of Durham; Jonathan Mestas of Wake; Laura Ruterbories of Wake; Julian Stowe of Forsyth; Asia-La'Rae Walker of Guilford; Jessica Wheltle of Johnston; and Garrick White of Forsyth.

### RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 492** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN BOTH CIVIL AND CRIMINAL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY, is withdrawn from the Committee on Judiciary IV and re-referred to the Committee on Judiciary III.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1295**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MAXIMUM WEIGHT OF A MOTOR VEHICLE THAT IS SUBJECT TO THE NEW MOTOR VEHICLES WARRANTIES ACT AND TO PROMOTE THE EXPEDITIOUS SETTLEMENT OF CLAIMS WHEN THE CONSUMER REQUESTS THE MANUFACTURER TO REPURCHASE THE MOTOR VEHICLE, is withdrawn from the Committee on Transportation and re-referred to the Committee on Judiciary I.

Representative Culpepper moves, seconded by Representative Coates, that the House adjourn, subject to committee assignments, to reconvene May 10 at 11:45 a.m.

The motion carries.

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No committee assignments having been received, the House stands adjourned at 8:21 p.m.

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## SIXTIETH DAY

HOUSE OF REPRESENTATIVES  
Tuesday, May 10, 2005

The House meets at 11:45 a.m. pursuant to adjournment and is called to order by the Speaker.

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

"Gracious Lord:

"We heartily give You thanks for You are a God of merciful abundance. You give us the days for work and the evenings for rest and relaxation. You provide opportunities for recreation and leisure some of which have become sources of pride as well as economic development for the people of North Carolina. In all that we do, amidst the many different activities of work and play, keep us ever mindful of our ultimate need which is...to rely upon You and Your abundant grace to find rest, security and abundant living. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 9 has been examined and found correct. Upon his motion, the Journal is approved as written.

A leave of absence is granted Representative Adams for today. Representatives B. Allen, Johnson, Kiser, and Rhodes are excused for a portion of the Session.

### WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 528**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT, 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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**REPORTS OF STANDING COMMITTEES AND PERMANENT  
SUBCOMMITTEES**

The following reports from permanent subcommittees are presented:

By Representatives Glazier and Parmon, Chairs, for the Education Subcommittee on Pre-School, Elementary and Secondary Education:

**H.B. 683**, A BILL TO BE ENTITLED AN ACT TO INCLUDE INFORMATION IN THE SCHOOL HEALTH EDUCATION PROGRAM ABOUT THE MANNER IN WHICH A PARENT MAY LAWFULLY ABANDON A NEWBORN BABY WITH A RESPONSIBLE PERSON AND TO DIRECT LOCAL BOARDS OF EDUCATION TO ENSURE THAT HIGH SCHOOL STUDENTS RECEIVE THAT INFORMATION, 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. 1074**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ENROLLING CHILDREN IN THE PUBLIC SCHOOLS, 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.

**SUBCOMMITTEE REFERRALS**

Representatives Bell, Lucas, and McLawhorn, Chairs, for the Standing Committee on Education, refer the following bills to the Education Subcommittee on Pre-School, Elementary and Secondary Education:

**H.B. 805**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO UPDATE THE LIST OF SCHOOLS DESIGNATED AS HIGH PRIORITY SCHOOLS.

**H.B. 1151**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A DUTY-FREE LUNCH PERIOD FOR TEACHERS.

**H.B. 1502**, A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOLCHILDREN'S HEALTH ACT OF 2005.

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**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representatives Ed Jones, Alexander, L. Allen, Gibson, Harrison, Luebke, McLawhorn, Setzer, Wainwright, and Weiss:

**H.J.R. 1615**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN D. HALL, FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Goodwin and Gibson:

**H.B. 1616**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADDITIONAL ASSISTANT DISTRICT ATTORNEY AND THREE VICTIM WITNESS LEGAL ASSISTANTS FOR PROSECUTORIAL DISTRICT 20, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representatives Glazier, Lucas, and Dickson (Primary Sponsors); Faison, Wainwright, and Weiss:

**H.B. 1617**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE NORTH CAROLINA SCIENCE OLYMPIAD TO ALL ONE HUNDRED COUNTIES, is referred to the Committee on Appropriations.

By Representatives Walend and Rapp (Primary Sponsors):

**H.B. 1618**, A BILL TO BE ENTITLED AN ACT AMENDING THE BILL LEE ACT TIER DESIGNATION FORMULA, is referred to the Committee on Finance.

By Representatives Walend and Rapp (Primary Sponsors):

**H.B. 1619**, A BILL TO BE ENTITLED AN ACT TO AMEND THE FORMULA USED TO DESIGNATE DEVELOPMENT TIERS, is referred to the Committee on Finance.

By Representatives Insko, Holliman, Ross, and Glazier (Primary Sponsors); L. Allen, B. Allen, Bell, Bordsen, Brown, Carney, Coleman, Earle, England, Farmer-Butterfield, Fisher, Folwell, Gibson, Goforth,

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Goodwin, Hackney, Harrison, Hunter, Jeffus, Lucas, Luebke, McAllister, McGee, Parmon, Pierce, Rapp, Tolson, Wainwright, Weiss, Wilkins, Womble, and Yongue:

**H.B. 1620**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PRESCRIPTION DRUG BENEFIT PURCHASING PROGRAM IN THE OFFICE OF THE GOVERNOR FOR THE PURPOSE OF REDUCING STATE EXPENDITURES FOR PRESCRIPTION DRUGS THROUGH VOLUME PURCHASING, is referred to the Committee on Rules, Calendar, and Operations of the House.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 946**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OSSIPEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS TO SHOW CONFORMANCE WITH G.S. 136-41.2, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

**S.B. 510**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT, is read the first time and referred to the Committee on State Government.

**S.B. 622** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, is read the first time and referred to the Committee on Appropriations.

**S.B. 671** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is read the first time and referred to the Committee on Judiciary IV.

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**S.B. 804**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING AN ACCREDITATION SYSTEM FOR LOCAL HEALTH DEPARTMENTS, AS RECOMMENDED BY THE PUBLIC HEALTH TASK FORCE 2004, AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, is read the first time and referred to the Committee on Health.

#### **SPECIAL MESSAGE TO THE SENATE**

The Speaker orders a Special Message sent to the Senate informing that Honorable Body that the House of Representatives stands ready to repair to the Hall of the Senate to sit in Joint Session with them.

#### **SPECIAL MESSAGE FROM THE SENATE**

##### **2005 GENERAL ASSEMBLY FIRST SESSION**

Senate Chamber  
May 10, 2005

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that pursuant to **H.J.R. 1604**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR WILLIAM HENRY GETTY "BIG BILL" FRANCE, FOUNDER OF THE NATIONAL ASSOCIATION FOR STOCK CAR AUTOMOBILE RACING, CELEBRATE THE NASCAR NEXTEL ALL-STAR CHALLENGE TROPHY TOUR AND THE 2005 NASCAR NEXTEL ALL-STAR CHALLENGE RACE, AND INVITE 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*

#### **COMMITTEE ASSIGNMENTS**

The Speaker makes the following appointments to the Joint Select Committee on Council of State Contested Election: Representative Ross, Co-Chair; Representatives Hackney, Michaux, Stiller, and Justice.

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The Senate is so notified by Special Message.

On motion of Representative Culpepper, the House recesses at 12:18 p.m., and repairs to the Hall of the Senate to sit in Joint Session, to reconvene in the Hall of the House at 3:30 p.m., after the dissolution of the 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 is 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 and House escort the guests, members of NASCAR, Lowe's Motor Speedway, and NEXTEL organizations, into the Chamber.

The President of the Senate declares a quorum of the House of Representatives to be present.

The President relinquishes the gavel to Speaker Black.

**H.J.R. 1605**, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM "BIG BILL" FRANCE, NASCAR'S FOUNDER, AND ENCOURAGING THE NASCAR ORGANIZATION TO KEEP THE LOWE'S MOTOR SPEEDWAY AS THE SITE OF THE NASCAR NEXTEL ALL-STAR CHALLENGE, is before the House, sitting in Joint Session.

On motion of Representative Howard and without objection, the text of the resolution and remarks of Representative Ray are spread upon the Journal.

A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM "BIG BILL" FRANCE, NASCAR'S FOUNDER, AND ENCOURAGING THE NASCAR ORGANIZATION TO KEEP THE LOWE'S MOTOR SPEEDWAY AS THE SITE OF THE NASCAR NEXTEL ALL-STAR CHALLENGE.

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Whereas, William "Big Bill" France was born on September 26, 1909; and

Whereas, Bill France was affectionately known as "Big Bill" among his family and friends; and

Whereas, in 1931, Bill France married North Carolina native Anne B. Bledsoe of the Nathan's Creek Community in Ashe County, and together they had two sons; and

Whereas, in 1934, Bill France and his family moved to Daytona Beach, Florida, where he opened a gas and service station; and

Whereas, Bill France was a stock car race enthusiast and in 1938 promoted the first successful stock car race on Daytona Beach; and

Whereas, Bill France drove in a number of races and in 1940 won the National Stock Car Championship; and

Whereas, in 1947, Bill France founded the National Association for Stock Car Automobile Racing (NASCAR); and

Whereas, in 1949, Bill France established the NASCAR Strictly Stock Division, which later became the NASCAR NEXTEL Cup Series; and

Whereas, in 1972, Bill France retired as the President of NASCAR; and

Whereas, Bill France was recognized as a leader in accelerating the development of metallurgical advances and aerodynamics, vehicle construction, fire-preventing fuel cells and check valves, tire improvement, roll bar construction, highway traffic pattern studies, seat and shoulder harness design, human studies under stress and fatigue, and wheel and brake design; and

Whereas, Bill France died in 1992 as one of the most influential figures in American automobile racing; and

Whereas, the motorsports industry has greatly impacted the economy in North Carolina; and

Whereas, in 2003, the total economic impact of the motorsports industry in North Carolina was \$5.1 billion; and

Whereas, the 2005 NASCAR NEXTEL All-Star Challenge will have an estimated \$100 million impact in the Charlotte area and North Carolina; and

Whereas, the 2005 NASCAR NEXTEL All-Star Challenge will take place on Saturday, May 21, 2005, at the Lowe's Motor Speedway in Concord; and

Whereas, the NASCAR NEXTEL All-Star Challenge race will include all drivers and car owners who have won races in the preceding and current years, active drivers who have won the NASCAR NEXTEL Cup Series Championship, active drivers who have previously won the NASCAR NEXTEL All-Star Challenge, and the winner of the NEXTEL open; and

Whereas, one driver from among the top 50 in NASCAR NEXTEL Cup Series driver points standing who is not already in the NASCAR

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NEXTEL All-Star Challenge will also be selected to participate in the race from the votes cast by NASCAR fans; and

Whereas, past All-Star Challenge champions include Matt Kenseth, Ryan Newman, Dale Earnhardt, Jr., Jimmie Johnson, and Rusty Wallace and multiple All-Star Challenge winners Dale Earnhardt, Jeff Gordon, Terry Labonte, and Davey Allison; and

Whereas, in addition to the race, a number of other activities have been planned for this year's All-Star Challenge event, including a trophy tour and pit crew challenge; and

Whereas, the NASCAR NEXTEL All-Star Challenge Trophy Tour will be held May 10 through 19, providing NASCAR fans across the State with the opportunity to view the all-star challenge trophy and show cars, participate in contests, and interact with NASCAR personalities; and

Whereas, the All-Star Challenge Trophy Tour will kick off at the State Capitol in Raleigh, then travel to Camp LeJeune, Wilmington, Fort Bragg, Pope Air Force Base, Kannapolis, Greensboro, Asheville, Mooresville, and Concord before arriving at the Charlotte Coliseum on May 19; and

Whereas, the first NASCAR NEXTEL All-Star Pit Crew Challenge will take place on May 19, 2005, at the Charlotte Coliseum; and

Whereas, during the Pit Crew Challenge individuals and teams will compete in seven head-to-head skills competitions designed to showcase the talents of NASCAR's top crew members and identify the top pit crew specialists and overall pit crew; and

Whereas, the All-Star Challenge has been held for 21 years with the Lowe's Motor Speedway serving as the location of the race for 20 of those years; and

Whereas, the NASCAR organization should keep the All-Star Challenge at the Lowe's Motor Speedway because it is located in the center of the sport with an overwhelming majority of the NASCAR teams and suppliers located within a 100-mile radius of the Charlotte metropolitan area; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

**SECTION 1.** The General Assembly honors the memory of William "Big Bill" France, founder of the National Association for Stock Car Automobile Racing, known as "NASCAR."

**SECTION 2.** The General Assembly encourages NASCAR to make the Lowe's Motor Speedway the permanent site of the NASCAR NEXTEL All-Star Challenge.

**SECTION 3.** The General Assembly encourages the citizens of this State to support the 2005 NASCAR NEXTEL All-Star Challenge by attending the activities planned for May 10-21, 2005.

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**SECTION 4.** The Secretary of State shall transmit a certified copy of this resolution to the governing body and officers of NASCAR.

**SECTION 5.** This resolution is effective upon ratification.

#### **REMARKS OF REPRESENTATIVE RAY**

"Many have a vision, but not everyone has the perseverance and tenacity to see that vision develop into a reality. A man with such tenacity and perseverance was William Henry Getty France, whose memory we honor today.

"Big Bill', as he was known, took an untamed pastime and actually created a sport. His creation has grown into a national obsession. He is the founder of what we know today as the National Association of Stock Car Automobile Racing or NASCAR. He was the first president and CEO. 'Big Bill' directed motorsports from an uncertain beginning through uncertain growth into what it is today, a multi-billion dollar industry.

"Success of the kind achieved by 'Big Bill' doesn't just happen. NASCAR is the culmination of one man's vision, ambition and determination.

"The France family has made NASCAR work to everybody's benefit. Under their leadership, the sport has grown into a mountainous industry with no end in sight to the gold rush.

"Commonsense, wisdom and business savvy are attributes of 'Big Bill' and the France family. They know their sport and they know how to make it successful.

"To sum up my remarks, I will share with you the words of Bill France himself:

"Stock car racing has got distinct possibilities for Sunday shows and we do not know how big it can be if it's handled properly. . . it can go the same way as big car racing (Indianapolis), I believe stock car racing can become a nationally recognized sport by having a national point standing.

"Stock car racing as we've been running it is not, in my opinion, the answer . . .

"We must try to get track owners and promoters interested in building stock car racing up. We are all interested in one thing, that is, improving the present conditions.

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"The answer lies in our group right here today to do it."

"On December 14, 1947, speaking at NASCAR's organizational meeting at the Streamline Hotel in Daytona Beach, Florida, 'Big Bill' France expressed his vision for stock car racing's future. A half-century later, France's words seem prophetic.

"We thank William Henry Getty 'Big Bill' France for being the pioneer that he was, for laying the ground work for stock car racing as we know it today and having the wisdom and foresight to look into the future and give us reason to be here in this celebration and appreciation.

"I want to recognize NEXTEL as the sponsor of NASCAR's top series. We are honored to have NEXTEL representatives present with us today and also excited about having the NASCAR NEXTEL All-Star Challenge Trophy Tour begin its travels across our State in Raleigh. Today results from a culmination of months of hard work by a group of leaders dedicated to motorsports, NASCAR, NEXTEL and the All-Star Race.

"The trophies that have been placed in the Senate Chamber today are the All-Star trophy and the new NEXTEL cup trophy. This is the closest we'll ever get to one of these trophies, so take a good look at them and think about your favorite driver and support him or her to take home the trophies.

"The drivers we have here today know the overwhelming feeling of raising one of these trophies into the air and celebrating.

"NEXTEL - Thank you for being in Raleigh, North Carolina, and participating in the May 10, 2005 Joint Session in our State Legislature. Thank you for kicking-off the NASCAR NEXTEL All-Star Challenge Trophy Tour in our State Capital. We support you; we appreciate you and we are here to partner with you to grow the sport that has brought bounty to North Carolina in many ways. Without you and NASCAR, we would not be where we are today with one of America's favorites, stock car racing.

"Representing NEXTEL are Lonnie Taylor, Vice President, Government Affairs; Leon Frazier, Vice President of Government Accounts; Craven Shumaker, Area Vice President, Sales; Todd Weller, Vice President of NASCAR Business Development; Michael Robichaud, Senior Director, Sports and Entertainment Marketing; Jill Gregory, Director, Sports Marketing; Michael Mooney, APR Director, Corporate Communications; and Chris Panel, District Manager, Sales.

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"Please welcome our guests from Lowe's Motor Speedway - the location of the NASCAR-NEXTEL Challenge All-Star Race and the place where we want it to have a permanent home - President and General Manager of Lowe's Motor Speedway and CEO and President of Speedway Motorsports, Humpy Wheeler; Executive Vice President of Lowe's Motor Speedway, Doug Stafford; Vice President of Marketing and Public Relations at Lowe's Motor Speedway, Jerry Gappens; Ed McLean, Executive Director of the North Carolina Motorsports Association."

Without objection, the resolution passes its second reading by voice vote.

Without objection, the resolution passes its third reading by voice vote and is ordered sent to Senate by Special Message.

The Speaker relinquishes the gavel to the President of the Senate.

### **SPECIAL MESSAGE FROM THE HOUSE**

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives has passed the following resolution and asks the concurrence of your Honorable Body therein:

**H.J.R. 1605**, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM "BIG BILL" FRANCE, NASCAR'S FOUNDER, AND ENCOURAGING THE NASCAR ORGANIZATION TO KEEP THE LOWE'S MOTOR SPEEDWAY AS THE SITE OF THE NASCAR NEXTEL ALL-STAR CHALLENGE.

On motion of Senator Rand and without objection, the resolution is placed on the Calendar for immediate consideration.

Senator Rand introduces the following guests to the Body:

NASCAR Drivers: Benny Parsons; Bobby Allison; Donnie Allison; Ernie Ivan; Junior Johnson and wife, Lisa; Mike Bliss; Ned Jarrett; Richard Childress and wife, Judy; Mark Friszolowski and wife, Patty, of Childress Vineyards.

NEXTEL: Lonnie Taylor, Vice President of Government Affairs; Craven Shumaker, Area Vice President of Sales; Todd Weller, Vice President of NASCAR Business Development; Michael Robichaud, Senior Director, Sports and Entertainment Marketing; Jill Gregory, Director of Sports Marketing; Michael Mooney, APR, Director of Corporate

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Communications; Chris Panel, District Manager of Sales; Lee Horner, Director of Public Affairs; Chris Singleton, Manager; Sam Belnavis and daughter, Cherise, Chief Diversity Officer Roush Racing; Danny "Chocolate" Myers, Safety Director, Richard Childress Racing; Casey Mears, Target Team Driver.

Lowe's Motor Speedway: Humpy Wheeler, President and General Manager of Lowe's Motor Speedway and Chief Operating Officer and President of Speedway Motorsports; Marcus Smith, Executive Vice President of Speedway Motorsports; Doug Stafford, Executive Vice President of Lowe's Motor Speedway; Jerry Gappens, Vice President, Marketing and Public Relations.

North Carolina Motorsports Association: Ed McLean, Executive Director.

NASCAR Organization: Mark Dyer, Vice President of Licensing and Consumer Products; Cary Thorpe, Director of Public Relations; John Goodsen, NASCAR Technical Institute.

Sitting in Joint Session, the Senate passes the resolution on second reading, and there being no objection, it is read a third time.

The resolution passes its third reading and is ordered enrolled.

#### **ENROLLED BILLS**

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

**H.J.R. 1605**, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM "BIG BILL" FRANCE, NASCAR'S FOUNDER, AND ENCOURAGING THE NASCAR ORGANIZATION TO KEEP THE LOWE'S MOTOR SPEEDWAY AS THE SITE OF THE NASCAR NEXTEL ALL-STAR CHALLENGE. (RESOLUTION 2005-29)

On motion of Senator Forrester, the remarks made by the Members of the Senate will be spread upon the Senate Journal.

On motion of Speaker Black, seconded by President Pro Tempore Basnight, the Joint Session is dissolved, at 1:15 p.m. and the House is in recess until 3:30 p.m.

May 10, 2005



**RECESS**

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

**SPECIAL MESSAGE FROM THE SENATE****2005 GENERAL ASSEMBLY  
FIRST SESSION**

Senate Chamber  
May 10, 2005

Mr. Speaker:

It is ordered that a message be sent your Honorable Body respectfully notifying you that the President *Pro Tempore* has established the Joint Select Committee on Council of State Contested Election and has appointed the following members:

Senator Clodfelter, Co-chair  
Senator Soles  
Senator Malone  
Senator Allran  
Senator Hartsell

Respectfully,  
S/ Janet B. Pruitt  
*Principal Clerk*

**CHAPTERED BILLS**

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

**H.B. 798**, AN ACT TO REPEAL THE LAW REGULATING FOX HUNTING IN HARNETT COUNTY. (S.L. 2005-28)

**H.B. 807**, AN ACT AUTHORIZING THE TOWN OF FARMVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE. (S.L. 2005-29)

**H.B. 887**, AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO ALLOW THE CITY TO IMPOSE CERTAIN

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RESTRICTIONS ON PERSONS SOLICITING ON STATE HIGHWAYS AND STREETS. (S.L. 2005-30)

**H.B. 982**, AN ACT TO PROHIBIT HUNTING AND THE DISCHARGE OF HIGH-POWERED RIFLES FROM THE RIGHTS-OF-WAY OF PUBLIC ROADS IN VANCE COUNTY, AND TO INCREASE THE FINES FOR VIOLATIONS OF THE LAW REGULATING HUNTING ON REGISTERED LAND IN VANCE COUNTY. (S.L. 2005-31)

**H.B. 997**, AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF DAVIE COUNTY AS TO AN EMERGENCY MEDICAL SERVICES STATION. (S.L. 2005-32)

**H.B. 1021**, AN ACT REQUIRING THE CONSENT OF NORTHAMPTON COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY. (S.L. 2005-33)

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

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

**H.B. 1311**, A BILL TO BE ENTITLED AN ACT ALLOWING DOMESTIC VIOLENCE VICTIMS TO OBTAIN A TEMPORARY CONCEALED HANDGUN PERMIT UPON SHOWING PROOF OF A PROTECTIVE ORDER ISSUED UNDER CHAPTER 50B OF THE GENERAL STATUTES IN ORDER TO EMPOWER DOMESTIC VIOLENCE VICTIMS TO PROTECT THEMSELVES AND THEIR FAMILIES, 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 Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 1005**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE, with a favorable report.

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

**H.B. 1115** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO CHANGE THE DEADLINE FOR FILING A PROTEST FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING PLACES ON ELECTION DAY; TO CHANGE THE REQUIREMENT FOR A STATEWIDE UNAFFILIATED CANDIDATE TO CONFORM TO A FEDERAL COURT DECISION; TO PROHIBIT PIECE PAYMENT FOR VOTER REGISTRATION DRIVES; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW FOR THE CANCELLATION OF A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR AND CHANGE OTHER RELATED DATES; TO CLARIFY HOW WINNERS OF ELECTIONS SHALL BE DETERMINED; AND TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS, AS RECOMMENDED BY THE HOUSE COMMITTEE ON ELECTION LAWS AND CAMPAIGN FINANCE REFORM, with a favorable report.

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

**H.B. 1136** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF

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MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES, 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. 1357**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ACUPUNCTURE LICENSING BOARD TO EMPLOY CERTAIN PROFESSIONAL ADVISORS; TO CLARIFY QUALIFICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL, AND INACTIVE, SUSPENDED, EXPIRED, AND LAPSED LICENSES; TO CLARIFY CONTINUING EDUCATION; AND TO INCREASE AND ESTABLISH CERTAIN FEES, 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. 1411**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE CAP FOR THE AMOUNT FINANCED THAT FALLS WITHIN THE MEANING OF A CONSUMER CREDIT SALE IN ORDER TO REFLECT THE INCREASE IN THE COST OF CONSUMER GOODS AND SERVICES DUE TO INFLATION, 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. 420**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA, with a favorable report.

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

#### **SUBCOMMITTEE REFERRAL**

Representatives Bell, Lucas, and McLawhorn, Chairs for the Standing Committee on Education, refer **H.B. 1105**, A BILL TO BE ENTITLED AN ACT TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT TRI-COUNTY COMMUNITY COLLEGE BY WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE COMMUNITY COLLEGE TUITION AND TO MAKE STUDENTS

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ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE UNIVERSITY TUITION, to the Education Subcommittee on Universities.

### CALENDAR

Action is taken on the following:

**H.B. 949**, A BILL TO BE ENTITLED AN ACT TO ADD CURRITUCK COUNTY TO THOSE COUNTIES WITH AN EXTENDED BEAR HUNTING SEASON, 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. 105** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 104.

Voting in the negative: Representatives Brown, Frye, Gillespie, Hilton, Hollo, Moore, Rayfield, Setzer, and West - 9.

Excused absences: Representatives Adams, B. Allen, Johnson, Kiser, and Rhodes - 5.

Representative Walker requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (105-9).

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

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**H.B. 734** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; ENSURE THAT COVERED PERSONS RECEIVING EXTERNAL REVIEW KNOW WHAT INFORMATION THEIR INSURER PROVIDES TO THE EXTERNAL REVIEW ORGANIZATION PERFORMING THE REVIEW; AND ELIMINATE EXTERNAL REVIEW OUTSIDE OF NORMAL BUSINESS HOURS, passes its third reading, by electronic vote (113-0), and is ordered sent to the Senate.

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

**H.B. 16** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO TEACH PERSONAL FINANCIAL LITERACY IN HIGH SCHOOL, 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.

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

**H.B. 413** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY OF WHAT HIGH SCHOOL GRADUATES NEED TO KNOW IN A RAPIDLY CHANGING AND COMPLEX GLOBAL SOCIETY AND ECONOMY, 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.

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

**H.B. 658** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS, 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. 672** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF

May 10, 2005

A DEMUTUALIZED INSURANCE COMPANY, passes its second reading by electronic vote (104-11).

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

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

By Representative Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 1486**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FIRST AND SECOND DEGREE FELONY DEATH BY VEHICLE, 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.

#### **CONFERENCE REPORT**

Representative Weiss sends forth the Conference Report on **H.B. 489** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of May 11.

#### **CALENDAR (continued)**

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

**H.J.R. 774**, A JOINT RESOLUTION HONORING THOSE WHO CONTRIBUTED TO THE CONSTRUCTION OF THE DISMAL SWAMP CANAL ON THE TWO HUNDREDTH ANNIVERSARY OF THIS HISTORIC LANDMARK, 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 sent to the Senate.

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

May 10, 2005

**H.B. 800** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING VENDORS BIDDING ON STATE CONTRACTS TO DISCLOSE WHETHER SERVICES WILL BE PERFORMED OUTSIDE THE UNITED STATES.

Representative Glazier offers Amendment No. 1 which is adopted by electronic vote (115-0).

On motion of Representative Sherrill, the bill, as amended, is temporarily displaced.

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

**H.B. 916** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FROM THE LAW EXEMPTING FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS, 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. 1150** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE JUVENILE CODE TO EXPEDITE OUTCOMES FOR CHILDREN AND FAMILIES INVOLVED IN WELFARE CASES AND APPEALS AND TO LIMIT THE APPOINTMENT OF GUARDIANS AD LITEM FOR PARENTS IN ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS.

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE, PRESIDING.

The bill 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.

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

**H.B. 1237** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE BOARD OF TRUSTEES

May 10, 2005



OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, passes its second reading by electronic vote (110-4).

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

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

**H.B. 1319** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION ACT, passes its second reading, by electronic vote (113-1), and there being no objection is read a third time.

Representative Haire 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).

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. 1320**, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURES OF CERTAIN MONETARY TRANSMISSIONS, 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. 1389**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS, passes its second reading, by electronic vote (113-1), and there being no objection is read a third time.

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

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

**H.B. 1390**, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW GOVERNING THE COMMERCIAL TRANSPORTATION OF ALCOHOLIC BEVERAGES CONSISTENT WITH THE LAW GOVERNING

May 10, 2005

THE AMOUNTS OF ALCOHOLIC BEVERAGES THAT MAY BE PURCHASED WITHOUT A PERMIT, passes its second reading, by electronic vote (102-11), 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 Martin and without objection, **H.B. 1503** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES ARE TREATED AS CITIES FOR PURPOSES OF CIVIL LIABILITY, is withdrawn from the Calendar and placed on the Calendar of May 12.

#### CALENDAR (continued)

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

**H.B. 1395**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROHIBITING THE BAITING OF BLACK BEAR, 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.

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

**H.B. 1434** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE, FOR SERVICE OF PROCESS UPON A NATURAL PERSON OR FOR PROOF OF PERSONAL SERVICE UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE, CERTAIN ELECTRONIC SIGNATURE CONFIRMATION, 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. 1500** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND TO AMEND THE LAW CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS.

May 10, 2005

Representative Gibson offers Amendment No. 1 which is adopted by electronic vote (68-46).

The bill, as amended, passes its second reading, by electronic vote (73-40), 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.

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

**H.B. 1523** (Committee Substitute). A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PROVISION OF THE COASTAL HABITAT PROTECTION PLAN BY PROVIDING FOR GREATER FLEXIBILITY IN THE USE OF FUNDS FROM THE RIPARIAN BUFFER RESTORATION FUND TO CONSTRUCT ALTERNATIVE MEASURES TO REDUCE NUTRIENT LOADING AND BY PROVIDING THAT IF A LAND-DISTURBING ACTIVITY LEAVES AN EXPOSED SLOPE, THE SLOPE SHALL BE PLANTED WITH TEMPORARY OR PERMANENT GROUND COVER WITHIN TWENTY-ONE CALENDAR DAYS, passes its second reading, by electronic vote (106-4), and there being no objection is read a third time.

Representative Ray requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (107-3).

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

#### **BILL PLACED ON CALENDAR**

Representative Culpepper gives notice, pursuant to Rule 36(b), and Senate Committee Substitute for **H.B. 946**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OSSIPPEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS TO SHOW CONFORMANCE WITH G.S. 136-41.2, is placed on today's Calendar for immediate consideration.

On motion of Representative Allred, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (113-0), and the bill is ordered enrolled.

#### **RE-REFERRAL**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1353**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION

May 10, 2005

TO HEAR CONTROVERSIES SUBMITTED BY MUNICIPAL ELECTRIC SERVICE CUSTOMERS WHO LIVE OUTSIDE THE MUNICIPALITY'S CORPORATE BOUNDARIES, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Public Utilities.

Representative Culpepper moves, seconded by Representative Miller, that the House adjourn, subject to committee assignments, to reconvene May 11 at 3:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 5:10 p.m.

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## SIXTY-FIRST DAY

HOUSE OF REPRESENTATIVES  
Wednesday, May 11, 2005

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

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

"Enduring Lord:

"From the beginning of human history You have listened to our reasons as to why we have failed to be obedient to Your will. There is undoubtedly no excuse under heaven that hasn't fallen upon your ears pertaining to our human frailties and failures. Yet, You have never left us nor forsaken us. Your mercy toward us has endured forever. And, as far as the east is removed from the west, You continue to forgive the repentant and contrite heart. As we consider our lives in the shadow of Your great love, forgive us our sins even as we forgive those who sin against us. It is with great humility, Great God of Heaven, that we offer You our gratitude and thanks for Your steadfast love towards us. Amen."

Representative Culpepper, 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.

May 11, 2005

Leaves of absence are granted Representatives Adams, Barnhart, and Kiser for today. Representative Underhill is excused for a portion of the Session.

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

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

20301 Mail Service Center • Raleigh, NC 27699-0301

Michael F. Easley  
*Governor*

May 10, 2005

The Honorable James Black  
Speaker of the House  
North Carolina General Assembly  
2307 Legislative Building  
Raleigh, NC 27603

Dear Representative Black:

Pursuant to North Carolina General Statute § 115C-10, I hereby reappoint Senator Howard N. Lee and appoint Ms. Melissa Bartlett and Ms. Shirley East Harris to the North Carolina State Board of Education. I am submitting their names for confirmation by the North Carolina General Assembly. Their terms will begin immediately pending confirmation and expire on March 31, 2013.

Senator Howard Lee has served since May 1, 2003, and will serve as the 5th Education District representative. Ms. Harris will serve as the 4th Education District representative. Ms. Melissa Bartlett will fill an at-large seat.

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

With kindest regards, I remain.

Very truly yours,  
S/ Michael F. Easley

May 11, 2005

The Speaker refers the letter to the Committee on Education.

### ENROLLED BILLS

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

**H.B. 946**, AN ACT TO ALLOW THE TOWN OF OSS�PEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS AND TO ALLOW THE TOWN OF MILLS RIVER TO AMEND ITS BUDGET ORDINANCE FOR THE 2003-2004 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2.

### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

**H.B. 1102**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS, AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M., with a favorable report.

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

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

**H.B. 1432**, A BILL TO BE ENTITLED AN ACT AFFECTING CERTIFICATIONS BY REGISTERS OF DEEDS, 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. 1467**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECOVERY OF ATTORNEYS' FEES AGAINST CUSTODIANS WHO FAIL TO COMPLY WITH THE TRANSFER PROVISIONS OF

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THE NORTH CAROLINA UNIFORM TRANSFERS TO MINORS 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.

By Representatives Steen and Williams, Chairs, for the Committee on Wildlife Resources:

**H.B. 820**, 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, 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 Bordsen and Farmer-Butterfield, Chairs, for the Committee on Aging:

**S.B. 488**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR A CARETAKER TO EXPLOIT AN ELDER OR DISABLED ADULT IN ANY SETTING, with a favorable report.

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

**S.B. 572**, A BILL TO BE ENTITLED AN ACT TO CREATE A LICENSURE CATEGORY FOR ASSISTED LIVING COMMUNITIES THAT SERVE ONLY ELDERLY ADULTS, with a favorable report.

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

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

**H.B. 926**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONCEAL THE DEATH OF A PERSON, 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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**H.B. 1298**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO STUDY THE ADVISABILITY OF ENACTING A YOUTHFUL OFFENDER CODE, 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 Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 1176** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CAP ON PROPERTY OF A JUDGMENT DEBTOR THAT IS FREE OF THE ENFORCEMENT OF THE CLAIMS OF CREDITORS, TO EXEMPT CERTAIN TYPES OF PROPERTY FROM ENFORCEMENT, TO PROVIDE FOR FUTURE AUTOMATIC ADJUSTMENTS OF THESE CAPS ON EXEMPT PROPERTY, AND TO MAKE CONFORMING CHANGES, 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.

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

**H.B. 569** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC VIOLENCE 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.

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.

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 1047**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WRIGHTSVILLE BEACH TO ALLOW THE

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TOWN TO APPOINT A BOARD OF ADJUSTMENT AS PROVIDED BY GENERAL LAW, with a favorable report.

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

**S.B. 294**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK, 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 Representatives Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

**H.J.R. 1582**, A JOINT RESOLUTION FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS TO THE UTILITIES COMMISSION, 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.

By Representatives Bell, Lucas, and McLawhorn, Chairs, for the Committee on Education:

**H.B. 1076**, A BILL TO BE ENTITLED AN ACT REQUIRING THE NEW HANOVER COUNTY BOARD OF EDUCATION TO STUDY SUCCESS CENTERS AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE BEFORE IMPLEMENTING THEM IN THE NEW HANOVER COUNTY SCHOOLS, 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.

The committee substitute changes the bill from local to public.

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**SUBCOMMITTEE REFERRAL**

Representatives Bell, Lucas, and McLawhorn, Chairs for the Standing Committee on Education, refer **H.B. 1250**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' EDUCATION BANK PROGRAM, to the Education Subcommittee on Universities.

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from permanent subcommittees are presented:

By Representatives Dickson and Ray, Chairs, for the Education Subcommittee on Universities, with approval of standing committee Chairs for report to be made directly to the floor of the House:

**H.B. 92**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS, with a favorable report.

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

**H.B. 1552**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE REGULATORY AUTHORITY OVER CAMPUS PARKING TO THE BOARD OF TRUSTEES OF NORTH CAROLINA A&T STATE UNIVERSITY, with a favorable report.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representative Culpepper:

**H.B. 1621**, 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.

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By Representative Culpepper:

**H.B. 1622**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REVENUE BOND FUNDING FOR THE PAYMENT OF DISASTER CLAIMS UNDER POLICIES OF INSOLVENT INSURERS, is referred to the Committee on Finance.

By Representative Insko:

**H.B. 1623**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON CIGARETTES AND TO PROVIDE THAT THE PROCEEDS FROM THE CIGARETTE TAX SHALL BE USED TO REIMBURSE COUNTIES FOR THE COUNTY SHARE OF MEDICAID EXPENDITURES, is referred to the Committee on Finance.

By Representative Sutton:

**H.B. 1624**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HELP ESTABLISH THE SADDLETREE TOWNSHIP DRAINAGE DISTRICT, is referred to the Committee on Appropriations.

By Representative Williams:

**H.B. 1625**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TURNAGE THEATERS FOUNDATION, is referred to the Committee on Appropriations.

By Representative Rapp:

**H.B. 1626**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REPLACE FLOOD-DAMAGED FURNISHINGS AND EQUIPMENT AT THE CANTON SENIOR CENTER, is referred to the Committee on Appropriations.

By Representative Rapp:

**H.B. 1627**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT FOLKMOOT USA'S COMMUNITY INTERNATIONAL ARTS AND CULTURE EDUCATION PROGRAMS, is referred to the Committee on Appropriations.

By Representative Rapp:

**H.B. 1628**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE THIRTIETH JUDICIAL DISTRICT DOMESTIC

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VIOLENCE SEXUAL ASSAULT ALLIANCE, is referred to the Committee on Appropriations.

By Representatives Hill, Coleman, and Faison:

**H.B. 1629**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AGRICULTURAL SURVEYS, is referred to the Committee on Appropriations.

By Representative Luebke:

**H.B. 1630**, A BILL TO BE ENTITLED AN ACT AFFECTING STATE FINANCE LAWS, is referred to the Committee on Finance.

By Representative Luebke:

**H.B. 1631**, A BILL TO BE ENTITLED AN ACT AFFECTING STATE FINANCE LAWS, is referred to the Committee on Finance.

By Representative Luebke:

**H.B. 1632**, A BILL TO BE ENTITLED AN ACT AFFECTING STATE FINANCE LAWS, is referred to the Committee on Finance.

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

**H.B. 1633**, A BILL TO BE ENTITLED AN ACT TO MORE CLOSELY ON BANKS, is referred to the Committee on Financial Institutions CONFORM STATE INCOME TAX ON BANKS TO FEDERAL INCOME TAX and, if favorable, to the Committee on Finance.

By Representatives Blackwood, Blust, Capps, Cleveland, Culp, Current, Daughtry, Dollar, Frye, Gulley, Lewis, McMahan, Moore, Rayfield, Rhodes, and Walend:

**H.B. 1634**, A BILL TO BE ENTITLED AN ACT TO STIMULATE THE ECONOMY BY EXEMPTING FROM INCOME TAX INCOME DERIVED FROM MANUFACTURING AND BY EXEMPTING MANUFACTURING CORPORATIONS FROM THE FRANCHISE TAX, is referred to the Committee on Finance.

By Representatives Adams and Wainwright (Primary Sponsors); Insko and Weiss:

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**H.B. 1635**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOMEMAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA WOMENWORK FUND FOR DISPLACED HOMEMAKERS, is referred to the Committee on Finance.

By Representatives Warren and Weiss:

**H.B. 1636**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RENOVATION OF THE FIRST FLIGHT VENTURE CENTER, is referred to the Committee on Appropriations.

By Representatives Warren and Weiss:

**H.B. 1637**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO FIRST FLIGHT VENTURE CENTER FOR OPERATING EXPENSES, is referred to the Committee on Appropriations.

By Representatives Saunders and Brubaker (Primary Sponsors); Cole, Coleman, Cunningham, Dockham, Gibson, Grady, Howard, Johnson, Justice, Justus, LaRoque, McMahan, Preston, Ray, Sherrill, Stiller, Walker, Wilson, Wray, and Wright:

**H.B. 1638**, A BILL TO BE ENTITLED AN ACT TO FURTHER THE GOALS OF HOMELAND SECURITY BY TRANSFERRING THE COLLECTION OF 911 SERVICE TAXES TO LOCAL GOVERNMENTS AND BY ELIMINATING EXISTING CHARGES ON TELEPHONE SUBSCRIBERS, is referred to the Committee on Public Utilities and, if favorable, to the Committee on Finance.

By Representatives Crawford and Wray (Primary Sponsors); and L. Allen:

**H.B. 1639**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HENDERSON-VANCE CLEANUP COMMITTEE, is referred to the Committee on Appropriations.

By Representatives Crawford, L. Allen, and Wray:

**H.B. 1640**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A REGIONAL PUBLIC SAFETY TRAINING FACILITY ON THE CAMPUS OF THE VANCE-GRANVILLE COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

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By Representatives Underhill, Hill, Harrison, and L. Allen (Primary Sponsors); Alexander, Bordsen, Coleman, Faison, Fisher, Gibson, Insko, Johnson, LaRoque, Lucas, Luebke, McLawhorn, Tucker, Wainwright, Warren, Weiss, Williams, and Wray:

**H.B. 1641**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CREATE AND IMPLEMENT THE NORTH CAROLINA FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE, is referred to the Committee on Appropriations.

By Representatives Frye and Rapp (Primary Sponsors); and Cunningham:

**H.B. 1642**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR TWO ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND TWO ADDITIONAL VICTIM WITNESS LEGAL ASSISTANTS FOR PROSECUTORIAL DISTRICT 24, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representative Frye:

**H.B. 1643**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ADDITIONAL DEPUTY CLERK POSITION IN MITCHELL COUNTY, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representatives Yongue, Carney, Johnson, and Preston (Primary Sponsors); Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Black, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, and Wright:

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**H.B. 1644**, A BILL TO BE ENTITLED AN ACT CREATING THE LEGISLATIVE STUDY COMMISSION ON THE BUDGET OF THE DEPARTMENT OF PUBLIC INSTRUCTION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Crawford, Faison, Farmer-Butterfield, and Warren:

**H.B. 1645**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF EDUCATION TO EXPAND THE MODEL TEACHER EDUCATION CONSORTIUM STATEWIDE, is referred to the Committee on Appropriations.

By Representative Allred:

**H.B. 1646**, A BILL TO BE ENTITLED AN ACT TO MODIFY INSPECTION FEES AND PROCEDURES FOR AFTER-FACTORY ADDED WINDOW TINTING DURING SAFETY AND EMISSIONS INSPECTIONS, is referred to the Committee on Finance.

#### **WITHDRAWAL OF BILLS FROM CALENDAR**

On motion of Representative Saunders and without objection, **H.B. 1469** (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, is withdrawn from the Calendar and re-referred to the Committee on Public Utilities.

On motion of Representative Tolson and without objection, **H.B. 563** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, is withdrawn from the Calendar and re-referred to the Committee on Education.

On motion of Representative Glazier and without objection, **H.B. 800** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING VENDORS BIDDING ON STATE CONTRACTS TO DISCLOSE WHETHER SERVICES WILL BE PERFORMED OUTSIDE THE UNITED STATES, is withdrawn from the Calendar and placed on the Calendar of May 12.

On motion of Representative Haire and without objection, the following bills are withdrawn from the Calendar and placed on the Calendar of May 17.

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**H.B. 1186**, A BILL TO BE ENTITLED AN ACT TO MAKE THE INCREASE IN SENTENCE LENGTHS BETWEEN PRIOR RECORD LEVELS MORE PROPORTIONATE USING A SET PERCENTAGE INCREMENT.

**H.B. 1188**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COURT-IMPOSED AND ENFORCED POST-RELEASE PUNISHMENT OF PRISONERS UNDER STRUCTURED SENTENCING.

**H.B. 1215**, A BILL TO BE ENTITLED AN ACT TO REALLOCATE THREE MONTHS FROM THE MINIMUM SENTENCE OF CLASSES B1 THROUGH E TO THE MAXIMUM SENTENCE, AND TO INCREASE THE PERIOD OF POST-RELEASE SUPERVISION FROM NINE MONTHS TO TWELVE MONTHS.

### CONFERENCE REPORT

Representative Weiss moves the adoption of the following Conference Report.

#### Senate Committee Substitute for H.B. 489

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 489, A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY VARIOUS COUNTIES AND MUNICIPALITIES, Senate State and Local Government Committee Substitute Adopted 4/21/05, Fifth Edition Engrossed 4/26/05, submit the following report:

The House concurs in the Senate Committee Substitute with the following amendments:

- 1) amend the bill on page 2, line 5, by deleting "Cabarrus or New Hanover Counties", and substitute "Cabarrus County";
- 2) amend the bill on page 2, line 6, by deleting "Lee, and New Hanover", and substituting "and Lee";
- 3) amend the bill on page 1, line 15, by deleting "municipality", and substituting "municipality or county". The Senate agrees to the same.

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

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Date conferees approved report: May 10, 2005.

*Conferees for the  
Senate*

S/ Daniel G. Clodfelter, Chair  
S/ Fletcher L. Hartsell, Jr.  
S/ Bob Atwater  
S/ Julia Boseman  
S/ Richard Stevens

*Conferees for the  
House of Representatives*

S/ Jennifer Weiss, Chair  
S/ Thomas E. Wright  
S/ Joe Hackney  
S/ Nelson Dollar

The Conference Report, which changes the title, is adopted, by electronic vote (114-0), and the Senate is so notified by Special Message.

Representative Wright requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (115-0).

### CALENDAR

Action is taken on the following:

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

**H.B. 767** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ENHANCING THE MIGRANT HOUSING LAWS OF NORTH CAROLINA.

Representative Bell moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Judiciary III.

Representative Bell withdraws his motion.

The bill passes its second reading by electronic vote (89-26).

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

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

**H.B. 1133** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL RECORDS CHECKS FOR COUNTY GOVERNMENTS, passes its second reading, by electronic vote (115-0), and there being no objection is read a third time.

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Representative Folwell requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (116-0).

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. 689** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD AND BEVERAGES TAX BY VOTE OF THE PEOPLE.

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

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

**H.B. 1030** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE POWERS OF THE BRUNSWICK AIRPORT COMMISSION AND TO AUTHORIZE LOCAL AIRPORT AUTHORITIES TO BORROW MONEY, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Allred, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 116.

Voting in the negative: None.

Excused absences: Representatives Adams, Barnhart, and Kiser - 3.

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

**H.B. 940** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF LELAND AND PINEVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWNS' OVERGROWN VEGETATION ORDINANCE, 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. 1055** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES 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. 1069**, A BILL TO BE ENTITLED AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS FOR THE TOWN OF OAK ISLAND, 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. 105** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, L. Allen, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux,

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Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: Representatives Allred, Stiller, and Walker - 3.

Excused absences: Representatives Adams, Barnhart, and Kiser - 3.

Representative LaRoque requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (113-3).

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

**H.B. 896**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE STATE BAR WITH AN APPEAL OF RIGHT FROM FINAL ORDERS OF THE DISCIPLINARY HEARING COMMISSION AND TO INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL MEMBERSHIP FEES FOR MEMBERS OF THE STATE BAR, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Alexander, L. Allen, Allred, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 100.

Voting in the negative: Representatives Brubaker, Capps, Cleveland, Daughtridge, Dollar, Gillespie, Hilton, Hollo, Holloway, Moore, Rhodes, Setzer, Vinson, and Wiley - 14.

Excused absences: Representatives Adams, Barnhart, and Kiser - 3.

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Representative Gibson requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (101-14).

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

**H.B. 1217**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES, fails to pass its second reading, by the following vote.

Those voting in the affirmative are: Representatives Alexander, B. Allen, L. Allen, Bell, Bordsen, Carney, Church, Cole, Coleman, Crawford, Culpepper, Daughtridge, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goodwin, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Luebke, Martin, McComas, McLawhorn, Michaux, Miller, Morgan, Parmon, Rapp, Ray, Ross, Saunders, Sherrill, Tolson, Tucker, Wainwright, Warren, Weiss, Williams, Womble, Wray, Wright, and Yongue - 57.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brown, Brubaker, Capps, Clary, Cleveland, Coates, Culp, Cunningham, Current, Daughtry, Dockham, Dollar, Eddins, Folwell, Frye, Gillespie, Goforth, Grady, Guley, Hilton, Hollo, Holloway, Holmes, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, McAllister, McGee, McMahan, Moore, Nye, Owens, Pate, Pierce, Preston, Rayfield, Rhodes, Sauls, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Underhill, Vinson, Walend, Walker, West, Wiley, Wilkins, and Wilson - 59.

Excused absences: Representatives Adams, Barnhart, and Kiser - 3.

Representative Harrell requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (56-60).

**H.B. 672** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF A DEMUTUALIZED INSURANCE COMPANY, passes its third reading, by electronic vote (103-12), and is ordered sent to the Senate.

Representative Wiley requests and is granted permission to be recorded as voting "no". The adjusted vote total is (103-13).

**H.B. 1237** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF

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THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, passes its third reading, by electronic vote (116-0), and is ordered sent to the Senate.

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

**H.B. 630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MANUFACTURED HOMES ESCROW ACCOUNTS.

Representative McGee offers Amendment No. 1 which is adopted by electronic vote (107-9).

The bill, as amended, passes its second reading by electronic vote (114-0).

Representative Carney requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (115-0).

Representative Gibson 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. 262** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

Representative Stam offers Amendment No. 1 which fails of adoption by electronic vote (38-79).

The bill passes its second reading, by electronic vote (99-18), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

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

**H.B. 670** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES IN ORDER TO COMPLY WITH FEDERAL LAW, passes its second reading by electronic vote (114-0).

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

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

**H.B. 677**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TREASURER TO DESIGNATE A PERSON TO REPRESENT THE TREASURER ON THE STATE BOARD OF COMMUNITY COLLEGES, passes its second reading, by electronic vote (116-1), 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. 698** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE FINDINGS, THE PURPOSE, AND THE APPROVED PRACTICES OF THE CURRENT FOREST DEVELOPMENT ACT, 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. 710** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, 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. 786** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE DEALERS LICENSING ACT, passes its second reading, by electronic vote (115-0), 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. 833**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO SET NONACADEMIC CRITERIA FOR ADMISSION INTO CERTAIN PROGRAMS.

On motion of Representative Tolson, the bill is withdrawn from the Calendar and placed on the Calendar of May 16.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Johnson and Womble, Chairs, for the Committee on State Government:

**H.B. 874**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE TITLE OF THE SAFETY AND HEALTH REVIEW BOARD UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA TO THE NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH 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. 944**, A BILL TO BE ENTITLED AN ACT ADOPTING THE SALUTE TO THE FLAG OF NORTH CAROLINA AS THE OFFICIAL PLEDGE TO THE STATE FLAG, 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 Womble, Chair, for the Committee on Ways and Means:

**H.B. 635**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A PUBLIC COMMENT PERIOD DURING EACH REGULAR MEETING

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OF A LOCAL BOARD OF EDUCATION, COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD, 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.

**H.B. 1342**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF WORLD WAR II, KOREA, AND VIETNAM, 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 Wright, the House adjourns at 5:10 p.m. to reconvene May 12 at 2:00 p.m.

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## **SIXTY-SECOND DAY**

HOUSE OF REPRESENTATIVES  
Thursday, May 12, 2005

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by Representative Morgan, Speaker Pro Tempore.

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

"Almighty God:

"When we read of how You simply spoke words and the world came into order, it is difficult for us to imagine that there was reason for You to fret over creation. After all, out of nothing, You created everything. But, everything included us...and, You of all people know that humanity has given You plenty of reasons to fret. When You see how we have mistreated

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Your creation, You fret. When You see how we have mistreated nations, races and peoples to justify politics and ideologies, You fret. When You see how often we mistreat each other, You fret.

"Dear Lord, Lover of our souls, remind us that the very reason You fret is because You adore us so. Impose upon us Your primary hope for all of humanity, namely that we learn to love both God and neighbor. Speak to our hearts and gently whisper that when we seek that above all else, we can finally keep You from fretting over us. 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 Barnhart, Brubaker, Church, Current, Harrell, Hollo, Holmes, Johnson, Miller, Sauls, and Vinson for today. Representatives Justice and Kiser are excused for a portion of the Session.

### **ENROLLED BILLS**

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

**S.B. 262**, AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

**H.B. 277**, AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE ABUSED.

### **CHAPTERED BILLS**

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

**H.B. 946**, AN ACT TO ALLOW THE TOWN OF OSS�PEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS AND TO ALLOW THE TOWN OF MILLS RIVER TO AMEND ITS BUDGET ORDINANCE FOR THE 2003-2004 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2. (S.L. 2005-34)

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**REPORTS OF STANDING COMMITTEES AND PERMANENT  
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Holliman, Chair, for the Committee on Insurance:

**H.B. 645**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES MUST FILE ALL SERVICE AGREEMENTS AND CONTRACTUAL LIABILITY POLICIES WITH THE COMMISSIONER, AND IF SUBMITTED ON PAPER, BE IN A SPECIFIED FORMAT; AUTHORIZE THE COMMISSIONER TO PROTECT CONSUMERS OF WARRANTY AND SERVICE AGREEMENTS UNDER JURISDICTION OF THE DEPARTMENT BY CEASE AND DESIST POWERS AND BY THE POWER TO EXAMINE AND SEIZE WARRANTY AND SERVICE AGREEMENT COMPANY VIOLATOR'S RECORDS; AND REORGANIZE AND ADD CLARIFYING DEFINITIONS REGARDING MECHANICAL SERVICE BREAKDOWN AGREEMENTS, 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 Appropriations.

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

**H.B. 673**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT, TO REQUIRE THE COMMISSIONER OF INSURANCE TO REPORT WHETHER CONTINUED PARTICIPATION BY THIS STATE IN THE COMPACT IS IN THE BEST INTEREST OF THE CITIZENS AND POLICY-HOLDERS OF THIS STATE, AND TO PROVIDE A SUNSET FOR PARTICIPATION IN THE COMPACT, 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 Tucker, Chair, for the Committee on Local Government I:

**H.B. 863**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT

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FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, 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. 966**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DURHAM COUNTY BOARD OF ELECTIONS TO MOVE TWO PRECINCT BOUNDARIES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of May 16.

By Representative Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 448**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FAIR AND ORDERLY PROCESS FOR THE DISPOSITION OF COMPLAINTS AGAINST LOCAL SCHOOL BOARD MEMBERS, 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 Hackney, Chair, for the Committee on Judiciary I:

**H.B. 643**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF ANY DEVICE DESIGNED TO PREVENT THE DETECTION OF A DRIVING VIOLATION, 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. 1328**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF OFFICIAL RECORDS WHEN A PERSON IS GRANTED A PARDON OF INNOCENCE, with a favorable report.

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

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

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By Representative Hill:

**H.B. 1647**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF BOLTON FOR A TOWN HALL, is referred to the Committee on Appropriations.

By Representatives Jeffus, Adams and Harrison:

**H.B. 1648**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE GREENSBORO SYMPHONY SOCIETY, is referred to the Committee on Appropriations.

By Representative LaRoque:

**H.B. 1649**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE STATE TAX SYSTEM WITH THE GOALS OF SIMPLIFYING THE SYSTEM, BROADENING THE TAX BASE, AND LOWERING TAX RATES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Rapp and Haire (Primary Sponsors):

**H.J.R. 1650**, A JOINT RESOLUTION HONORING THE MEMORY OF ABRAHAM L. FREELANDER FOR HIS CONTRIBUTIONS TO HAYWOOD COMMUNITY COLLEGE, ON THE OCCASION OF THE COLLEGE'S FORTIETH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Jeffus, Adams, and Harrison:

**H.B. 1651**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NATURAL SCIENCE CENTER OF GREENSBORO, is referred to the Committee on Appropriations.

By Representatives B. Allen, Ross, and Coleman (Primary Sponsors); Dollar, Eddins, Jones, Luebke, Martin, and Weiss:

**H.B. 1652**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WAKE SMILES, INC., TO ASSIST IN PROVIDING DENTAL CARE FOR INDIGENT AND DISADVANTAGED COUNTY RESIDENTS, is referred to the Committee on Appropriations.

By Representatives B. Allen, Coleman, Farmer-Butterfield, and Faison (Primary Sponsors); Dickson, Dollar, Eddins, Fisher, Glazier, Goodwin,

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Hackney, Holliman, Jones, Luebke, McAllister, Ross, Wainwright, Weiss, Williams, Womble, and Wray:

**H.B. 1653**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A MANDATORY COST-OF-LIVING INCREASE FOR RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement and, if favorable, to the Committee on Appropriations.

By Representatives McLawhorn, Farmer-Butterfield, and Tolson (Primary Sponsors):

**H.B. 1654**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A PILOT PROGRAM TO ASSIST NON-INDUSTRIAL BUSINESSES GROW AND EXPAND IN NONURBAN COMMUNITIES, is referred to the Committee on Appropriations.

By Representatives Faison, Hackney, and Insko (Primary Sponsors):

**H.B. 1655**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ACQUIRE LAND AND CONSTRUCT A FACILITY FOR FIRE TRAINING IN ORANGE COUNTY, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1656**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE HISTORIC HILLSBOROUGH COMMISSION TO REPAIR THE HISTORIC BURWELL SCHOOL, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1657**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO DILLARD EDUCATIONAL AND ECONOMIC DEVELOPMENT SERVICE FOR OPERATING EXPENSES, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1658**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF HILLSBOROUGH FOR THE HISTORIC DISTRICT COMMISSION, is referred to the Committee on Appropriations.

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By Representative Faison:

**H.B. 1659**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ORANGE CONGREGATIONS IN MISSION, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1660**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE HILLSBOROUGH EXCHANGE CLUB CENTER FOR THE PREVENTION OF CHILDREN ABUSE, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1661**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF YANCEYVILLE TO DEVELOP THE MAUD GATEWOOD PARK, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1662**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CASWELL BROADBAND FOUNDATION TO BRING BROADBAND TECHNOLOGY TO CASWELL COUNTY, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1663**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CASWELL 21ST CENTURY DEVELOPMENT, INC., TO PROMOTE TOURISM IN CASWELL COUNTY, is referred to the Committee on Appropriations.

By Representative Capps:

**H.B. 1664**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COVENANT MARRIAGE ACT UNDER THE LAWS PERTAINING TO MARRIAGE, AUTHORIZING THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP A PAMPHLET REGARDING THE COVENANT MARRIAGE ACT OF 2005, AND APPROPRIATING FUNDS TO DEVELOP THE PAMPHLET, is referred to the Committee on Judiciary I and, if favorable, to the Committee on Appropriations.

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By Representatives Insko and Hackney:

**H.B. 1665**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ALLOCATION TO THE ORANGE-PERSON-CHATHAM MENTAL HEALTH AUTHORITY FOR THE TRANSITION OF EXISTING MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, is referred to the Committee on Appropriations.

By Representatives Jeffus, Adams, and Harrison:

**H.B. 1666**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO TRIAD STAGE, INC., FOR OPERATING EXPENSES, is referred to the Committee on Appropriations.

By Representatives Gibson and Crawford (Primary Sponsors); Church, Glazier, McMahan, and Wainwright:

**H.B. 1667**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF REVENUE TO ADD POSITIONS TO ENHANCE REVENUE COLLECTION EFFORTS, is referred to the Committee on Appropriations.

By Representatives Gibson, Coleman, Dollar, and Glazier:

**H.B. 1668**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN AUTISM SOCIETY OF NORTH CAROLINA SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representatives Gibson and Almond (Primary Sponsors); and Culp:

**H.B. 1669**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BADIN HISTORIC MUSEUM, is referred to the Committee on Appropriations.

By Representative Gibson:

**H.B. 1670**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE WINGATE VOLUNTEER FIRE DEPARTMENT, is referred to the Committee on Appropriations.

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By Representative Gibson:

**H.B. 1671**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO TURNING POINT TO PROVIDE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE IN UNION COUNTY, is referred to the Committee on Appropriations.

By Representative Gibson:

**H.B. 1672**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO UNION COUNTY TO ESTABLISH A CIVIC CENTER, is referred to the Committee on Appropriations.

By Representative Gibson:

**H.B. 1673**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ANSON COUNTY TO ESTABLISH THE SANDHILLS PLANETARIUM, is referred to the Committee on Appropriations.

By Representative Gibson:

**H.B. 1674**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ANSONVILLE HISTORICAL SOCIETY, is referred to the Committee on Appropriations.

By Representative Gibson:

**H.B. 1675**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO VARIOUS ORGANIZATIONS IN ANSON AND UNION COUNTIES, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1676**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO BUILD A SOCCER COMPLEX IN CASWELL COUNTY, is referred to the Committee on Appropriations.

By Representative Lucas:

**H.B. 1677**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MANCHESTER CDC, INC., TO DEVELOP CULTURAL AND RECREATIONAL ACTIVITIES IN THE MANCHESTER TOWNSHIP OF CUMBERLAND COUNTY, is referred to the Committee on Appropriations.

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By Representatives Carney, Brubaker, Goforth, and Michaux (Primary Sponsors); Alexander, Blackwood, Brown, Coleman, Faison, Glazier, Goodwin, Insko, Luebke, McLawhorn, McMahan, Sauls, Vinson, Wainwright, Weiss, and Womble:

**H.B. 1678**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DRUG TREATMENT COURT PROGRAMS, is referred to the Appropriations Subcommittee on Justice and Public Safety.

By Representatives Culpepper and Wray:

**H.B. 1679**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ACQUIRE, RELOCATE, AND RESTORE THE OLD ROANOKE RIVER LIGHTHOUSE, is referred to the Committee on Appropriations.

By Representative Culpepper:

**H.B. 1680**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A SIGNERS MEMORIAL TO HONOR TWO OF EDENTON'S HISTORICAL FIGURES, is referred to the Committee on Appropriations.

By Representative Hackney:

**H.B. 1681**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE CHATHAM COUNTY INDUSTRIAL PARK, is referred to the Committee on Appropriations.

By Representatives Harrison and Martin (Primary Sponsors); Coleman, Glazier, Insko, McMahan, and Ross:

**H.B. 1682**, A BILL TO BE ENTITLED AN ACT TO GAIN ENERGY INDEPENDENCE AND IMPROVE AIR QUALITY BY ESTABLISHING GOALS FOR ALTERNATIVE FUEL AND ADVANCED TECHNOLOGY VEHICLE USE BY MOTOR VEHICLES IN THE STATE FLEET AND BY ESTABLISHING A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS TO BE USED TOWARD THE PURCHASE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES AND FOR INFRASTRUCTURE DEVELOPMENT BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, is referred to the Committee on Finance.

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By Representative Harrison:

**H.B. 1683**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN FEES FOR CAMA PERMITS, is referred to the Committee on Finance.

By Representative L. Allen:

**H.B. 1684**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STUDY THE FEASIBILITY OF ESTABLISHING A STATE-WIDE HALL OF FAME FOR ALL CATEGORIES, is referred to the Committee on Appropriations.

By Representative Howard:

**H.B. 1685**, A BILL TO BE ENTITLED AN ACT TO ALLOW NONPARTICIPATING MANUFACTURERS UNDER THE MASTER SETTLEMENT AGREEMENT TO ASSIGN RIGHTS TO ESCROW FUNDS TO THE STATE; TO PROVIDE FOR AN INCOME TAX CREDIT FOR THOSE ASSIGNMENTS; AND TO PROVIDE FOR AN EXCISE TAX ON TOBACCO PRODUCT MANUFACTURERS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wainwright and McLawhorn:

**H.B. 1686**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE NORTH CAROLINA D.A.R.E. (DRUG ABUSE RESISTANCE EDUCATION) OFFICERS ASSOCIATION, is referred to the Committee on Appropriations.

By Representatives L. Allen, Hackney, Wainwright, and McComas (Primary Sponsors); Alexander, B. Allen, Bordsen, Brown, Carney, Church, Coates, Culpepper, Dickson, Faison, Farmer-Butterfield, Gibson, Glazier, Goodwin, Haire, Harrison, Insko, Jeffus, Jones, Lucas, Luebke, Martin, McGee, Preston, Rapp, Ross, Sherrill, Underhill, Weiss, and Womble:

**H.B. 1687**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ISSUANCE OF BONDS BY THE STATE OF NORTH CAROLINA FOR THE PURPOSES OF PROVIDING FUNDS FOR A STATEWIDE "LAND FOR TOMORROW" PROGRAM TO ACQUIRE, PROTECT, AND MANAGE CRITICAL OPEN SPACES, HISTORIC PROPERTIES, AND RECREATIONAL AREAS, is referred to the Committee on Finance.

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By Representatives McLawhorn, Insko, Harrison, and Adams (Primary Sponsors); Faison, Glazier, Luebke, Wainwright, and Weiss:

**H.B. 1688**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STATE ENERGY OFFICE TO MATCH FEDERAL GRANTS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY PROJECTS, is referred to the Committee on Appropriations.

By Representatives McLawhorn, Warren, and Farmer-Butterfield (Primary Sponsors); and Wainwright:

**H.B. 1689**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENABLE DEAF CHILDREN WITH COCHLEAR IMPLANTS TO MAXIMIZE THEIR POTENTIAL TO DEVELOP SPOKEN LANGUAGE, is referred to the Committee on Appropriations.

By Representative Cole:

**H.B. 1690**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT AND DEVELOP AN EQUESTRIAN CENTER IN ROCKINGHAM COUNTY, is referred to the Committee on Appropriations.

By Representative Wray:

**H.B. 1691**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE HENDERSON-VANCE DOWNTOWN DEVELOPMENT COMMISSION, INC., is referred to the Committee on Appropriations.

By Representative Wray:

**H.B. 1692**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE WARRENTON RURAL VOLUNTARY FIRE ASSOCIATION, is referred to the Committee on Appropriations.

By Representative Wray:

**H.B. 1693**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE WARREN COUNTY RESCUE SQUAD, INC., is referred to the Committee on Appropriations.

By Representative Wray:

**H.B. 1694**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE VANCE COUNTY PUBLIC SCHOOL FOUNDATION, is referred to the Committee on Appropriations.

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By Representative Wray:

**H.B. 1695**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE NORTHAMPTON RECREATION AND CULTURAL ARTS CENTER, INC., is referred to the Committee on Appropriations.

By Representative Wray:

**H.B. 1696**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE NORTHAMPTON COUNTY EDUCATION FOUNDATION, INC., is referred to the Committee on Appropriations.

By Representative Wray:

**H.B. 1697**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE MUD CASTLE COMMUNITY DEVELOPMENT CORPORATION, is referred to the Committee on Appropriations.

By Representative Tolson:

**H.B. 1698**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WILSON COUNTY TO RETAIN A CONSULTANT FIRM TO CONDUCT A STUDY ON THE FEASIBILITY OF DEVELOPING A CIVIC CENTER IN THE COUNTY, is referred to the Committee on Appropriations.

By Representative Blust:

**H.B. 1699**, A BILL TO BE ENTITLED AN ACT TO REGULATE THE EXPENDITURE OF DISCRETIONARY FUNDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wainwright and Underhill (Primary Sponsors):

**H.B. 1700**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE AREA DAY REPORTING PROGRAM FOR YOUTH IN NEW BERN, is referred to the Committee on Appropriations.

By Representatives B. Allen, Coleman, Faison, Goodwin, Harrison, Insko, Jones, and Weiss:

**H.B. 1701**, A BILL TO BE ENTITLED AN ACT TO PROTECT PUBLIC HEALTH AND WATER QUALITY FOR RESIDENTS OF THE STATE THAT RECEIVE DRINKING WATER FROM PRIVATE WELLS

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BY REQUIRING TESTING OF CERTAIN WATER QUALITY PARAMETERS PRIOR TO THE TRANSFER, LEASE, OR RENTAL OF PROPERTY SERVED BY A PRIVATE WELL; TO REQUIRE NOTIFICATION OF GROUNDWATER CONTAMINATION TO WELL OWNERS AND WELL USERS THAT LIVE OR WORK NEAR A CONTAMINATED WELL; TO ESTABLISH AN EMERGENCY DRINKING WATER FUND; AND TO APPROPRIATE FUNDS, is referred to the Committee on Health and, if favorable, to the Committee on Appropriations.

By Representatives Preston and Justice (Primary Sponsors); and Harrison:

**H.B. 1702**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT AN OYSTER RESEARCH PROGRAM ADMINISTERED BY NORTH CAROLINA SEA GRANT, is referred to the Committee on Appropriations.

By Representatives Preston, Culpepper, and Underhill (Primary Sponsors):

**H.B. 1703**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A HERITAGE TOURISM DEVELOPMENT OFFICER FOR CARTERET, HYDE, DARE, AND PAMLICO COUNTIES, is referred to the Committee on Appropriations.

By Representative Dollar:

**H.B. 1704**, A BILL TO BE ENTITLED AN ACT TO CREATE A STUDY COMMISSION TO REVIEW NORTH CAROLINA'S ANNEXATION LAWS AND PRACTICE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hollo:

**H.B. 1705**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ALEXANDER COUNTY TO ESTABLISH A BRANCH LIBRARY IN THE BETHLEHEM COMMUNITY, is referred to the Committee on Appropriations.

By Representatives Yongue, Tolson, Carney, and Preston (Primary Sponsors); England and Wainwright:

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**H.B. 1706**, 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 Yongue, Carney, Preston, and Tolson (Primary Sponsors); Glazier, Johnson, and Wainwright:

**H.B. 1707**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE FUTURES FOR KIDS PROGRAM, is referred to the Committee on Appropriations.

By Representatives Wright and Gibson (Primary Sponsors); and Wainwright:

**H.B. 1708**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO IMPOSE CERTAIN FEES TO ENSURE HOMELAND SECURITY IN NORTH CAROLINA AND TO ENSURE THAT RADIOACTIVE MATERIAL AND CERTAIN OTHER TYPES OF RADIATION RECEIVE ADEQUATE REGULATORY OVERSIGHT AND MONITORING, is referred to the Committee on Finance.

By Representatives Miller and Walend (Primary Sponsors); and Faison:

**H.B. 1709**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A DNA DATABANK FOR THE VOLUNTARY SUBMISSION BY INDIVIDUALS OF DNA SAMPLES LINKED WITH THE INDIVIDUAL'S MEDICAL RECORD, is referred to the Committee on Judiciary I and, if favorable, to the Committee on Appropriations.

By Representative Miller:

**H.B. 1710**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE BIOMANUFACTURING RESEARCH INSTITUTE TRAINING ENTERPRISE AND A VOLUNTARY DNA DATABASE AT NORTH CAROLINA CENTRAL UNIVERSITY, is referred to the Committee on Appropriations.

By Representative Miller:

**H.B. 1711**, A BILL TO BE ENTITLED AN ACT TO MODIFY AND EXTEND THE SUNSET ON DEVELOPMENT ZONES, is referred to the Committee on Rules, Calendar, and Operations of the House.

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By Representative Hackney:

**H.B. 1712**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CHATHAM COUNTY ARTS COUNCIL, is referred to the Committee on Appropriations.

By Representatives Weiss, Ross, and Martin (Primary Sponsors); and Dollar:

**H.B. 1713**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PLAN A CAPITAL AREA VISITORS CENTER, is referred to the Committee on Appropriations.

By Representatives Weiss and Glazier (Primary Sponsors):

**H.B. 1714**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE NORTH CAROLINA COUNCIL ON THE HOLOCAUST, is referred to the Committee on Appropriations.

By Representatives Luebke, Harrison, Insko, and Vinson:

**H.B. 1715**, A BILL TO BE ENTITLED AN ACT TO RECODIFY, EXTEND, AND EXPAND THE TAX CREDITS FOR RENEWABLE ENERGY, is referred to the Committee on Finance.

By Representatives Luebke and Harrison (Primary Sponsors); Faison and Insko:

**H.B. 1716**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TAX INCENTIVE FOR RESIDENTIAL LEAD HAZARD REDUCTION AND TO MAKE CONFORMING AND TECHNICAL CHANGES, is referred to the Committee on Finance.

By Representatives Carney, Adams, McComas, and West (Primary Sponsors); Alexander, B. Allen, L. Allen, Bell, Bordsen, Brown, Brubaker, Clary, Coates, Cole, Culp, Culpepper, Cunningham, Dickson, Dollar, Faison, Farmer-Butterfield, Fisher, Frye, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Hollo, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, LaRoque, Lucas, Luebke, Martin, McAllister, McLawhorn, McMahan, Miller, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Steen, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, and Yongue:

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**H.B. 1717**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA ARTS COUNCIL, is referred to the Committee on Appropriations.

By Representatives Carney, Saunders, Earle, and Glazier (Primary Sponsors); England, Faison, Harrison, Insko, Preston, Ray, and Wainwright:

**H.B. 1718**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NURSING FACULTY FELLOWS PROGRAM AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, is referred to the Committee on Health and, if favorable, to the Committee on Appropriations.

By Representatives Alexander, Jeffus, Preston, and Wainwright:

**H.B. 1719**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE OPERA COMPANY OF NORTH CAROLINA FOR EDUCATIONAL OUTREACH AND OPERATING EXPENSES, is referred to the Committee on Appropriations.

By Representatives Daughtridge and Owens (Primary Sponsors); Church, Faison, McMahan, Rapp, and Wray:

**H.B. 1720**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO IMPLEMENT THE NORTH CAROLINA ECONOMIC DEVELOPMENT BOARD STUDY RECOMMENDATIONS, is referred to the Committee on Appropriations.

By Representatives Daughtridge, Church, and Faison:

**H.B. 1721**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ALLOCATE FUNDS APPROPRIATED TO AID COUNTIES WITH MEDICAID PAYMENTS, is referred to the Committee on Appropriations.

By Representatives Brubaker, Hackney, Harrison, and Gibson (Primary Sponsors); Coates, Faison, Glazier, Haire, Harrell, and Insko:

**H.B. 1722**, A BILL TO BE ENTITLED AN ACT TO EXTEND PRESENT-USE VALUE TAX STATUS TO LANDS MANAGED FOR WILDLIFE CONSERVATION AND TO MAKE OTHER CHANGES

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REGARDING PRESENT-USE VALUE, is referred to the Committee on Finance.

By Representatives Crawford, Church, and McMahan:

**H.B. 1723**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS, is referred to the Committee on Appropriations.

By Representatives Earle, Ray, and Gibson (Primary Sponsors); Carney, Jones, Owens, Parmon, Vinson, Wainwright, and Wray:

**H.B. 1724**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS FOR A NASCAR HALL OF FAME, is referred to the Committee on Appropriations.

By Representatives Earle, England, and Wainwright:

**H.B. 1725**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE FOR RATE AND INFLATIONARY INCREASES IN STATE-FUNDED KIDNEY DIALYSIS SERVICES THAT CORRESPOND TO RATE AND INFLATIONARY INCREASES FOR EQUIVALENT MEDICAID SERVICES, is referred to the Committee on Appropriations.

By Representatives Earle, Luebke, and Weiss:

**H.B. 1726**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA ASSOCIATION OF RADIO READING SERVICES, is referred to the Committee on Appropriations.

By Representatives Earle and Saunders (Primary Sponsors); and Wainwright:

**H.B. 1727**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EDUCATIONAL DEVELOPMENT IN NORTH CAROLINA, is referred to the Committee on Appropriations.

By Representative Earle:

**H.B. 1728**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PLAN AND DEVELOP THE NATIONAL

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AFRICAN-AMERICAN MUSEUM OF SPORTS IN THE CITY OF CHARLOTTE, is referred to the Committee on Appropriations.

By Representatives Earle, B. Allen, L. Allen, Bell, Carney, Church, Coates, Cole, Coleman, Faison, Farmer-Butterfield, Glazier, Goforth, Goodwin, Haire, Jeffus, Jones, Ed Jones, Lucas, Martin, McAllister, McLawhorn, McMahan, Owens, Pierce, Saunders, Tolson, Wainwright, and Yongue:

**H.B. 1729**, A BILL TO BE ENTITLED AN ACT TO CREATE A TRAVEL AND TOURISM CAPITAL INVESTMENT PROGRAM AND A RURAL TOURISM DEVELOPMENT ACCOUNT, is referred to the Committee on Finance.

By Representatives Justice, Harrison, Luebke, Underhill, and Weiss:

**H.B. 1730**, A BILL TO BE ENTITLED AN ACT TO CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998 AND TO PHASE OUT THE USE OF THE LAGOON AND SPRAYFIELD ANIMAL WASTE MANAGEMENT SYSTEM FOR SWINE FARMS, is referred to the Committee on Environment and Natural Resources and, if favorable, to the Committee on Appropriations.

By Representatives Stiller and Carney:

**H.B. 1731**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SHARE THE ROAD SPECIAL REGISTRATION PLATE, is referred to the Committee on Finance.

By Representative Stiller:

**H.B. 1732**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN AQUATIC CENTER AND A YOUTH CENTER IN BRUNSWICK COUNTY, is referred to the Committee on Appropriations.

By Representative Pierce:

**H.B. 1733**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR REPAIRS AND MAINTENANCE OF THE RAEFORD-HOKE MUSEUM, is referred to the Committee on Appropriations.

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By Representative Pierce:

**H.B. 1734**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SOUTHSIDE SCHOOL ALUMNI ASSOCIATION, is referred to the Committee on Appropriations.

By Representative Pierce:

**H.B. 1735**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MAXTON SOUTHEASTERN RURAL VOLUNTEER FIRE DEPARTMENT FOR EQUIPMENT, is referred to the Committee on Appropriations.

By Representative Pierce:

**H.B. 1736**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF MAXTON TO SUPPORT PROGRAMS FOR AT-RISK YOUTH, is referred to the Committee on Appropriations.

By Representative Pierce:

**H.B. 1737**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF FAIRMONT FOR THE FAIRMONT FARMERS FESTIVAL, is referred to the Committee on Appropriations.

By Representative Pierce:

**H.B. 1738**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR REPAIRS TO THE AFRICAN AMERICAN CULTURAL CENTER IN ROBESON COUNTY, is referred to the Committee on Appropriations.

By Representative Pierce:

**H.B. 1739**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE AFRICAN AMERICAN HERITAGE COMMITTEE FOR OPERATING EXPENSES, is referred to the Committee on Appropriations.

By Representative Pierce:

**H.B. 1740**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ROWLAND RESCUE SQUAD IN ROBESON COUNTY, is referred to the Committee on Appropriations.

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By Representative Pierce:

**H.B. 1741**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE LUMBEE RIVER YOUTH OPPORTUNITY PROJECTS IN ROBESON COUNTY, is referred to the Committee on Appropriations.

By Representative Pierce:

**H.B. 1742**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ROWLAND AREA COMMUNITY DEVELOPMENT CORPORATION, is referred to the Committee on Appropriations.

By Representative Pierce:

**H.B. 1743**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE WAGRAM VOLUNTEER FIRE DEPARTMENT IN SCOTLAND COUNTY FOR EQUIPMENT AND REPAIRS, is referred to the Committee on Appropriations.

By Representative Pierce:

**H.B. 1744**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ROBESON CENTER FOR CHILD AND FAMILY HEALTH, is referred to the Committee on Appropriations.

By Representatives Glazier, Yongue, and Carney (Primary Sponsors); B. Allen, England, Farmer-Butterfield, Goodwin, Harrison, Insko, Luebke, Ross, Wainwright, and Weiss:

**H.B. 1745**, A BILL TO BE ENTITLED AN ACT TO PROVIDE STUDENTS IN THE PUBLIC SCHOOLS WITH A SOUND BASIC EDUCATION AS REQUIRED BY THE CONSTITUTION OF NORTH CAROLINA, is referred to the Committee on Appropriations.

By Representatives England, Goforth, and Rapp (Primary Sponsors); B. Allen, Church, and Goodwin:

**H.B. 1746**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON CIGARETTES AND DEDICATE THE PROCEEDS OF THE INCREASE TO COUNTY MEDICAID PROGRAMS ON A PRO RATA BASIS, is referred to the Committee on Finance.

By Representatives Preston, Bell, Parmon, and Stam (Primary Sponsors); Alexander, Allred, Bordsen, Carney, Clary, Cunningham,

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Faison, Glazier, Goodwin, Gulley, Harrison, Jones, Luebke, McMahan, Ross, Setzer, Wainwright, Weiss, Womble, Wray, and Wright:

**H.B. 1747**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT SCHOOLS PROVIDE AN APPROPRIATE EDUCATION, IN ACCORDANCE WITH STATE AND FEDERAL LAW, TO STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM PUBLIC SCHOOL, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Pierce:

**H.B. 1748**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HOKE COUNTY YOUTH & FAMILY SERVICES, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1749**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CEDAR GROVE MISSIONARY BAPTIST ASSOCIATION, INC., FOR OPERATING EXPENSES, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1750**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CASWELL COUNTY TO EXTEND WATER LINES FROM YANCEYVILLE TO AREAS IN PROSPECT HILL, is referred to the Committee on Appropriations.

By Representative Faison:

**H.B. 1751**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CASWELL COUNTY TO ACQUIRE LAND, CONSTRUCT A FACILITY, AND PURCHASE EQUIPMENT FOR THE PIEDMONT REGIONAL SHARE-USE VALUE ADDED AGRICULTURAL PROCESSING CENTER, is referred to the Committee on Appropriations.

By Representatives Allred, Cole, and West (Primary Sponsors):

**H.B. 1752**, A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXEMPTION FROM THE SALES AND USE TAX ON CERTAIN SALES OF MOTORIZED ALL-TERRAIN VEHICLES, is referred to the Committee on Finance.

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By Representatives Harrell and Goforth (Primary Sponsors); Church, England, Faison, Gibson, McLawhorn, Underhill, Warren, and Wray:

**H.B. 1753**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR A FIVE PERCENT SALARY INCREASE FOR PUBLIC SCHOOL PERSONNEL, is referred to the Committee on Appropriations.

By Representatives Harrell and Wilson (Primary Sponsors); Dollar and McMahan:

**H.B. 1754**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE PLANNING AND DESIGN OF A FACILITY FOR THE REICH COLLEGE OF EDUCATION AT APPALACHIAN STATE UNIVERSITY, is referred to the Committee on Appropriations.

By Representatives Harrell, Dollar, McMahan, and Wilson:

**H.B. 1755**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE EQUITY FUNDING FOR APPALACHIAN STATE UNIVERSITY, is referred to the Committee on Appropriations.

By Representatives Harrell and Goforth (Primary Sponsors); England, Faison, Gibson, Goodwin, Jeffus, Jones, Luebke, McLawhorn, Underhill, Wainwright, Warren, and Wray:

**H.B. 1756**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO PROVIDE TO STATE EMPLOYEES A LEGISLATIVE PAY INCREASE OF FIVE PERCENT, is referred to the Committee on Appropriations.

By Representative McComas:

**H.B. 1757**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE A PROPER LABORATORY ENVIRONMENT FOR THE SHELLFISH LABORATORY IN WILMINGTON, is referred to the Committee on Appropriations.

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By Representative McComas:

**H.B. 1758**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER AUTHORITIES, is referred to the Committee on Finance.

By Representative McComas:

**H.B. 1759**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A CIVIL REMEDY FOR DAMAGES TO PERSONS IN A COMMUNITY INJURED BY AN INDIVIDUAL'S USE OF ILLEGAL CONTROLLED SUBSTANCES AND TO APPROPRIATE FUNDS TO HELP IMPLEMENT THIS ACT, is referred to the Committee on Judiciary I and, if favorable, to the Committee on Appropriations.

By Representative Cunningham:

**H.B. 1760**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ANITA STROUD FOUNDATION FOR AFTER-SCHOOL CARE, is referred to the Committee on Appropriations.

By Representative Dollar:

**H.J.R. 1761**, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATING TO THE ENVIRONMENTAL REVIEW, PERMITTING, AND MITIGATION PROCESS USED IN THE CONSTRUCTION OR EXPANSION OF STATE HIGHWAYS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Justice, McLawhorn, Wright, and Sherrill (Primary Sponsors); Carney, Culp, Faison, Frye, Goodwin, Sauls, Warren, and Wilson:

**H.B. 1762**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE STATE'S RESOURCE CONSERVATION AND DEVELOPMENT COUNCILS, is referred to the Committee on Appropriations.

By Representatives Jeffus and Yongue (Primary Sponsors); Adams, England, Faison, Gibson, Goodwin, Harrison, McLawhorn, Underhill, Wainwright, Warren, and Wray:

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**H.B. 1763**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR A FIVE PERCENT SALARY INCREASE FOR PUBLIC SCHOOL PERSONNEL, is referred to the Committee on Appropriations.

By Representative Folwell:

**H.B. 1764**, A BILL TO BE ENTITLED AN ACT TO CAP THE SALES TAX REFUNDS ALLOWED TO NONPROFIT ENTITIES AND TO REDUCE THE CORPORATE INCOME TAX RATE FROM SIX AND NINE-TENTHS PERCENT TO SIX AND FOUR-TENTHS PERCENT, is referred to the Committee on Finance.

By Representatives Hackney, Glazier, Harrison, Luebke, and Weiss:

**H.B. 1765**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A RECYCLING PROGRAM FOR CERTAIN ELECTRONIC DEVICES, TO REQUIRE MANUFACTURERS OF ELECTRONIC DEVICES TO EITHER (1) DEVELOP AND IMPLEMENT PRODUCT MANAGEMENT PLANS FOR THE PROPER REUSE OR RECYCLING OF DISCARDED ELECTRONIC DEVICES AND TO PAY AN ANNUAL PROGRAM FEE OR (2) TO PAY A TAX ON THE SALE OF ELECTRONIC DEVICES SOLD IN THE STATE IN ORDER TO FUND THE PROGRAM, AND TO PROVIDE LOCAL GOVERNMENTS WITH FUNDS TO ENABLE THEM TO RECYCLE ELECTRONIC DEVICES, is referred to the Committee on Environment and Natural Resources and, if favorable, to the Committee on Finance.

By Representatives Martin and Harrison (Primary Sponsors); B. Allen, Blust, Coleman, Faison, Goodwin, Insko, and Weiss:

**H.B. 1766**, A BILL TO BE ENTITLED AN ACT TO CREATE A TAX CREDIT FOR THE PURCHASE OR LEASE OF ALTERNATIVE FUEL VEHICLES TO HELP REDUCE DEPENDENCE ON IMPORTED PETROLEUM AND IMPROVE AIR QUALITY, is referred to the Committee on Finance.

By Representatives Gibson and Daughtridge (Primary Sponsors); Church, Faison, McMahan, and Vinson:

**H.B. 1767**, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM INCOME TAX CERTAIN GAINS FROM INVESTMENTS IN

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TECHNOLOGY BUSINESSES AND OTHER QUALIFIED SMALL BUSINESSES, is referred to the Committee on Finance.

By Representatives Gibson, Daughtridge, Brubaker, and Owens (Primary Sponsors); Church and McMahan:

**H.B. 1768**, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT AND TO APPROPRIATE FUNDS FOR NEW POSITIONS NEEDED TO ASSIST THE NORTH CAROLINA INDUSTRIAL COMMISSION TO ENSURE THAT THE COMMISSION HAS ADEQUATE RESOURCES, is referred to the Committee on Insurance and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gibson:

**H.B. 1769**, A BILL TO BE ENTITLED AN ACT TO IMPOSE A TAX ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF ORPHAN LANDFILLS AND INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITES, FOR THE REDEVELOPMENT OF BROWNFIELDS, AND TO PAY THE STATE'S SHARE OF THE COST OF ASSESSMENT AND REMEDIATION OF SITES LISTED ON THE FEDERAL NATIONAL PRIORITIES LIST, is referred to the Committee on Finance.

By Representatives Luebke, Insko, and Wainwright:

**H.B. 1770**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENSURE THAT LOW-WEALTH SCHOOLS HAVE THE RESOURCES TO RETAIN EXCELLENT TEACHERS, is referred to the Committee on Appropriations.

By Representative Culpepper:

**H.B. 1771**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENSES TO BUILD MACHAPUNGO PARK IN HYDE COUNTY, is referred to the Committee on Appropriations.

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By Representative Culpepper:

**H.B. 1772**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE SANDHILLS AGRICULTURAL CENTER, is referred to the Committee on Appropriations.

By Representative Culpepper:

**H.B. 1773**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENHANCE OCRACOKE ISLAND'S EMERGENCY MEDICAL SERVICES, is referred to the Committee on Appropriations.

By Representative Culpepper:

**H.B. 1774**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ACQUIRE, MOVE, AND RESTORE THE HISTORIC KITCHEN BUILDING OF THE FORMER BANDON PLANTATION, is referred to the Committee on Appropriations.

By Representatives McComas and McMahan:

**H.B. 1775**, 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 Finance and, if favorable, to the Committee on Appropriations.

By Representative Haire:

**H.B. 1776**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NORTH CAROLINA TROUT UNLIMITED SPECIAL REGISTRATION PLATE, is referred to the Committee on State Government and, if favorable, to the Committee on Finance.

By Representatives McComas and McMahan:

**H.B. 1777**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MUNICIPALITY TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX AND TO USE THE REVENUE GENERATED BY THE TAX TO EXPAND THE HOMESTEAD EXEMPTION TO ALL SENIOR

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CITIZENS IN THE MUNICIPALITY, is referred to the Committee on Finance.

By Representatives Gibson and LaRoque (Primary Sponsors); Cole, Hill, McMahan, and Wright:

**H.B. 1778**, A BILL TO BE ENTITLED AN ACT TO EXPAND AND MAKE CONSISTENT THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL ALLOW FOR RISK-BASED REMEDIAL ACTIONS, is referred to the Committee on Environment and Natural Resources and, if favorable, to the Committee on Finance.

By Representatives Folwell, Insko, Justice, and Walker (Primary Sponsors); Church and Langdon:

**H.B. 1779**, A BILL TO BE ENTITLED AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM, is referred to the Committee on Finance.

By Representatives Wilkins and Faison (Primary Sponsors):

**H.B. 1780**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INSTRUCTIONAL TECHNOLOGY INTEGRATION PILOT PROGRAM, is referred to the Committee on Appropriations.

By Representatives Rhodes, Cleveland, Culp, Daughtry, Gulley, Lewis, McMahan, and Vinson:

**H.B. 1781**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE INCOME TAX AMOUNTS CONTRIBUTED TO A QUALIFIED TUITION PROGRAM, is referred to the Committee on Finance.

#### **SPECIAL MESSAGES FROM THE SENATE**

The following Special Messages are received from the Senate:

**H.B. 415** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES

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FRANCES AND IVAN, 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 12.

**S.J.R. 1173**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY GARDNER "RED" GIBSON, PATRIOT AND WORLD WAR II VETERAN, is read the first time.

Pursuant to Rule 32(a), the resolution is placed on today's Calendar.

**SPECIAL MESSAGE FROM THE SENATE**

**2005 GENERAL ASSEMBLY  
FIRST SESSION**

Senate Chamber  
May 12, 2005

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. 489** (Conference Report), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY VARIOUS COUNTIES AND MUNICIPALITIES.

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*

**SPECIAL MESSAGE FROM THE SENATE**

**2005 GENERAL ASSEMBLY  
FIRST SESSION**

Senate Chamber  
May 12, 2005

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Mr. Speaker:

Pursuant to your message received on May 5, 2005, that the House of Representatives fails to concur in Senate Amendment No. 1 to **H.B. 7**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO MAY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS, and requests conferees, the President *Pro Tempore* appoints:

Senator Jenkins, Chair  
Senator Clodfelter  
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*

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

**H.B. 1024**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INSTANT RUNOFF VOTING IN STATEWIDE PARTY PRIMARIES AND CERTAIN STATEWIDE JUDICIAL VACANCY ELECTIONS, 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 Bordsen, Vice Chair, for the Committee on Judiciary II:

**H.B. 1550**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON STATE GUARDIANSHIP LAWS, with a favorable report as to the committee substitute bill, unfavorable

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

**H.B. 23** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP, reported without prejudice.

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

**H.B. 395**, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DIVISION OF FOREST RESOURCES AS AN EMERGENCY RESPONSE AGENCY, 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. 787**, A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES, 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. 818**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CURRENT STATUS OF DRIVERS AS EMPLOYEES OR INDEPENDENT CONTRACTORS UNDER THE WORKERS' COMPENSATION ACT, reported without prejudice.

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

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**H.J.R. 1579**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLARENCE E. "BIG HOUSE" GAINES, SR., LEGENDARY BASKETBALL COACH, with a favorable report.

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

### CALENDAR

Action is taken on the following:

**H.B. 689** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD AND BEVERAGES TAX BY VOTE OF THE PEOPLE.

Representative Blackwood offers Amendment No. 1.

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

### VOTE RECONSIDERED

Having voted with the prevailing side, Representative Lucas moves that the vote by which **H.B. 1217**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES, failed to pass its second reading be reconsidered.

The motion carries by electronic vote (61-44) and the bill is before the Body on its second reading.

Representative Lucas offers Amendment No. 1.

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

### CALENDAR (continued)

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

**H.B. 1097** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO AWARD CONTRACTS FOR THE MANAGEMENT OF SLUDGE ON THE BASIS OF FACTORS OTHER THAN COST ALONE AND TO ENTER INTO CONTRACTS THAT PROVIDE FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF SLUDGE MANAGEMENT

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FACILITIES BY A SINGLE ENTITY, 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. 1217**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES, which was temporarily displaced with pending Amendment No. 1, is before the Body.

Representative Lucas withdraws his amendment.

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

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

**H.B. 1120** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO OFFICIALLY ACKNOWLEDGE THE IMPORTANCE OF NEIGHBORHOOD CRIME WATCH PROGRAMS AND TO ESTABLISH A CRIMINAL PENALTY FOR HARASSMENT OF A MEMBER OF A NEIGHBORHOOD CRIME WATCH PROGRAM, passes its second reading by electronic vote (103-0).

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

Representative Sherrill requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (104-0).

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

**H.B. 1128** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE TRAINING FOR CAMPAIGN TREASURERS; TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO SET A THREE-YEAR TIME LIMIT BEFORE ANY UNPAID DEBT IN A CAMPAIGN IS DEEMED TO BE A CONTRIBUTION; TO INCLUDE VACANCY ELECTIONS AND NONPARTISAN RUNOFFS IN THE DEFINITION OF "ELECTION" FOR PURPOSES OF CONTRIBUTION LIMITS; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES

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UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO LIMIT THE USE OF CREDIT CARDS FOR PAYMENT OF EXPENDITURES IN PUBLICLY FUNDED JUDICIAL CAMPAIGNS; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; AND TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT.

Pursuant to Rule 36.1, Representative Sherrill, Chair of the Committee on Appropriations, requests a fiscal note on the bill.

The bill is removed from the Calendar.

**H.B. 689** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD AND BEVERAGES TAX BY VOTE OF THE PEOPLE, which was temporarily displaced with Amendment No. 1 pending, is before the Body.

Amendment No. 1, which is ruled to be material, fails of adoption by the following vote.

Those voting in the affirmative are: Representatives Allred, Almond, Blackwood, Blust, Brown, Capps, Cleveland, Culp, Daughtridge, Dollar, Eddins, Folwell, Frye, Gillespie, Grady, Gulley, Harrison, Hilton, Holloway, Justus, Kiser, Langdon, LaRoque, Lewis, McComas, McGee, McMahan, Moore, Pate, Preston, Ray, Rayfield, Rhodes, Setzer, Stam, Starnes, Steen, Walend, Walker, West, and Wiley - 41.

Voting in the negative: Representatives Adams, Alexander, B. Allen, L. Allen, Bell, Bordsen, Carney, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Hackney, Hill, Holliman, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Lucas, Martin, McAllister, McLawhorn, Morgan, Nye, Owens, Parmon, Pierce, Rapp, Ross, Saunders, Sherrill, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 61.

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Excused absences: Representatives Barnhart, Brubaker, Church, Current, Haire, Harrell, Hollo, Holmes, Johnson, Miller, Sauls, and Vinson - 12.

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

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Bell, Bordsen, Brown, Carney, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Hackney, Harrison, Hill, Holliman, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Langdon, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, McMahan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ross, Saunders, Sherrill, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 66.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Daughtridge, Dockham, Dollar, Eddins, Frye, Gillespie, Grady, Gulley, Hilton, Holloway, Justus, Kiser, LaRoque, Lewis, McGee, Moore, Morgan, Pate, Ray, Rayfield, Rhodes, Setzer, Stam, Starnes, Steen, Stiller, Walend, Walker, West, Wiley, and Wilson - 37.

Excused absences: Representatives Barnhart, Brubaker, Church, Current, Haire, Harrell, Hollo, Holmes, Johnson, Miller, Sauls, and Vinson - 12.

Representative Folwell requests and is granted permission to be recorded as voting "no". The adjusted vote total is (66-38).

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

**H.B. 1202**, A BILL TO BE ENTITLED AN ACT TO CLARIFY ALTERNATIVE REPRESENTATION OF METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES, 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.

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

**H.B. 1266**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT THE DEPARTMENT OF TRANSPORTATION WILL PAY AS RELOCATION ASSISTANCE FOR REASONABLE EXPENSES

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FOR SEARCHING FOR A REPLACEMENT BUSINESS OR FARM, AS REQUIRED BY FEDERAL REGULATION, 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.

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

**H.B. 1280** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE GENERAL ASSEMBLY ON STRATEGIES TO BEST UTILIZE FEDERAL FUNDS FOR RAIL IMPROVEMENTS SUCH AS SERVICE TO WESTERN AND SOUTHEASTERN NORTH CAROLINA AND RESTORATION OF THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR, passes its second reading, by electronic vote (102-0), and there being no objection is read a third time.

Representative Folwell requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (103-0).

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

**H.B. 1217**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES, which was temporarily displaced, is before the Body.

Representative Sutton offers Amendment No. 2 which is adopted by electronic vote (93-11).

The bill, as amended, passes its second reading, by electronic vote (73-31), 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.

#### **WITHDRAWAL OF OBJECTION TO THIRD READING**

Representative Stam removes his objection to the third reading of **H.B. 1120** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO OFFICIALLY ACKNOWLEDGE THE IMPORTANCE OF NEIGHBORHOOD CRIME WATCH PROGRAMS AND TO ESTABLISH A CRIMINAL PENALTY FOR HARASSMENT OF A MEMBER OF A

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NEIGHBORHOOD CRIME WATCH PROGRAM, and the bill is before the Body.

Representative Stam offers Amendment No. 1 which is adopted by electronic vote (103-0).

The bill, as amended, passes its third reading, by electronic vote (104-0), and is ordered engrossed and sent to the Senate.

#### **CALENDAR (continued)**

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

**H.B. 1332**, A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES, 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.

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

**H.B. 1375** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATING TO CHILD SUPPORT ENFORCEMENT IN ORDER TO CLARIFY AND ENHANCE THOSE LAWS, 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.

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

**H.B. 1485**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SEARCH WARRANTS MAY BE OBTAINED BY AUDIO/VIDEO TRANSMISSIONS, passes its second reading, by electronic vote (101-0), 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. 1030** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE POWERS OF THE BRUNSWICK AIRPORT

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COMMISSION AND TO AUTHORIZE LOCAL AIRPORT AUTHORITIES TO BORROW MONEY, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Daughtridg, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Harrison, Hill, Hilton, Holliman, Holloway, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Moore, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 100.

Voting in the negative: None.

Excused absences: Representatives Barnhart, Brubaker, Church, Current, Haire, Harrell, Hollo, Holmes, Johnson, Kiser, Miller, Sauls, and Vinson - 13.

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

**S.B. 348** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON, passes its second reading, by electronic vote (102-0), and there being no objection is read a third time.

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

#### **WITHDRAWAL OF BILLS FROM CALENDAR**

On motion of Representative Culpepper and without objection, **H.B. 896**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE STATE BAR WITH AN APPEAL OF RIGHT FROM FINAL ORDERS OF THE DISCIPLINARY HEARING COMMISSION AND TO INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL MEMBERSHIP FEES FOR

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MEMBERS OF THE STATE BAR, is withdrawn from the Calendar and placed on the Calendar of May 16.

On motion of Representative Martin and without objection, **H.B. 1503** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES ARE TREATED AS CITIES FOR PURPOSES OF CIVIL LIABILITY, is withdrawn from the Calendar and placed on the Calendar of May 18.

#### **CALENDAR (continued)**

**H.B. 630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MANUFACTURED HOMES ESCROW ACCOUNTS.

The bill, as amended, passes its third reading, by electronic vote (101-0), and is ordered engrossed and sent to the Senate.

**H.B. 670** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES IN ORDER TO COMPLY WITH FEDERAL LAW, passes its third reading, by electronic vote (100-0), and is ordered sent to the Senate.

**H.B. 750** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS, passes its third reading, by electronic vote (91-9), and is ordered sent to the Senate.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Bordsen, Vice Chair, for the Committee on Judiciary II:

**H.B. 779**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF EIGHTEEN AND TO INCREASE THE PENALTY FOR TRUANCY, 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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**H.B. 1243**, A BILL TO BE ENTITLED AN ACT REQUIRING GOOD FAITH CAUSE FOR THE EVICTION OF TENANTS RENTING SPACE FOR RESIDENTIAL MANUFACTURED HOMES, 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)**

**H.B. 767** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ENHANCING THE MIGRANT HOUSING LAWS OF NORTH CAROLINA, passes its third reading, by electronic vote (89-12), and is ordered sent to the Senate.

**H.B. 800** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING VENDORS BIDDING ON STATE CONTRACTS TO DISCLOSE WHETHER SERVICES WILL BE PERFORMED OUTSIDE THE UNITED STATES.

Representative Glazier offers Amendment No. 2 which is adopted by electronic vote (101-0).

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.

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

**H.B. 1206** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DOMESTICALLY PROPAGATED WATERFOWL AND GAME BIRDS IN DOG TRAINING UNDER CERTAIN CONDITIONS, passes its second reading, by electronic vote (100-1), 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. 1213**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES MAY

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HAVE THOSE CHARGES EXPUNGED IF THE ALLEGED OFFENSES OCCURRED WITHIN THE SAME TWELVE-MONTH PERIOD OF TIME AND THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT, 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.

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

**H.B. 1271** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS, passes its second reading, by electronic vote (101-0), 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. 1299** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT THE COST OF REPAIR WORK CONSISTS OF WHEN DETERMINING WHETHER THE COST OF REPAIR WORK IS SUFFICIENT TO REQUIRE A MOTOR VEHICLE REPAIR SHOP TO PREPARE A WRITTEN REPAIR ESTIMATE.

Representative Bordsen offers Amendment No. 1 which is adopted by electronic vote (98-0).

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

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 LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING AREA, passes its second reading, by electronic vote (98-0), and there being no objection is read a third time.

Representative Pate requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (99-0).

May 12, 2005

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

**S.J.R. 1173**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY GARDNER "RED" GIBSON, PATRIOT AND WORLD WAR II VETERAN, passes its second reading, by electronic vote (98-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

**H.B. 415** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES FRANCES AND IVAN.

On motion of Representative Frye, the House concurs in the Senate committee substitute bill, by electronic vote (97-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

#### RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 76**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING SMOKING IN PUBLIC PLACES AND TO PROHIBIT SMOKING IN RESTAURANTS, is withdrawn from the Committee on Judiciary IV 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. 550**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES TO IMPLEMENT AN EXPEDITED PROCEDURE FOR THE ADOPTION OF PERMANENT RULES, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Education.

On motion of Representative Culpepper, seconded by Representative Carney, the House adjourns at 3:54 p.m. to reconvene Monday, May 16, 2005, at 7:00 p.m.

May 12, 2005

**SIXTY-THIRD DAY**

HOUSE OF REPRESENTATIVES  
Monday, May 16, 2005

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

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

"Almighty God:

"You spoke Your word and all the worlds came into order. You waved Your hands and planets filled celestial skies. You created the heavens and the earth and called them good. Indeed, You are a God who is worthy of our adoration and our praise. Grant unto this Body the steadfast determination to keep our hands on the plow; and allow us to work steadily and faithfully through the duties that await our attention. Keep us true to our constituents, true to ourselves, and most of all, true to You, O God our Creator and Redeemer. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

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

Leaves of absence are granted Representatives Barnhart, Coleman, Dickson, Farmer-Butterfield, Goodwin, Miller, and Morgan for today.

**ENROLLED BILLS**

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

**H.B. 415, AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES FRANCES AND IVAN.**

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

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**H.B. 489**, AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY VARIOUS COUNTIES AND MUNICIPALITIES.

**H.B. 811**, AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT COUNTY.

**H.B. 860**, AN ACT TO CHANGE THE NAME OF THE GOVERNING BOARD OF THE TOWN OF BAKERSVILLE FROM THE BOARD OF ALDERMEN TO THE TOWN COUNCIL, TO PROVIDE THAT THE MAYOR SHALL BE ELECTED TO A FOUR-YEAR TERM, AND TO PROVIDE THAT THE TOWN COUNCIL SHALL BE ELECTED FOR TWO- AND FOUR-YEAR TERMS.

**H.B. 962**, AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

**H.B. 987**, AN ACT AUTHORIZING THE TOWNS OF CRAMERTON AND GRIFTON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWN'S WEEDED LOT ORDINANCE.

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

**S.J.R. 1173**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY GARDNER "RED" GIBSON, PATRIOT AND WORLD WAR II VETERAN. (RESOLUTION 2005-30)

**H.J.R. 744**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STORYTELLER JACQUELINE CARSON "JACKIE" TORRENCE. (RESOLUTION 2005-31)

#### **CHAPTERED BILLS**

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

**H.B. 399**, AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS. (S.L. 2005-35)

**H.B. 707**, AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO

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STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES. (S.L. 2005-36)

**H.B. 908**, AN ACT TO PROVIDE THAT ONE OF THE FIFTEEN MEMBERS OF THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION MAY BE FROM A WATER OR SEWER MUNICIPAL UTILITY RATHER THAN AN AUTHORITY AND TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY WHOSE DISTRICTS INCLUDE ANY PART OF THE NORTH CAROLINA PORTION OF THE ROANOKE RIVER BASIN MAY SERVE AS LEGISLATIVE MEMBERS OF THE ROANOKE RIVER BASIN BI-STATE COMMISSION. (S.L. 2005-37)

**H.B. 508**, AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE DIVORCE WAS GRANTED. (S.L. 2005-38)

**H.B. 699**, AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION. (S.L. 2005-39)

**H.B. 780**, AN ACT TO MODIFY THE PROCESS BY WHICH THE NEED-BASED SCHOLARSHIP LOAN FUND IS ADMINISTERED. (S.L. 2005-40)

#### **WITHDRAWAL OF BILLS FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 787** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES AND PROVIDING THAT YADKIN COUNTY MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Wildlife Resources.

Pursuant to Rule 36(b)(2), **H.B. 863** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE

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SALE OR TRADE, 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. 1298** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ADVISABILITY OF ENACTING A YOUTHFUL OFFENDER CODE, 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), **S.B. 294** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK AND THE TREASURER, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Local Government I.

Pursuant to Rule 36(b)(2), **S.B. 420**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Local Government I.

Pursuant to Rule 36(b)(2), **S.B. 488** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR A CARETAKER TO EXPLOIT AN ELDER OR DISABLED ADULT IN ANY SETTING, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Judiciary I.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittee are presented:

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

**S.B. 685** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, ESTABLISHING THE REQUIREMENTS FOR DE MINIMIS REGISTRATION, PROVIDING

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THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JUNE 30, 2005, PROVIDING FOR CONDITIONAL AUTHORITY FOR A PROFESSIONAL EMPLOYER ORGANIZATION TO OPERATE PENDING CONSIDERATION OF ITS LICENSE APPLICATION UPON A SHOWING OF FINANCIAL STABILITY AND NEED, AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, AND APPROPRIATING FUNDS TO THE DEPARTMENT FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

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

By Representatives Dickson and Ray, Chairs, for the Education Subcommittee on Universities, with approval of standing committee Chairs for report to be made directly to the floor of the House:

**H.B. 1464**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE LAW PROVIDING FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR CERTAIN PROJECTS OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE REPORTS ON ACTIONS TAKEN UNDER THAT LAW, 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 Hackney, Chair, for the Committee on Judiciary I:

**H.B. 1199**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST MAY FILE AN AFFIDAVIT FOR INVOLUNTARY COMMITMENT WITH THE CLERK OR MAGISTRATE EITHER BY HAND DELIVERY OF THE ORIGINAL

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AFFIDAVIT OR BY FACSIMILE TRANSMISSION OF A PAPER COPY OF THE AFFIDAVIT BEARING THE ORIGINAL SIGNATURE OF THE AFFIANT, 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 Sutton, Chair, for the Committee on Judiciary III:

**H.B. 329**, A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY FOR THOSE WHO PARTICIPATE IN AGRITOURISM ACTIVITIES, 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. 1211**, A BILL TO BE ENTITLED AN ACT TO PROTECT PERSONAL IDENTIFYING INFORMATION OF VICTIMS AND WITNESSES, TO CLARIFY THAT THE STATE IS NOT REQUIRED TO DISCLOSE THE IDENTITY OF A CONFIDENTIAL INFORMANT IN A CRIMINAL CASE UNLESS DISCLOSURE IS OTHERWISE REQUIRED BY LAW, AND TO PROTECT THE WORK PRODUCT OF PROSECUTORS, 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. 1279**, A BILL TO BE ENTITLED AN ACT TO AMEND THE SPEEDING TO ELUDE ARREST STATUTES TO CLARIFY THE PROXIMATE CAUSE REQUIREMENT WHEN THE OFFENSE RESULTS IN DEATH, 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 Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

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**H.J.R. 197**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WESLEY JONES, FORMER EDUCATOR AND INFLUENTIAL LEADER, with a favorable report.

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

**H.J.R. 852**, A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE CITY OF NEWTON ON THE CITY'S ONE HUNDRED FIFTIETH ANNIVERSARY, with a favorable report as to the committee substitute resolution, 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.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**H.B. 231** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER TO CLARIFY THAT THE CONTROLLER MAY CONDUCT COMPLIANCE REVIEWS OF STATE AGENCIES AND TO EXEMPT THE WORKING PAPERS FROM THOSE REVIEWS FROM THE PUBLIC RECORDS 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.

Senate Committee Substitute for **H.B. 1028**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY, 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.

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**S.B. 522**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS, is read the first time and referred to the Committee on Ways and Means.

**S.B. 615**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS OF THE STATE, is read the first time and referred to the Committee on Insurance.

**S.B. 679** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA, is read the first time and referred to the Committee on Judiciary I.

**S.B. 879** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOR A BIDDING PREFERENCE ON STATE CONTRACTS FOR RESIDENT BIDDERS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE MAINTENANCE OF A RESIDENT BIDDER LIST, is read the first time and referred to the Committee on State Government.

**S.B. 974**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES, is read the first time and referred to the Committee on Alcoholic Beverage Control.

#### INTRODUCTION OF PAGES

Pages for the week of May 16 are introduced to the membership. They are: Joseph Bender of Buncombe; Ben Carr of Wake; Charis Craig of Catawba; Thomas Edwards of Wake; Jenna Halford of McDowell; Chelsea King of McDowell; Elijah Lackey of Catawba; Graham Langdon of Johnston; Joshua Sexton of Johnston; Kelly Smith of Catawba; and Joseph Solano of Caldwell.

#### CALENDAR

Action is taken on the following:

**H.B. 1299** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT THE COST OF REPAIR WORK CONSISTS OF WHEN DETERMINING WHETHER THE COST OF REPAIR WORK IS SUFFICIENT TO REQUIRE A MOTOR VEHICLE REPAIR SHOP TO PREPARE A WRITTEN REPAIR ESTIMATE.

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Representative Bordsen offers Amendment No. 2 which is adopted by electronic vote (107-0).

Representative Rayfield requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (108-0).

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.

**H.B. 689** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD AND BEVERAGES TAX BY VOTE OF THE PEOPLE, 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, L. Allen, Bell, Bordsen, Carney, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Earle, Faison, Fisher, Gibson, Glazier, Goforth, Hackney, Haire, Harrison, Hill, Holliman, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, Nye, Owens, Parmon, Pierce, Rapp, Ross, Saunders, Sherrill, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 59.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brown, Brubaker, Capps, Cleveland, Current, Daughtridg, Daughtry, Dockham, Dollar, Eddins, Folwell, Frye, Gillespie, Grady, Gulley, Hilton, Hollo, Holloway, Holmes, Johnson, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, McGee, McMahan, Michaux, Moore, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Stam, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson - 51.

Excused absences: Representatives Barnhart, Coleman, Dickson, England, Farmer-Butterfield, Goodwin, Miller, and Morgan - 8.

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

**H.B. 1005**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE, 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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Cleveland, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dockham, Dollar, Earle, Eddins, Faison, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Barnhart, Coleman, Dickson, England, Farmer-Butterfield, Goodwin, Miller, and Morgan - 8.

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

**H.B. 820** (Committee Substitute), 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, 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. 966**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DURHAM COUNTY BOARD OF ELECTIONS TO MOVE TWO PRECINCT BOUNDARIES, 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. 1047**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WRIGHTSVILLE BEACH TO ALLOW THE TOWN TO APPOINT A BOARD OF ADJUSTMENT AS PROVIDED BY

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GENERAL LAW, 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. 896**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE STATE BAR WITH AN APPEAL OF RIGHT FROM FINAL ORDERS OF THE DISCIPLINARY HEARING COMMISSION AND TO INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL MEMBERSHIP FEES FOR MEMBERS OF THE STATE BAR, 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, L. Allen, Almond, Bell, Blackwood, Bordsen, Brown, Carney, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dockham, Earle, Faison, Fisher, Folwell, Gibson, Glazier, Goforth, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Nye, Owens, Parmon, Pate, Pierce, Rapp, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Wilson, Womble, Wray, Wright, and Yongue - 87.

Voting in the negative: Representatives Allred, Blust, Brubaker, Capps, Cleveland, Daughtridge, Dollar, Eddins, Frye, Gillespie, Hilton, Hollo, Holloway, Michaux, Moore, Preston, Ray, Rayfield, Rhodes, Setzer, Vinson, West, and Wiley - 23.

Excused absences: Representatives Barnhart, Coleman, Dickson, England, Farmer-Butterfield, Goodwin, Miller, and Morgan - 8.

Representative Williams requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (88-23).

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

**H.B. 1115** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE

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SAME PRECINCT; TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO CHANGE THE DEADLINE FOR FILING A PROTEST FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING PLACES ON ELECTION DAY; TO CHANGE THE REQUIREMENT FOR A STATE-WIDE UNAFFILIATED CANDIDATE TO CONFORM TO A FEDERAL COURT DECISION; TO PROHIBIT PIECE PAYMENT FOR VOTER REGISTRATION DRIVES; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW FOR THE CANCELLATION OF A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR AND CHANGE OTHER RELATED DATES; TO CLARIFY HOW WINNERS OF ELECTIONS SHALL BE DETERMINED; AND TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS, AS RECOMMENDED BY THE HOUSE COMMITTEE ON ELECTION LAWS AND CAMPAIGN FINANCE REFORM, 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, L. Allen, Allred, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Cleveland, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dockham, Dollar, Earle, Eddins, Faison, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 109.

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Voting in the negative: None.

Excused absences: Representatives Barnhart, Coleman, Dickson, England, Farmer-Butterfield, Goodwin, Miller, and Morgan - 8.

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

**H.J.R. 1582** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. AND THE APPOINTMENT OF DR. ROBERT K. KOGER TO THE UTILITIES COMMISSION, passes its second reading, by electronic vote (111-0), and there being no objection is read a third time.

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

**H.B. 1357** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ACUPUNCTURE LICENSING BOARD TO EMPLOY CERTAIN PROFESSIONAL ADVISORS; TO CLARIFY QUALIFICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL, AND INACTIVE, SUSPENDED, EXPIRED, AND LAPSED LICENSES; TO CLARIFY CONTINUING EDUCATION; AND TO INCREASE AND ESTABLISH CERTAIN FEES, 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, L. Allen, Almond, Bell, Bordsen, Brown, Brubaker, Carney, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dockham, Earle, Faison, Fisher, Folwell, Gibson, Glazier, Goforth, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 91.

Voting in the negative: Representatives Allred, Blackwood, Blust, Capps, Cleveland, Dollar, Eddins, Frye, Gillespie, Hilton, Hollo, Holloway, LaRoque, Moore, Rayfield, Rhodes, Setzer, Stam, Vinson, and Wiley - 20.

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Excused absences: Representatives Barnhart, Coleman, Dickson, England, Farmer-Butterfield, Goodwin, Miller, and Morgan - 8.

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

**H.B. 683** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO ENSURE THAT STUDENTS IN GRADES EIGHT THROUGH TWELVE RECEIVE ANNUAL INSTRUCTION OR INFORMATION ABOUT THE MANNER IN WHICH A PARENT MAY LAWFULLY ABANDON A NEWBORN BABY WITH A RESPONSIBLE PERSON, passes its second reading, by electronic vote (103-8), 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. 833**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO SET NON-ACADEMIC CRITERIA FOR ADMISSION INTO CERTAIN PROGRAMS, passes its second reading, by electronic vote (108-2), 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 BILLS FROM CALENDAR

On motion of Representative Daughtry and without objection, **H.B. 1074** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ENROLLING CHILDREN IN THE PUBLIC SCHOOLS, is withdrawn from the Calendar and placed on the Calendar of May 17.

On motion of Representative Hilton and without objection, **H.B. 1311** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING DOMESTIC VIOLENCE VICTIMS TO APPLY FOR A TEMPORARY CONCEALED HANDGUN PERMIT UPON SHOWING PROOF OF A PROTECTIVE ORDER ISSUED UNDER CHAPTER 50B OF THE GENERAL STATUTES AS EVIDENCE OF AN EMERGENCY SITUATION IN ORDER TO EMPOWER DOMESTIC VIOLENCE VICTIMS TO PROTECT THEMSELVES AND THEIR FAMILIES, is withdrawn from the Calendar and placed on the Calendar of May 18.

#### CALENDAR (continued)

**H.B. 1411** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CAP FOR THE AMOUNT FINANCED THAT

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FALLS WITHIN THE MEANING OF A CONSUMER CREDIT SALE IN ORDER TO REFLECT THE INCREASE IN THE COST OF CONSUMER GOODS AND SERVICES DUE TO INFLATION, 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.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Culpepper and without objection, **H.B. 1486** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FIRST AND SECOND DEGREE FELONY DEATH BY VEHICLE, is withdrawn from the Calendar and placed on the Calendar of May 19.

On motion of Representative Culpepper, seconded by Representative Carney, the House adjourns at 8:03 p.m. to reconvene May 17 at 3:00 p.m.

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### **SIXTY-FOURTH DAY**

HOUSE OF REPRESENTATIVES  
Tuesday, May 17, 2005

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

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

"Lord of the ages:

"We are certainly not the first legislative body to seek Your divine intervention. As with many institutions around the world, it is right and good that we should seek Your wisdom as we go about our tasks. However, help us to be bolder than to merely ask for Your intervention. Grant us a holy intrusion and dispensation of Your holy and divine will. Not only will this help clarify our alternatives and choices, but it will empower and embolden us with the necessary courage to make difficult but good and faithful decisions. So, come quickly, Lord. Come and bestow upon us the bounty of Your wisdom and grace. Amen."

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Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 16 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Speaker Black; Representatives Barnhart, Dickson, and Langdon for today.

### ENROLLED BILLS

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

**H.B. 540**, AN ACT TO AMEND THE HALIFAX COUNTY TOURISM AND DEVELOPMENT TAX AND TO IMPLEMENT A TOURISM AND DEVELOPMENT TAX FOR THE CITY OF ROANOKE RAPIDS.

**H.B. 871**, AN ACT TO ALLOW THE TOWN OF EMERALD ISLE TO IMPOSE A CANAL DREDGING FEE.

### CHAPTERED BILLS

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

**H.B. 489**, AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY VARIOUS COUNTIES AND MUNICIPALITIES. (S.L. 2005-41)

**H.B. 811**, AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT COUNTY. (S.L. 2005-42)

**H.B. 860**, AN ACT TO CHANGE THE NAME OF THE GOVERNING BOARD OF THE TOWN OF BAKERSVILLE FROM THE BOARD OF ALDERMEN TO THE TOWN COUNCIL, TO PROVIDE THAT THE MAYOR SHALL BE ELECTED TO A FOUR-YEAR TERM, AND TO PROVIDE THAT THE TOWN COUNCIL SHALL BE ELECTED FOR TWO- AND FOUR-YEAR TERMS. (S.L. 2005-43)

**H.B. 962**, AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE. (S.L. 2005-44)

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**H.B. 987**, AN ACT AUTHORIZING THE TOWNS OF CRAMERTON AND GRIFTON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWN'S WEEDED LOT ORDINANCE. (S.L. 2005-45)

#### **WITHDRAWAL OF BILLS FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 1211** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY STATE DISCLOSURE REQUIREMENTS IN SUPERIOR COURT DISCOVERY, 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), **S.B. 685** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, ESTABLISHING THE REQUIREMENTS FOR DE MINIMIS REGISTRATION, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JULY 1, 2005, PROVIDING FOR CONDITIONAL AUTHORITY FOR A PROFESSIONAL EMPLOYER ORGANIZATION TO OPERATE PENDING CONSIDERATION OF ITS LICENSE APPLICATION UPON A SHOWING OF FINANCIAL STABILITY AND NEED, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Finance.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

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

**H.B. 835**, A BILL TO BE ENTITLED AN ACT TO PROVIDE LAW ENFORCEMENT OFFICERS WITH AN EXPEDITED PROCESS AND

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REDUCED COSTS IN OBTAINING CONCEALED CARRY PERMITS, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

**H.B. 1400**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR PASSING A STOPPED SCHOOL BUS AND TO MAKE SCHOOL BUS STOPS SAFER, 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 Representative Goodwin:

**H.R. 1783**, A HOUSE RESOLUTION HONORING THE CONTRIBUTIONS OF THE HMONG-LAO VETERANS OF THE LAOTIAN ARMY IN DEFENDING FREEDOM AND DEMOCRACY ON THE THIRTIETH ANNIVERSARY OF THEIR DEPARTURE FROM THEIR COUNTRY.

Pursuant to Rule 32(a), the resolution is placed on today's Calendar.

### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 341**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MODERN INVESTMENT PROGRAM FOR THE PRUDENT AND APPROPRIATE MANAGEMENT OF THE ESCHEAT FUND, FOR THE BENEFIT OF "NEEDY AND WORTHY" STUDENTS AS PROVIDED FOR IN THE STATE CONSTITUTION, is read the first time and referred to the Committee on Finance.

**S.B. 665** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO CONTRACT DIRECTLY WITH PRIVATE VENDORS TO OPERATE THE COUNTY BILLING SYSTEM FOR MEDICAID CLAIMS AND TO AUTHORIZE

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PUBLIC HEALTH AUTHORITIES TO INCREASE THEIR MEMBERSHIP, is read the first time and referred to the Committee on Health.

**S.B. 776** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION, is read the first time and referred to the Committee on Judiciary II.

**S.B. 806**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT, MEDIATION IN DISTRICT COURT DOMESTIC CASES, AND THE REGULATION OF MEDIATORS, AS RECOMMENDED BY THE DISPUTE RESOLUTION COMMISSION, is read the first time and referred to the Committee on Judiciary I.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Culpepper:

**H.R. 1782**, A HOUSE RESOLUTION AMENDING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES TO EXTEND THE CROSSOVER DATE.

Pursuant to Rule 32(a), the resolution is placed on the Calendar of May 18.

### CALENDAR

Action is taken on the following:

**H.R. 1783**, A HOUSE RESOLUTION HONORING THE CONTRIBUTIONS OF THE HMONG-LAO VETERANS OF THE LAOTIAN ARMY IN DEFENDING FREEDOM AND DEMOCRACY ON THE THIRTIETH ANNIVERSARY OF THEIR DEPARTURE FROM THEIR COUNTRY.

The resolution is adopted, by electronic vote (114-0), and ordered printed.

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**REPORTS OF STANDING COMMITTEES AND PERMANENT  
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Harrell and Justice, Chairs, for the Committee on Environment and Natural Resources:

**H.B. 1189**, A BILL TO BE ENTITLED AN ACT TO PROTECT FONTANA LAKE AND THE OUTSTANDING RESOURCE WATERS DRAINING TO FONTANA LAKE, 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. 1465**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF CLEAN WOOD WASTE, ELECTRONIC DEVICES, MOTOR VEHICLE OIL FILTERS, PLASTIC BOTTLES, AND WOODEN PALLETS IN LANDFILLS, 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. 1521**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF OYSTER SHELLS IN LANDFILLS, 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.

**CALENDAR (continued)**

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

**H.J.R. 852** (Committee Substitute), A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE CITY OF NEWTON ON THE

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CITY'S ONE HUNDRED FIFTIETH ANNIVERSARY, 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 sent to the Senate by Special Message.

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

**S.B. 572**, A BILL TO BE ENTITLED AN ACT TO CREATE A LICENSURE CATEGORY FOR ASSISTED LIVING COMMUNITIES THAT SERVE ONLY ELDERLY ADULTS, 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 enrolled and presented to the Governor.

**H.B. 1005**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: Representative Folwell.

Excused absences: Speaker Black; Representatives Barnhart, Dickson, and Langdon - 4.

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

**H.J.R. 1579**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLARENCE E. "BIG HOUSE" GAINES, SR., LEGENDARY BASKETBALL COACH, 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 sent to the Senate.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Wright, Chair, for the Committee on Health:

**H.B. 1121**, A BILL TO BE ENTITLED AN ACT SHORTENING THE TIME WITHIN WHICH HEALTH CARE PROVIDERS ARE PROHIBITED FROM DIRECT SOLICITATION OF PROSPECTIVE PATIENTS, with a favorable report.

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

**H.B. 1301**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO REQUIRE LICENSEES TO DEMONSTRATE CONTINUING COMPETENCE IN THE PRACTICE OF PHYSICAL THERAPY, 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)**

**H.B. 1115** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO CHANGE THE

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DEADLINE FOR FILING A PROTEST FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING PLACES ON ELECTION DAY; TO CHANGE THE REQUIREMENT FOR A STATE-WIDE UNAFFILIATED CANDIDATE TO CONFORM TO A FEDERAL COURT DECISION; TO PROHIBIT PIECE PAYMENT FOR VOTER REGISTRATION DRIVES; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW FOR THE CANCELLATION OF A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR AND CHANGE OTHER RELATED DATES; TO CLARIFY HOW WINNERS OF ELECTIONS SHALL BE DETERMINED; AND TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS, AS RECOMMENDED BY THE HOUSE COMMITTEE ON ELECTION LAWS AND CAMPAIGN FINANCE REFORM, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Current, Daughtride, Daughtry, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Wray, Wright, and Yongue - 110.

Voting in the negative: None.

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Excused absences: Speaker Black; Representatives Barnhart, Dickson, and Langdon - 4.

Representative Harrison requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (111-0).

**H.B. 1357** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ACUPUNCTURE LICENSING BOARD TO EMPLOY CERTAIN PROFESSIONAL ADVISORS; TO CLARIFY QUALIFICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL, AND INACTIVE, SUSPENDED, EXPIRED, AND LAPSED LICENSES; TO CLARIFY CONTINUING EDUCATION; AND TO INCREASE AND ESTABLISH CERTAIN FEES, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridge, Daughtry, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Steen, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 95.

Voting in the negative: Representatives Allred, Almond, Capps, Cleveland, Dollar, Eddins, Gillespie, Hollo, Holloway, Kiser, Moore, Rhodes, Stam, Starnes, Stiller, and Wiley - 16.

Excused absences: Speaker Black; Representatives Barnhart, Dickson, and Langdon - 4.

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

**H.B. 23** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT

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PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP, 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.

#### **RULE CHANGE**

Without objection and notice being given by the Chair, **H.R. 1782**, A HOUSE RESOLUTION AMENDING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES TO EXTEND THE CROSSOVER DATE, is withdrawn from the Calendar of May 18 and placed on today's Calendar for immediate consideration.

The resolution is adopted, by electronic vote (114-1), and ordered printed.

#### **CALENDAR (continued)**

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

**H.B. 92**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Pursuant to Rule 24.1A, Representative Luebke requests that he be excused from voting on this bill because of a conflict of interest. This request is granted.

The bill passes its second reading by electronic vote (74-40).

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

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

**H.B. 569** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC VIOLENCE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, passes its second

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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. 635** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AT LEAST ONE PUBLIC COMMENT PERIOD PER MONTH AT A REGULAR MEETING OF A LOCAL BOARD OF EDUCATION, COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD.

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

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

**H.B. 818**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CURRENT STATUS OF DRIVERS AS EMPLOYEES OR INDEPENDENT CONTRACTORS UNDER THE WORKERS' COMPENSATION ACT, 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. 874** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TITLE OF THE SAFETY AND HEALTH REVIEW BOARD UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA TO THE NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, TO CHANGE THE TITLE OF THE OFFICE OF OCCUPATIONAL SAFETY AND HEALTH TO THE OCCUPATIONAL SAFETY AND HEALTH DIVISION, AND TO RESTORE THE AUTHORITY OF THE BOARD TO ASSESS PENALTIES IN THE CASE OF AN APPEAL.

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

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

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**H.B. 926** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONCEAL THE DEATH OF A PERSON, passes its second reading by electronic vote (112-0).

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

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Glazier and without objection, **H.B. 1074** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ENROLLING CHILDREN IN THE PUBLIC SCHOOLS, is withdrawn from the Calendar and re-referred to the Education Subcommittee on Pre-School, Elementary and Secondary Education.

#### **CALENDAR (continued)**

**H.B. 635** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AT LEAST ONE PUBLIC COMMENT PERIOD PER MONTH AT A REGULAR MEETING OF A LOCAL BOARD OF EDUCATION, COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD, which was temporarily displaced, is before the Body.

On motion of Representative Jones and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of May 26.

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

**H.B. 944** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE SALUTE TO THE FLAG OF NORTH CAROLINA AS THE OFFICIAL PLEDGE TO THE STATE FLAG, 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.

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

**H.B. 1102**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS, AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR

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COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M., 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.

#### **WITHDRAWAL OF OBJECTION TO THIRD READING**

Representative LaRoque removes his objection to the third reading of **H.B. 92**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Representative Allred offers Amendment No. 1.

Representative LaRoque offers perfecting Amendment No. 2.

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

#### **WITHDRAWAL OF OBJECTION TO THIRD READING**

Representative Stam removes his objection to the third reading of **H.B. 926** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONCEAL THE DEATH OF A PERSON.

Representative Stam offers Amendment No. 1 which is adopted by electronic vote (111-0).

Representative Harrell requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (112-0).

The bill, as amended, passes its third reading, by electronic vote (112-0), and is ordered engrossed and sent to the Senate.

#### **WITHDRAWAL OF BILLS FROM CALENDAR**

On motion of Representative Haire and without objection, the following bills are withdrawn from the Calendar and re-referred to the Committee on Judiciary III:

**H.B. 1186**, A BILL TO BE ENTITLED AN ACT TO MAKE THE INCREASE IN SENTENCE LENGTHS BETWEEN PRIOR RECORD

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LEVELS MORE PROPORTIONATE USING A SET PERCENTAGE INCREMENT.

**H.B. 1215**, A BILL TO BE ENTITLED AN ACT TO REALLOCATE THREE MONTHS FROM THE MINIMUM SENTENCE OF CLASSES B1 THROUGH E TO THE MAXIMUM SENTENCE, AND TO INCREASE THE PERIOD OF POST-RELEASE SUPERVISION FROM NINE MONTHS TO TWELVE MONTHS.

**CALENDAR (continued)**

**H.B. 1188**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COURT-IMPOSED AND ENFORCED POST-RELEASE PUNISHMENT OF PRISONERS UNDER STRUCTURED SENTENCING.

On motion of Representative Hackney and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of May 18.

**BILL TEMPORARILY DISPLACED**

**H.B. 92**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS, which was temporarily displaced, with perfecting Amendment No. 2 and Amendment No. 1 pending, is before the Body.

Representative LaRoque withdraws perfecting Amendment No. 2.

Representative Allred withdraws Amendment No. 1.

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

**CALENDAR (continued)**

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

**H.B. 1432** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING CERTIFICATIONS BY REGISTERS OF DEEDS, 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.

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

**H.B. 1467** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECOVERY OF ATTORNEYS' FEES AGAINST CUSTODIANS WHO FAIL TO COMPLY WITH THE TRANSFER PROVISIONS OF THE NORTH CAROLINA UNIFORM TRANSFERS TO MINORS ACT, passes its second reading, by electronic vote (112-0), and there being no objection is read a third time.

On motion of Representative Hackney and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of May 18.

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

**H.B. 1552**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE REGULATORY AUTHORITY OVER CAMPUS PARKING TO THE BOARD OF TRUSTEES OF NORTH CAROLINA A&T STATE UNIVERSITY, 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 Hackney and without objection, **H.B. 1467** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECOVERY OF ATTORNEYS' FEES AGAINST CUSTODIANS WHO FAIL TO COMPLY WITH THE TRANSFER PROVISIONS OF THE NORTH CAROLINA UNIFORM TRANSFERS TO MINORS ACT, is withdrawn from the Calendar of May 18 and placed on today's Calendar.

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

#### **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 Transportation.

**H.B. 1372**, A BILL TO BE ENTITLED AN ACT AUTHORIZING ADVERTISEMENTS ON BUS BENCHES AND BUS SHELTERS BY HIGHWAYS IN CITIES.

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**H.B. 1487**, 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.

On motion of Representative Culpepper, seconded by Representative Michaux, the House adjourns at 5:55 p.m. to reconvene May 18 at 3:30 p.m.

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## SIXTY-FIFTH DAY

HOUSE OF REPRESENTATIVES  
Wednesday, May 18, 2005

The House meets at 3:30 p.m. pursuant to adjournment and is called to order by Representative Morgan, Speaker Pro Tempore.

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

"Almighty God:

"You must have tremendous patience, a wonderful sense of humor, or perhaps You have both. We run around to and fro with our pet projects and politics fixing some things while at the same time undoing others. We may make new political allies one day while disengaging from those with whom we are not particularly comfortable. And, through all of this, You are always keeping a watchful eye on what we are doing. Help us to remember that we cannot fake our sincerity, hide our motives, nor run away from Your almighty gaze. Teach us that seeking out the more humble position is always the road You would have us to take. Finally, remind us, that despite all of our human efforts to seek our own sovereignty, the world, and all that is in it, is Yours and Yours alone. Father, please have mercy on us. 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 Barnhart, Dickson, and Sherrill for today. Representative Culp is excused for a portion of the Session.

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**ENROLLED BILLS**

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

**S.B. 572**, AN ACT TO CREATE A LICENSURE CATEGORY FOR ASSISTED LIVING COMMUNITIES THAT SERVE ONLY ELDERLY ADULTS.

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

**H.B. 125**, AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

**H.B. 278**, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WALKERTOWN.

**H.B. 478**, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF TOBACCOVILLE.

**H.B. 498**, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE.

**H.B. 843**, AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

**CHAPTERED BILLS**

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

**H.B. 540**, AN ACT TO AMEND THE HALIFAX COUNTY TOURISM AND DEVELOPMENT TAX AND TO IMPLEMENT A TOURISM AND DEVELOPMENT TAX FOR THE CITY OF ROANOKE RAPIDS. (S.L. 2005-46)

**H.B. 871**, AN ACT TO ALLOW THE TOWN OF EMERALD ISLE TO IMPOSE A CANAL DREDGING FEE. (S.L. 2005-47)

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**H.B. 415**, AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES FRANCES AND IVAN. (S.L. 2005-48)

**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. 967**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A VALIDLY EXECUTED HEALTH CARE POWER OF ATTORNEY AUTHORIZES THE HEALTH CARE AGENT TO EXERCISE RIGHTS WITH RESPECT TO ANATOMICAL GIFTS, AUTOPSY, OR DISPOSITION OF THE PRINCIPAL'S REMAINS, THE AUTHORIZING PROVISION WILL CONTINUE IN EFFECT AFTER THE DEATH OF THE PRINCIPAL FOR PURPOSES OF EXERCISING THE AUTHORIZED RIGHTS, 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 B. Allen and Justus, Chairs, for the Committee on State Personnel:

**H.B. 799**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF LAPSED SALARY FUNDS TO ACHIEVE EQUAL EMPLOYMENT OPPORTUNITY AND ENCOURAGE SOUND MANAGEMENT PRACTICES, 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. 928**, A BILL TO BE ENTITLED AN ACT ESTABLISHING A MINIMUM FAIR WAGE FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT; CREATING THE STATE GOVERNMENT FAIR PAY STUDY COMMISSION; AND APPROPRIATING FUNDS

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FOR THESE PURPOSES, 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 Representative Tucker, Chair, for the Committee on Local Government I:

**H.B. 196**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF OXFORD TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, with a favorable report.

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

**H.B. 922**, A BILL TO BE ENTITLED AN ACT TO ASSIST BEAUFORT COUNTY WITH EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, 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. 62** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF GIBSON TO EXTEND THE TOWN COMMISSIONERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS, with a favorable report.

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

By Representative Womble, Chair, for the Committee on Ways and Means:

**S.B. 763** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC, with a favorable report.

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

**S.B. 867** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME OVER WHICH AN INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR COMMERCIAL PARK MAY REMAIN IN EFFECT, with a favorable report.

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

By Representatives Bell, Lucas, and McLawhorn, Chairs, for the Committee on Education:

**H.B. 563** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, 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. 1264**, A BILL TO BE ENTITLED AN ACT TO PERMIT NATIONAL BOARD CERTIFIED TEACHERS TO SERVE AS SCHOOL LEADERS, 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. 1310**, A BILL TO BE ENTITLED AN ACT PERMITTING STUDENTS ENTERING TEACHER EDUCATION PROGRAMS TO TAKE THE SAT TEST INSTEAD OF THE PRAXIS I TEST, 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 19. The original bill is placed on the Unfavorable Calendar.

**H.B. 1414**, A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER

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EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING, 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. 1462**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY POLICIES RELATED TO CORPORAL PUNISHMENT, with a favorable report.

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

**H.B. 1505**, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY POPULATION CHANGES IN THE EDUCATIONAL DISTRICTS FROM WHICH MEMBERS OF THE STATE BOARD OF EDUCATION ARE APPOINTED, with a favorable report.

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

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

**H.B. 1309**, A BILL TO BE ENTITLED AN ACT TO OFFER COTENANTS THE RIGHT OF FIRST REFUSAL PRIOR TO A FORCED PUBLIC PARTITION SALE, 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 Frye and Hilton, Chairs, for the Committee on Federal Relations and Trade Issues:

**H.R. 1366**, A HOUSE RESOLUTION URGING CONGRESS TO ENACT LEGISLATION TO PROVIDE THAT FUNDS RECEIVED AS UNIVERSAL SERVICE CONTRIBUTIONS AND THE UNIVERSAL SERVICE SUPPORTS PROGRAMS ARE NOT SUBJECT TO CERTAIN ACCOUNTING RULES, with recommendation that it be adopted.

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

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By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 85**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN ALPHA PHI ALPHA SPECIAL REGISTRATION PLATE, 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. 613**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY, 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 19. The original bill is placed on the Unfavorable Calendar.

**H.B. 629**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY CONSUMER CREDIT REPORTING AGENCY TO, UPON THE WRITTEN REQUEST OF A CONSUMER, PLACE A SECURITY FREEZE THAT PROHIBITS THE AGENCY FROM PROVIDING A CONSUMER'S CREDIT REPORT TO A THIRD PARTY, 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. 768** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA, 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. 890**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF

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A MUNICIPAL CRIME LABORATORY, 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. 1025**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES, with a favorable report.

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

**H.B. 1277**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM, 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. 1281** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS, with a favorable report.

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

**H.B. 1429**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, 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. 1507**, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS UNDER THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSURE ACT, TO EXPAND THE GROUP

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OF PERSONS WHO MAY OBTAIN A PROVISIONAL LICENSE UNDER THE ACT, AND TO AUTHORIZE THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD TO ASSESS CIVIL PENALTIES, with a favorable report.

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

By Representatives Johnson and Womble, Chairs, for the Committee on State Government:

**H.B. 1226**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING INSPECTION, REVIEW, AND EXAMINATION OF PRISON FACILITIES CONSTRUCTED THROUGH LEASE-PURCHASE AGREEMENT, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of May 19.

**H.B. 1316**, A BILL TO BE ENTITLED AN ACT ADOPTING THE FRASER FIR AS THE OFFICIAL CHRISTMAS TREE OF THE STATE OF NORTH CAROLINA, with a favorable report.

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

**S.B. 510**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT, 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:

**S.B. 138** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF ARCHDALE TO EXERCISE EXTRA-TERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS, is read the first time and referred to the Committee on Local Government II.

**S.B. 189** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN

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VEHICLES, is read the first time and referred to the Committee on Transportation.

**S.B. 206** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE LIMITS OF THE TOWN OF SALEMBURG AND TO VALIDATE ELECTIONS AND ACTS OF THE TOWN, is read the first time and referred to the Committee on Finance.

**S.B. 442**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF BLOWING ROCK TO ESTABLISH AN OFF-STREET PARKING FUND, is read the first time and referred to the Committee on Finance.

**S.B. 450**, A BILL TO BE ENTITLED AN ACT TO ENABLE THE RUTHERFORD AIRPORT AUTHORITY TO LEASE PROPERTY FOR FIFTY YEARS, is read the first time and referred to the Committee on Finance.

**S.B. 844**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MANAGED HUNTS, is read the first time and referred to the Committee on Wildlife Resources.

**S.B. 960** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF INDIRECT COSTS ASSOCIATED WITH THE INTEGRITY OF THE CHILD NUTRITION SERVICES PROGRAM IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND, is read the first time and referred to the Committee on Children, Youth and Families.

**S.J.R. 1172** (Committee Substitute), A JOINT RESOLUTION FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. TO THE UTILITIES COMMISSION, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

### CALENDAR

Action is taken on the following:

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

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Senate Committee Substitute for **H.B. 1028**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY.

On motion of Representative Wiley, the House concurs in the Senate committee substitute bill, which changes the title, and the bill is ordered enrolled.

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

**H.B. 231** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER TO CLARIFY THAT THE CONTROLLER MAY CONDUCT COMPLIANCE REVIEWS OF STATE AGENCIES AND TO EXEMPT THE WORKING PAPERS FROM THOSE REVIEWS FROM THE PUBLIC RECORDS LAWS.

On motion of Representative Tolson, 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.

Representative Justice requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (115-0).

**H.B. 92**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Representative Allred offers Amendment No. 3 which fails of adoption by electronic vote (49-65).

Th bill passes its third reading, by electronic vote (82-33), and is ordered sent to the Senate.

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

**H.B. 395** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DIVISION OF FOREST RESOURCES AS

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AN EMERGENCY RESPONSE AGENCY, 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.

#### **WITHDRAWAL OF BILLS FROM CALENDAR**

On motion of Representative Fisher and without objection, **H.B. 1243** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING GOOD FAITH CAUSE FOR THE EVICTION OF TENANTS RENTING SPACE FOR RESIDENTIAL MANUFACTURED HOMES, is withdrawn from the Calendar and placed on the Calendar of May 31.

On motion of Representative Weiss and without objection, **H.B. 1176** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CAP ON PROPERTY OF A JUDGMENT DEBTOR THAT IS FREE OF THE ENFORCEMENT OF THE CLAIMS OF CREDITORS, TO EXEMPT CERTAIN TYPES OF PROPERTY FROM ENFORCEMENT, TO PROVIDE FOR FUTURE AUTOMATIC ADJUSTMENTS OF THESE CAPS ON EXEMPT PROPERTY, AND TO MAKE CONFORMING CHANGES, is withdrawn from the Calendar and referred to the Committee on Judiciary IV.

On motion of Representative Glazier and without objection, **H.B. 448** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FAIR AND ORDERLY PROCESS FOR THE DISPOSITION OF COMPLAINTS AGAINST LOCAL SCHOOL BOARD MEMBERS, is withdrawn from the Calendar and placed on the Calendar of May 23.

On motion of the Chair, the House recesses at 4:28 p.m.

#### **RECESS**

The House reconvenes pursuant to recess and is called to order by Representative Morgan, Speaker Pro Tempore.

#### **CALENDAR (continued)**

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

**H.B. 643** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF ANY DEVICE DESIGNED TO PREVENT THE DETECTION OF A DRIVING VIOLATION.

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

**REPORTS OF STANDING COMMITTEES AND PERMANENT  
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

**H.B. 1104**, A BILL TO BE ENTITLED AN ACT TO MAKE USING A MOBILE PHONE UNLAWFUL WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY, reported without prejudice and with recommendation that the bill be re-referred to the Committee on Judiciary III.

The bill is re-referred to the Committee on Judiciary III.

**H.B. 1468**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE CERTAIN TELECOMMUNICATION SERVICE PROVIDERS TO BE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS, 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. 673** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT, TO REQUIRE THE COMMISSIONER OF INSURANCE TO REPORT WHETHER CONTINUED PARTICIPATION BY THIS STATE IN THE COMPACT IS IN THE BEST INTEREST OF THE CITIZENS AND POLICYHOLDERS OF THIS STATE, AND TO PROVIDE A SUNSET FOR PARTICIPATION IN THE COMPACT, passes its second reading, by electronic vote (99-0), 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.

**H.B. 643** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF ANY DEVICE DESIGNED TO PREVENT THE DETECTION OF A DRIVING VIOLATION, which was temporarily displaced, is before the Body.

The bill passes its second reading, by electronic vote (79-32), 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 BILLS FROM CALENDAR**

On motion of Representative Culpepper and without objection, **H.B. 1136** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES, is withdrawn from the Calendar and re-referred to the Committee on Appropriations.

On motion of Representative Haire and without objection, **H.B. 1188**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COURT-IMPOSED AND ENFORCED POST-RELEASE PUNISHMENT OF PRISONERS UNDER STRUCTURED SENTENCING, is withdrawn from the Calendar and placed on the Calendar of May 26.

#### **CALENDAR (continued)**

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

**H.B. 779** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR AIDING AND ABETTING A STUDENT'S UNLAWFUL ABSENCE FROM SCHOOL, passes its second reading, by electronic vote (108-2), 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.

**H.B. 1024** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO

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CONDUCT A PILOT PROGRAM IN WHICH THE INSTANT RUNOFF METHOD OF VOTING WOULD BE USED IN LOCAL ELECTIONS.

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

SPEAKER BLACK PRESIDING.

The bill, as amended, passes its second reading, by electronic vote (79-32), 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.

#### **FISCAL NOTE ATTACHED**

The fiscal note requested by Representative Sherrill on May 17 is attached to **H.B. 1128** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE TRAINING FOR CAMPAIGN TREASURERS; TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO SET A THREE-YEAR TIME LIMIT BEFORE ANY UNPAID DEBT IN A CAMPAIGN IS DEEMED TO BE A CONTRIBUTION; TO INCLUDE VACANCY ELECTIONS AND NON-PARTISAN RUNOFFS IN THE DEFINITION OF "ELECTION" FOR PURPOSES OF CONTRIBUTION LIMITS; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO LIMIT THE USE OF CREDIT CARDS FOR PAYMENT OF EXPENDITURES IN PUBLICLY FUNDED JUDICIAL CAMPAIGNS; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; AND TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY

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PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT, and the bill appears on today's Calendar.

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

The bill, as amended, passes its second reading, by electronic vote (100-12), and remains on the Calendar.

### RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 248**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, is withdrawn from the Committee on Pensions and Retirement and re-referred to the Committee on Financial Institutions.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 652**, A BILL TO BE ENTITLED AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE SOLICITATION OF CONTRIBUTIONS, is withdrawn from the Committee on Ways and Means and re-referred to the Committee on Financial Institutions.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 76**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING SMOKING IN PUBLIC PLACES AND TO PROHIBIT SMOKING IN RESTAURANTS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary I.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1136** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES, is withdrawn from the Committee on Appropriations and re-referred to the Appropriations Subcommittee on Natural and Economic Resources.

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On motion of Representative Culpepper, seconded by Representative L. Allen, the House adjourns at 6:55 p.m. to reconvene May 19 at 12:00 Noon.

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## **SIXTY-SIXTH DAY**

HOUSE OF REPRESENTATIVES  
Thursday, May 19, 2005

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

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

"Merciful God:

"We know that the world is full of trials and tribulations. We also are not ignorant to the fact that the lips of Your children across the globe call out to You both day and night. And, we are fairly certain that, though our work here is incredibly important, there are situations and circumstances bigger than our own. But, we also know that You are a great big, wonderful, merciful, wise and judicious God who cares deeply for each and every situation and person regardless of how big or little we may think our requests may be. So, we humbly offer You our heartfelt thanks for considering us important enough to hear us when we pray. Hear our prayer, Dear Lord. Incline Thine ear to us. And, grant us our plea. 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 Barnhart, Capps, Cunningham, and Sherrill for today. Representatives L. Allen, Daughtridge, and Morgan are excused for a portion of the Session.

### **ENROLLED BILLS**

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

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**H.B. 231**, AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER TO CLARIFY THAT THE CONTROLLER MAY CONDUCT COMPLIANCE REVIEWS OF STATE AGENCIES AND TO EXEMPT THE WORKING PAPERS FROM THOSE REVIEWS FROM THE PUBLIC RECORDS LAWS.

**H.B. 236**, AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER LANDS ACQUIRED BY THE FEDERAL GOVERNMENT.

**H.B. 772**, AN ACT TO PROHIBIT COMPUTER-ASSISTED REMOTE HUNTING.

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

**H.B. 1028**, AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY AND AMENDING THE CHARTER OF THE TOWN OF CLAREMONT TO PROVIDE FOUR-YEAR TERMS FOR THE OFFICE OF MAYOR.

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

**H.J.R. 852**, A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE CITY OF NEWTON ON THE CITY'S ONE HUNDRED FIFTIETH ANNIVERSARY. (RESOLUTION 2005-32)

#### **CHAPTERED BILLS**

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

**H.B. 125**, AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (S.L. 2005-49)

**H.B. 278**, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WALKERTOWN. (S.L. 2005-50)

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**H.B. 478**, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF TOBACCOVILLE. (S.L. 2005-51)

**H.B. 498**, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE. (S.L. 2005-52)

**H.B. 843**, AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (S.L. 2005-53)

#### **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:

**H.B. 1462**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY POLICIES RELATED TO CORPORAL PUNISHMENT.

**H.B. 1505**, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY POPULATION CHANGES IN THE EDUCATIONAL DISTRICTS FROM WHICH MEMBERS OF THE STATE BOARD OF EDUCATION ARE APPOINTED.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittee are presented:

By Representatives Hunter and Warren, Chairs, for the Appropriations Subcommittee on Natural and Economic Resources:

**H.B. 1136** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES, with a favorable report as to Committee Substitute Bill No. 3, unfavorable as to Committee Substitute Bill No. 2.

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Pursuant to Rule 36(b), Committee Substitute Bill No. 3 is placed on the Calendar of May 23. Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

By Representatives Johnson and Womble, Chairs, for the Committee on State Government:

**S.B. 116**, A BILL TO BE ENTITLED AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS PLANT OF THE STATE OF NORTH CAROLINA, 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. 884**, A BILL TO BE ENTITLED AN ACT RECOGNIZING THE SEAGROVE AREA AS THE BIRTHPLACE OF NORTH CAROLINA TRADITIONAL POTTERY, 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 Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 1305**, A BILL TO BE ENTITLED AN ACT REQUIRING CITIES TO FILE CERTIFIED CHARTERS AND BOUNDARY MAPS AND COUNTIES TO FILE CERTIFIED BOUNDARY AND TOWNSHIP MAPS WITH THE SECRETARY OF STATE, 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 Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

**H.B. 863** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE, reported

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without prejudice as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1, and recommendation that Committee Substitute Bill No. 2 be re-referred to the Committee on Finance.

Committee Substitute Bill No. 2 is re-referred to the Committee on Finance. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

**H.J.R. 1019**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TROUTMAN ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY, with a favorable report.

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

**H.B. 1086**, A BILL TO BE ENTITLED AN ACT REVISING THE JURISDICTION OF THE GENERAL ASSEMBLY POLICE, 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. 1087**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF SOCIAL WORKER UNDER THE SOCIAL WORKER CERTIFICATION AND LICENSURE 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.

**S.J.R. 1170**, A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2005 NCAA DIVISION I CHAMPIONSHIP, with a 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.

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**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Representative Culpepper:

**H.R. 1784**, A HOUSE RESOLUTION PROVIDING THAT THE HOUSE OF REPRESENTATIVES SHALL CONVENE IN EDENTON ON MAY 25, 2005.

Pursuant to Rule 32(a), the resolution is placed on today's Calendar.

**MESSAGES FROM THE SENATE**

The following are received from the Senate:

**H.B. 686** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE LAW ALLOWING SERVICE ANIMALS IN TRAINING TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS, 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 23.

Senate Committee Substitute for **H.B. 986** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF GREENVILLE AND THE TOWNS OF SURF CITY AND WINDSOR, 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.

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

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**S.B. 92** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATAUGA COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY, is read the first time and referred to the Committee on Finance.

**S.B. 339** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 407** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY, is read the first time and referred to the Committee on Finance.

**S.B. 466** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF BURLINGTON AND TO ANNEX IT TO THE TOWN OF GIBSONVILLE, ALL AS REQUESTED BY THE TWO MUNICIPALITIES, is read the first time and referred to the Committee on Finance.

**S.B. 681** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES, is read the first time and referred to the Committee on Agriculture.

**S.B. 929** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETER ESCAPES FROM CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BY MAKING IT A CRIMINAL OFFENSE TO ESCAPE, OR ATTEMPT TO ESCAPE, IF THE PERSON IN CUSTODY IS AGE EIGHTEEN OR OVER, AND TO INCREASE THE PENALTY FOR ESCAPE FROM COUNTY OR CITY JAILS, is read the first time and referred to the Committee on Judiciary I.

**S.B. 1058** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF THE CRIMINAL OFFENSE OF

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ASSAULT ON AN ASSISTANCE ANIMAL AND TO REQUIRE RESTITUTION, is read the first time and referred to the Committee on Judiciary III.

### CALENDAR

Action is taken on the following:

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

**H.B. 1076** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL.

Representative Wright offers Amendment No. 1 which is adopted by electronic vote (115-0).

The bill, as amended, passes its second reading, by electronic vote (115-0), 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.

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

**H.B. 1199** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST MAY FILE AN AFFIDAVIT FOR INVOLUNTARY COMMITMENT WITH THE CLERK OR MAGISTRATE EITHER BY HAND DELIVERY OF THE ORIGINAL AFFIDAVIT OR BY FACSIMILE TRANSMISSION OF A PAPER COPY OF THE AFFIDAVIT, passes its second reading, by voice 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.

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

**H.B. 329** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY FOR THOSE WHO PARTICIPATE IN AGRITOURISM ACTIVITIES.

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

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

**H.B. 1121**, A BILL TO BE ENTITLED AN ACT SHORTENING THE TIME WITHIN WHICH HEALTH CARE PROVIDERS ARE PROHIBITED FROM DIRECT SOLICITATION OF PROSPECTIVE PATIENTS, passes its second reading, by voice vote (111-5), 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. 1189** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT FONTANA LAKE AND THE WATERS DRAINING TO THE NORTH SHORE OF FONTANA LAKE, passes its second reading, by voice vote (113-3), 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. 1226**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING INSPECTION, REVIEW, AND EXAMINATION OF PRISON FACILITIES CONSTRUCTED THROUGH LEASE-PURCHASE AGREEMENT, passes its second reading, by electronic vote (114-0), and there being no objection is read a third time.

Representative Gibson requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (115-0).

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. 1301** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO REQUIRE LICENSEES TO DEMONSTRATE CONTINUING COMPETENCE IN THE PRACTICE OF PHYSICAL THERAPY, 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.

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**H.B. 1310** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT STUDENTS TO USE THEIR SAT SCORES OR PRAXIS I SCORES TO QUALIFY FOR ADMISSION TO TEACHER EDUCATION PROGRAMS, 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. 1400** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR PASSING A STOPPED SCHOOL BUS AND TO MAKE SCHOOL BUS STOPS SAFER, 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.

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

**H.B. 1465** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF MOTOR VEHICLE OIL FILTERS, RIGID PLASTIC CONTAINERS, AND WOODEN PALLETS IN LAND-FILLS, 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.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Culpepper and without objection, **H.B. 1486** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FIRST AND SECOND DEGREE FELONY DEATH BY VEHICLE, is withdrawn from the Calendar and placed on the Calendar of May 26.

#### **CALENDAR (continued)**

**H.B. 1128** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE TRAINING FOR CAMPAIGN TREASURERS; TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO SET A THREE-YEAR TIME LIMIT BEFORE ANY UNPAID DEBT IN A CAMPAIGN

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IS DEEMED TO BE A CONTRIBUTION; TO INCLUDE VACANCY ELECTIONS AND NONPARTISAN RUNOFFS IN THE DEFINITION OF "ELECTION" FOR PURPOSES OF CONTRIBUTION LIMITS; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRE-CONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO LIMIT THE USE OF CREDIT CARDS FOR PAYMENT OF EXPENDITURES IN PUBLICLY FUNDED JUDICIAL CAMPAIGNS; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; AND TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT.

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

The bill, as amended, passes its third reading, by electronic vote (115-1), and is ordered engrossed and sent to the Senate.

**H.B. 329** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY FOR THOSE WHO PARTICIPATE IN AGRITOURISM ACTIVITIES, which was temporarily displaced, is before the Body.

Representative Faison offers Amendment No. 1 which is adopted by electronic vote (116-0).

The bill, as amended, passes its second reading by electronic vote (113-1).

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

**H.R. 1784**, A HOUSE RESOLUTION PROVIDING THAT THE HOUSE OF REPRESENTATIVES SHALL CONVENE IN EDENTON ON MAY 25, 2005.

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The resolution is adopted, by electronic vote (115-0), and ordered printed.

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

**H.B. 1279** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SPEEDING TO ELUDE ARREST STATUTES TO CLARIFY THE PROXIMATE CAUSE REQUIREMENT WHEN THE OFFENSE RESULTS IN DEATH, 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.

**H.B. 613** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY, 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, L. Allen, Allred, Bell, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtry, Dickson, Dockham, Earle, Eddins, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 94.

Voting in the negative: Representatives Almond, Blackwood, Blust, Cleveland, Frye, Gillespie, Hilton, Hollo, Holloway, Lewis, McMahan, Moore, Rhodes, Setzer, Vinson, West, and Wiley - 17.

Excused absences: Representatives Barnhart, Capps, Cunningham, Daughtridge, and Sherrill - 5.

Representative Dollar requests and is granted permission to be recorded as voting "no". The adjusted vote total is (94-18).

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

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**H.B. 1328**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF OFFICIAL RECORDS WHEN A PERSON IS GRANTED A PARDON OF INNOCENCE, 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 report from standing committee is presented:

By Representatives Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

**H.B. 1469** (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, 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.

#### **CALENDAR (continued)**

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 MAKE PERMANENT THE LAW PROVIDING FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR CERTAIN PROJECTS OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE REPORTS ON ACTIONS TAKEN UNDER THAT LAW, passes its second reading, by electronic vote (109-3), 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. 1503** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES ARE TREATED AS CITIES FOR PURPOSES OF CIVIL LIABILITY.

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Representative Faison offers Amendment No. 1.

Representative Stiller moves that the bill with pending amendment be withdrawn from the Calendar and re-referred to the Committee on Transportation.

On motion of the Chair, the bill with pending amendment is withdrawn from the Calendar and placed on the Calendar of May 23.

#### **WITHDRAWAL OF BILL FROM COMMITTEE**

On motion of the Chair and without objection, **H.J.R. 1609**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM "BILL" SETH HIATT, FORMER COMMISSIONER OF THE NORTH CAROLINA DEPARTMENT OF MOTOR VEHICLES AND FORMER MEMBER OF THE GENERAL ASSEMBLY, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar of May 23.

#### **RE-REFERRALS**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 858**, A BILL TO BE ENTITLED AN ACT DESIGNATING MAY OF EACH YEAR AS MOTORCYCLE AWARENESS MONTH, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Agriculture.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1285**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ELECTION AND TERMS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA BY INCREASING THE TERM LENGTH OF A MEMBER FROM FOUR YEARS TO SIX YEARS, DECREASING THE NUMBER OF MEMBERS FROM THIRTY-TWO MEMBERS TO THIRTY MEMBERS, AND ELIMINATING THE POSITION OF MEMBER EMERITUS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Education Subcommittee on Universities.

Representative Culpepper moves, seconded by Representative Howard, that the House adjourn, subject to the receipt of Committee Reports, the receipt of Messages from the Senate, and committee assignments, to reconvene Monday, May 23, 2005, at 2:00 p.m.

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The motion carries.

**REPORTS OF STANDING COMMITTEES AND PERMANENT  
SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittee are presented:

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

**H.B. 1415**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A PERSON WHO APPLIES FOR A PISTOL PERMIT HAS AN OUT-OF-COUNTY ADDRESS, THE SHERIFF SHALL CONSULT WITH THE SHERIFF OF THE APPLICANT'S HOME COUNTY REGARDING THE APPLICANT PRIOR TO ISSUING THE PERMIT, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 38(a), the committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

By Representatives Glazier and Parmon, Chairs, for the Education Subcommittee on Pre-School, Elementary and Secondary Education:

**H.B. 1491**, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE LIABILITY INSURANCE FOR SCHOOL SOCIAL WORKERS WHO TRANSPORT STUDENTS, 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 Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 1392**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW AND PROCEDURE PERTAINING TO THE FAILURE TO RETURN A HIRED MOTOR VEHICLE, 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.

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

**H.B. 1248**, A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005, 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 23. The original bill is placed on the Unfavorable Calendar.

No messages from the Senate or committee assignments being received, the House stands adjourned at 5:47 p.m.

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## SIXTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES  
Monday, May 23, 2005

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

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

"Almighty God:

"You govern the universe and all that is in it. There are times when we need to think for others. Govern our thoughts. There are times when we must speak for others. Govern our voices. There are times when we must challenge the party line. Govern our convictions. There are times when we must make decisions on behalf of others. Govern our discernment. There are times when all of this responsibility weighs heavily upon us. Come to us quickly, Lord, and govern our souls. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 19 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, Kiser, McComas, McMahan, Rhodes, and Wainwright for today.

### **ENROLLED BILLS**

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

**H.B. 1015**, AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION.

### **CHAPTERED BILLS**

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

**H.B. 1028**, AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY AND AMENDING THE CHARTER OF THE TOWN OF CLAREMONT TO PROVIDE FOUR-YEAR TERMS FOR THE OFFICE OF MAYOR. (S.L. 2005-54)

### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittee are presented:

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

**H.B. 1409**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND AND THAT THE BOND MAY BE REFUSED IF OBTAINED AS A RESULT OF A VIOLATION OF STATE OR FEDERAL LAW, 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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By Representative Holliman, Chair, for the Committee on Insurance:

**H.B. 1524**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, 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 Glazier and Parmon, Chairs, for the Education Subcommittee on Pre-School, Elementary and Secondary Education, with approval of standing committee Chairs for report to be made directly to the floor of the House:

**H.B. 1502**, A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOLCHILDREN'S HEALTH ACT OF 2005, 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.

### CALENDAR

Action is taken on the following:

**H.B. 686** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE LAW ALLOWING SERVICE ANIMALS IN TRAINING TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS.

On motion of Representative Gibson, the House does not concur in the Senate committee substitute bill, by electronic vote (104-1), and conferees are requested.

### WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Glazier and without objection, **H.B. 448** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FAIR AND ORDERLY PROCESS FOR THE DISPOSITION OF

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COMPLAINTS AGAINST LOCAL SCHOOL BOARD MEMBERS, is withdrawn from the Calendar and placed on the Calendar of May 26.

On motion of Representative Adams and without objection, **H.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY CONSUMER CREDIT REPORTING AGENCY TO, UPON THE WRITTEN REQUEST OF A CONSUMER, PLACE A SECURITY FREEZE THAT PROHIBITS THE AGENCY FROM PROVIDING A CONSUMER'S CREDIT REPORT TO A THIRD PARTY, is withdrawn from the Calendar and placed on the Calendar of May 24.

On motion of Representative Gibson and without objection, **H.B. 1429** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT AND TO REQUIRE THE DESIGNATION OF A PRIMARY SOURCE FOR THE IMPORTATION OF WINE INTO THE STATE, is withdrawn from the Calendar and re-referred to the Committee on Alcoholic Beverage Control.

On motion of Representative Michaux and without objection, **H.B. 1309** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO OFFER COTENANTS THE RIGHT OF FIRST REFUSAL PRIOR TO A FORCED PUBLIC PARTITION SALE, is withdrawn from the Calendar and placed on the Calendar of May 31.

#### CALENDAR (continued)

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

**H.J.R. 197**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WESLEY JONES, FORMER EDUCATOR AND INFLUENTIAL LEADER.

On motion of Representative Cunningham and without objection, the text of the resolution and the remarks of Representatives Farmer-Butterfield and B. Allen are spread upon the Journal.

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WESLEY JONES, FORMER EDUCATOR AND INFLUENTIAL LEADER.

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Whereas, John Wesley Jones grew up in the City of Wilson; and

Whereas, John Wesley Jones graduated from Charles H. Darden High School in 1941 at the age of 15; and

Whereas, John Wesley Jones spent a year helping to construct a new addition to Charles H. Darden High School before attending North Carolina A & T State University; and

Whereas, John Wesley Jones's college education was interrupted by World War II when he was drafted into the United States Navy; and

Whereas, John Wesley Jones returned to North Carolina A & T State University after serving in the United States Navy, earning a bachelor of science degree in electrical engineering in 1948 and later receiving a masters degree in mathematics; and

Whereas, John Wesley Jones was a schoolteacher in Greene and Wilson Counties from 1948 to 1968 and served as an assistant principal and principal in the Wilson County public schools from 1968 to 1988; and

Whereas, John Wesley Jones served the education community proudly as a member of State and national organizations, including the North Carolina Teachers Association, Inc., the North Carolina Association of Educators, Inc., and the National Education Association; and

Whereas, after his retirement as a principal, John Wesley Jones continued to be an advocate for education by becoming a member of the Wilson County Board of Education, serving as a member from 1988 to 2004 and as the Chair for one term; and

Whereas, John Wesley Jones rendered distinguished service to his community by helping to establish the Charles H. Darden High School Alumni Association, Inc., in 1971, a national, nonprofit organization whose primary mission is to promote the educational, cultural, and social level of the community; and

Whereas, John Wesley Jones's success in establishing the Alumni Association has allowed former students of Charles H. Darden High School, who now live in other parts of the country, to communicate and stay in touch with each other, resulting in an annual reunion held in the City of Wilson and reunions held in other states; and

Whereas, John Wesley Jones served as the Alumni Association's first president and later as executive secretary to the board of directors; and

Whereas, John Wesley Jones's vision to build a community center came true in 1991 when the Charles H. Darden Alumni Center opened, providing a location for a tutorial program and community activities; and

Whereas, John Wesley Jones, as a member of the National North Carolina A & T State University Alumni Scholarship Committee, which provided four-year scholarships to deserving high school graduates, and helped students achieve their dreams of attending college; and

Whereas, John Wesley Jones was active in the American Legion Post # 17, NAACP, Men's Civic Club, served as treasurer of the Board of Directors of

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the Hattie Daniels Day Care Center, and was a charter member and past president of the Beta Beta Beta Chapter of Omega Psi Phi Fraternity, Inc.; and

Whereas, John Wesley Jones was a devoted member of the Jackson Chapel First Missionary Baptist Church, serving on the Board of Trustees, Finance Committee, and as Chair of the Construction Committee for the Education Building; and

Whereas, John Wesley Jones died on April 3, 2004; Now, therefore, Be it resolved by the House of Representatives, the Senate concurring:

**SECTION 1.** The General Assembly honors the life and memory of John Wesley Jones for the service he rendered to his community, State, and nation.

**SECTION 2.** The General Assembly extends its deepest sympathy to the family of John Wesley Jones for the loss of a beloved family member.

**SECTION 3.** The Secretary of State shall transmit a certified copy of this resolution to the family of John Wesley Jones.

**SECTION 4.** This resolution is effective upon ratification.

#### **REMARKS OF REPRESENTATIVE FARMER-BUTTERFIELD**

"It is with honor and pleasure that I sponsor this resolution honoring the life and memory of John Wesley Jones, outstanding educator and influential leader.

"He was the 8th of ten children, started school at age 4, and finished high school at 15 years of age.

"John Jones has an exceptionally large, close-knit family including a host of nieces and nephews. They describe him as having been the 'solid rock' in the family for everyone, but not in an overbearing or intrusive manner.

"He loved family reunions as he felt it was a cornerstone of the family circle. This gave him the opportunity to enjoy interaction with not only the adults but most important, the children, his first love.

"As an educator, John Jones was a 'no nonsense' administrator. He had a great deal of integrity and set high academic and professional standards for his family members, students, and faculty.

"Being a master teacher, he always taught the importance of excellence not only to youth in his schools, but to all youth with whom he came in

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contact. Whether in the matter of dress, outlook, or behavior, he taught by example.

"As a principal and member of the Wilson County Board of Education, he saw early the educational advancements and needs of children, teachers, administrators and boards. Needs which are now becoming realities and necessities!

"John Jones was quick to reward excellence through hard work, while at the same time, making it clear to all that mediocrity was not acceptable. Punctuality, regularity and meeting one's obligations were musts.

"A common thread in every aspect of John Wesley Jones' life was always education and scholarships to improve societal conditions.

"Insightful on all levels of the education realm, as a member of the Wilson County Board of Education, he prepared everyone early to adjust and make changes. In areas where we did not, we now look back and say, 'Mr. Jones told us so...!'

"John Jones' commitment to education was further exemplified by him becoming a fixture at the Darden Alumni Center, tutoring and counseling students, advising adults and helping others in any way that he could.

"In all situations, with his dry sense of humor, which often eluded everyone, he would put all of us back on track and focus our attention on the true mission and purpose whether it involved matters of the church, the Darden Alumni Association, the Darden Center or the Board of Education.

"John Jones was a dedicated lifetime member of our church, Jackson Chapel First Missionary Baptist, in fact, for 65 years plus.

"When church service started, he always sat in his favorite pew in the back. 'From here I can see everyone in the church', he would say. From this position, John Jones would greet everyone, tell a joke, dispense wisdom, give advice, or chastise someone for not doing his or her best.

"He was well known in several groups and organizations for his knowledge of parliamentary procedures and Robert's Rules of Order. In fact, many of us often said, 'when John Wesley Jones spoke, people listened'.

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"John Jones taught the importance of good stewardship by giving generously to all worthy causes in his life. In death, he still gave by donating his organs so that others could live a longer and healthier life.

"In life, he spoke for those who could not speak for themselves; for those who would not, and yes, even at times when no one else would dare speak, he spoke!

"I believe John Jones was chosen, gifted, and blessed by God to make a difference in this world. His legacy 'shines' from a life whose commitment left a 'light' that other eyes can see, a path that other footsteps can follow, and a love that other hearts can embrace.

"John was truly loved, deeply appreciated, and much respected by those whose lives he touched, and there were many. His was indeed a life well lived.

"I therefore commend this resolution to you, my colleagues here in the House of Representatives of the North Carolina General Assembly, and ask for a favorable vote.

"Thank you."

#### **REMARKS OF REPRESENTATIVE B. ALLEN**

"Mr. Speaker, Members of this distinguished Body of the House of Representatives, I rise to speak in support of House Joint Resolution 197 honoring the life and memory of my personal friend and education colleague, John Wesley Jones.

"I met John during my tenure working with the North Carolina Association of Educators, which required my association with education leaders at all levels. John's presence and professional decor clearly suggested that he was in control of his school environment.

"He was a no-nonsense education leader as Principal of the James B. Hunt High School in Wilson, North Carolina. I had the pleasure of visiting John's school on professional business and at no time did I observe the building and hallways being disorderly. The students knew that Mr. Jones cared about them, but would not tolerate them being disruptive and he expected self-discipline and academics.

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"After his retirement as a principal, John continued to be an advocate for public education by serving on the Wilson County Board of Education and served as its chair for one term. John's love for his high school, the Charles H. Darden, formerly all Black, led him to lead a national crusade to develop an Alumni Association Center in 1991 to preserve the history of the Charles H. Darden High School memorabilia and a meeting facility for former students to assemble and reflect on the values and traditions of Mr. Darden.

"I am pleased to have had the pleasure of knowing and working with John.

"I commend the resolution to you, Mr. Speaker, and I request the support of my colleagues.

"Thank you, Mr. Speaker."

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 sent to the Senate.

**H.J.R. 1609**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM "BILL" SETH HIATT, FORMER COMMISSIONER OF THE NORTH CAROLINA DEPARTMENT OF MOTOR VEHICLES AND FORMER MEMBER OF THE GENERAL ASSEMBLY, 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.

**H.B. 613** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY, 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, L. Allen, Allred, Barnhart, Bell, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Hunter, Insko,

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Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 101.

Voting in the negative: Representatives Almond, Blackwood, Blust, Cleveland, Dollar, Frye, Gillespie, Hilton, Hollo, Holloway, Moore, Rayfield, and Setzer - 13.

Excused absences: Representatives Holmes, Kiser, McComas, McMahan, Rhodes, and Wainwright - 6.

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

**H.B. 85** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: AIR MEDAL RECIPIENT, ALPHA PHI ALPHA FRATERNITY, ARC OF NORTH CAROLINA, AUTISM SOCIETY OF NORTH CAROLINA, BUDDY PELLETIER SURFING FOUNDATION, COASTAL CONSERVATION ASSOCIATION, COLD WAR VETERAN, CORVETTE CLUB, GUILFORD BATTLEGROUND COMPANY, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NORTH CAROLINA AQUARIUM, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHARE THE ROAD, AND TARHEEL CLASSIC THUNDERBIRD CLUB.

Representative Womble offers Amendment No. 1.

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

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

**H.B. 890** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A CRIME LABORATORY OPERATED BY A LOCAL GOVERNMENT, 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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McLawhorn, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Holmes, Kiser, McComas, McMahan, Rhodes, and Wainwright - 6.

**H.B. 85** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: AIR MEDAL RECIPIENT, ALPHA PHI ALPHA FRATERNITY, ARC OF NORTH CAROLINA, AUTISM SOCIETY OF NORTH CAROLINA, BUDDY PELLETIER SURFING FOUNDATION, COASTAL CONSERVATION ASSOCIATION, COLD WAR VETERAN, CORVETTE CLUB, GUILFORD BATTLEGROUND COMPANY, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NORTH CAROLINA AQUARIUM, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHARE THE ROAD, AND TARHEEL CLASSIC THUNDERBIRD CLUB, which was temporarily displaced with Amendment No. 1 pending, is before the Body.

Amendment No. 1 is adopted by electronic vote (112-0).

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

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell,

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Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McLawhorn, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Tucker, Underhill, Vinson, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 111.

Voting in the negative: Representatives Daughtry and Sutton - 2.

Excused absences: Representatives Holmes, Kiser, McComas, McMahan, Rhodes, and Wainwright - 6.

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

**H.B. 1025**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES, 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, L. Allen, Allred, Barnhart, Bell, Blackwood, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McLawhorn, Michaux, Miller, Morgan, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ross, Saunders, Sherrill, Stam, Steen, Stiller, Tolson, Tucker, Underhill, Vinson, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 94.

Voting in the negative: Representatives Almond, Blust, Cleveland, Eddins, Frye, Gillespie, Hilton, Hollo, Holloway, Moore, Nye, Ray, Rayfield, Sauls, Setzer, Starnes, and West - 17.

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Excused absences: Representatives Holmes, Kiser, McComas, McMahan, Rhodes, and Wainwright - 6.

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

**S.B. 510**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT, 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 enrolled and presented to the Governor.

**H.B. 1136** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blust, Bordsen, Brown, Brubaker, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 105.

Voting in the negative: Representatives Blackwood, Capps, Gillespie, Hilton, Johnson, Rayfield, Setzer, and West - 8.

Excused absences: Representatives Holmes, Kiser, McComas, McMahan, Rhodes, and Wainwright - 6.

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Representative Luebke requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (106-8).

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

**H.B. 1277** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Holmes, Kiser, McComas, McMahan, Rhodes, and Wainwright - 6.

**H.B. 329** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY FOR THOSE WHO PARTICIPATE IN AGRITOURISM ACTIVITIES.

The bill, as amended, passes its third reading, by electronic vote (112-0), and is ordered engrossed and sent to the Senate.

**H.B. 563** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO

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PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, passes its second reading, by electronic vote (106-7), 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. 768** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA, 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.

### INTRODUCTION OF PAGES

Pages for the week of May 23 are introduced to the membership. They are: Ellen Carter of Davie; Victoria Denholm of Gaston; Chris Evans of Durham; Christina Garrett of Harnett; Mark Hamblin, Jr., of Beaufort; Lee Mann of Carteret; Hannah Myers of Davidson; Katie Nelli of Gaston; Mary Grace Owen of Gaston; Spencer Powell of Harnett; Eden Rouse of Alamance; Mary Royster of Person; Christopher Shaw of Cumberland; and Catherine Stover of Gaston.

### SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

**S.B. 525** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO NASCAR HALL OF FAME FINANCING, is read the first time and referred to the Committee on Finance.

### CONFEREES APPOINTED

The Speaker appoints the following conferees on **H.B. 686** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE LAW ALLOWING SERVICE ANIMALS IN TRAINING

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TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS: Representative Gibson, Chair; Representatives Culpepper and Howard.

The Senate is so notified by Special Message.

#### CALENDAR (continued)

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

**H.B. 967** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A VALIDLY EXECUTED HEALTH CARE POWER OF ATTORNEY AUTHORIZES THE HEALTH CARE AGENT TO EXERCISE RIGHTS WITH RESPECT TO ANATOMICAL GIFTS, AUTOPSY, OR DISPOSITION OF THE PRINCIPAL'S REMAINS, THE AUTHORIZING PROVISION WILL CONTINUE IN EFFECT AFTER THE DEATH OF THE PRINCIPAL FOR PURPOSES OF EXERCISING THE AUTHORIZED RIGHTS, TO DEFINE "DISPOSITION OF REMAINS", AND TO MAKE CONFORMING CHANGES, passes its second reading, by electronic vote (110-1), 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. 1248** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005, 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. 1264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT NATIONAL BOARD CERTIFIED TEACHERS TO SERVE AS SCHOOL LEADERS, passes its second reading, by electronic vote (107-5), and there being no objection is read a third time.

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

#### RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1747**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT SCHOOLS PROVIDE AN APPROPRIATE EDUCATION,

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IN ACCORDANCE WITH STATE AND FEDERAL LAW, TO STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM PUBLIC SCHOOL, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Education.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 681** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES, is withdrawn from the Committee on Agriculture and re-referred to the Committee on Environment and Natural Resources.

On motion of Representative Culpepper, seconded by Representative Coates, the House adjourns at 9:15 p.m. to reconvene May 24 at 11:00 a.m.

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## SIXTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES  
Tuesday, May 24, 2005

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

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

"Gracious God:

"We thank You for the goodness of life. We praise You for the constancy of Your presence in our lives. And, we are humbled by Your relentless pursuit of our hearts and minds. Indeed, You are not a God who sits back and leaves us to our own pursuits. Rather, You are a God who pursues us, who beckons us, who seeks our attention...not because You wish to chastise us...but because You love us and want nothing more than to have a personal relationship with each one of us. Though we often forget You and forsake You, thank You for never giving up on us. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 23 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 Bordsen, Holmes, and Kiser for today. Representative Lewis is excused for a portion of the Session.

### ENROLLED BILLS

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

**S.B. 510**, AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT.

**H.B. 761**, AN ACT TO AMEND THE MOTOR CARRIER SAFETY STATUTES.

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

**H.B. 393**, AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS.

**H.B. 827**, AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO REGULATE GOLF CARTS.

**H.B. 941**, AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO REMOVE ABANDONED AIRPLANES FROM PUBLIC PROPERTY.

**H.B. 1080**, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES.

### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

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**H.B. 470**, A BILL TO BE ENTITLED AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY, 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. 1261**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, with a favorable report.

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

**S.B. 525** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO NASCAR HALL OF FAME FINANCING, 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:

**S.B. 532** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AGGRAVATE THE PENALTY FOR THE LARCENY, POSSESSION, OR RECEIVING OF GOODS VALUED AT MORE THAN THREE HUNDRED DOLLARS FROM A PERMITTED CONSTRUCTION SITE, is read the first time and referred to the Committee on Judiciary I.

**S.B. 574** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION, is read the first time and referred to the Committee on Judiciary III.

**S.B. 887** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE STATUTES THAT ADDRESS STATUTORY LIENS ON REAL PROPERTY, is read the first time and referred to the Committee on Judiciary I.

**S.B. 991** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A

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COURTHOUSE TO DISCHARGE OFFICIAL DUTIES, is read the first time and referred to the Committee on Judiciary III.

### CALENDAR

Action is taken on the following:

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

**H.R. 1366**, A HOUSE RESOLUTION URGING CONGRESS TO ENACT LEGISLATION TO PROVIDE THAT FUNDS RECEIVED AS UNIVERSAL SERVICE CONTRIBUTIONS AND THE UNIVERSAL SERVICE SUPPORTS PROGRAMS ARE NOT SUBJECT TO CERTAIN ACCOUNTING RULES.

The resolution is adopted, by electronic vote (117-0), and ordered printed.

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

**S.B. 867** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME OVER WHICH AN INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR COMMERCIAL PARK MAY REMAIN IN EFFECT, 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 enrolled and presented to the Governor,

**S.B. 763** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC.

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

**H.B. 85** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: AIR MEDAL RECIPIENT, ALPHA PHI ALPHA FRATERNITY, ARC OF NORTH

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CAROLINA, AUTISM SOCIETY OF NORTH CAROLINA, BUDDY PELLETIER SURFING FOUNDATION, COASTAL CONSERVATION ASSOCIATION, COLD WAR VETERAN, CORVETTE CLUB, GUILFORD BATTLEGROUND COMPANY, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NORTH CAROLINA AQUARIUM, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHARE THE ROAD, AND TARHEEL CLASSIC THUNDERBIRD CLUB.

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

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: Representatives Daughtry, Rhodes, and Sutton - 3.

Excused absences: Representatives Bordsen, Holmes, and Kiser - 3.

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

**H.B. 1507**, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS UNDER THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSURE ACT, TO EXPAND THE GROUP OF PERSONS WHO MAY OBTAIN A PROVISIONAL LICENSE UNDER THE ACT, AND TO AUTHORIZE THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD TO ASSESS CIVIL PENALTIES, passes its second reading, by electronic vote (116-0), 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.

**H.B. 1503** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES ARE TREATED AS CITIES FOR PURPOSES OF CIVIL LIABILITY, with Amendment No. 1 pending, is before the Body.

Amendment No. 1 is adopted by electronic vote (113-3).

The bill, as amended, passes its second reading, by electronic vote (117-0), 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.

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

**H.B. 1468** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE CERTAIN TELECOMMUNICATION SERVICE PROVIDERS TO BE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS, passes its second reading, by electronic vote (111-1), and there being no objection is read a third time.

Representatives Adams, Fisher, Howard, and Tucker request and are granted permission to be recorded as voting "aye". The adjusted vote total is (115-1).

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

#### **BILL PLACED ON CALENDAR**

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 525** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO NASCAR HALL OF FAME 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; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Brown, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, England,

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Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lucas, Luebke, Martin, McAllister, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Steen, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 91.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brubaker, Capps, Cleveland, Dollar, Folwell, Frye, Gillespie, Hollo, Holloway, LaRoque, McComas, Moore, Rhodes, Setzer, Stam, Starnes, Stiller, Walker, and Wiley - 23.

Excused absences: Representatives Bordsen, Holmes, Kiser, and Lewis - 4.

### CALENDAR (continued)

**H.B. 890** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A CRIME LABORATORY OPERATED BY A LOCAL GOVERNMENT, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Hollo, Holloway, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Bordsen, Holmes, Kiser, and Lewis - 4.

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**H.B. 1025**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES, 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, L. Allen, Allred, Barnhart, Bell, Blackwood, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dollar, Earle, England, Faison, Farmer-Butterfield, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ross, Saunders, Sherrill, Stam, Steen, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 93.

Voting in the negative: Representatives Almond, Blust, Capps, Cleveland, Eddins, Frye, Gillespie, Hilton, Hollo, Holloway, Moore, Nye, Ray, Rayfield, Rhodes, Sauls, Setzer, Starnes, Stiller, and West - 20.

Excused absences: Representatives Bordsen, Holmes, Kiser, and Lewis - 4.

Representative Fisher requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (94-20).

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

**H.B. 1414** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING.

On motion of Representative Pierce and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of May 26.

**H.B. 1136** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES,

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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, L. Allen, Allred, Almond, Barnhart, Bell, Blust, Brown, Brubaker, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 107.

Voting in the negative: Representatives Blackwood, Capps, Rayfield, Rhodes, Setzer, Starnes, and West - 7.

Excused absences: Representatives Bordsen, Holmes, Kiser, and Lewis - 4.

**H.B. 1277** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM.

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

Speaker Black votes "aye". The adjusted vote total is (114-0).

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

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar,

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Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Hollo, Holloway, Howard, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Bordsen, Holmes, Kiser, and Lewis - 4.

**H.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY CONSUMER CREDIT REPORTING AGENCY TO, UPON THE WRITTEN REQUEST OF A CONSUMER, PLACE A SECURITY FREEZE THAT PROHIBITS THE AGENCY FROM PROVIDING A CONSUMER'S CREDIT REPORT TO A THIRD PARTY, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Hollo, Holloway, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Bordsen, Holmes, Kiser, and Lewis - 4.

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Representatives Fisher and Pate request and are granted permission to be recorded as voting "aye". The adjusted vote total is (114-0).

**H.B. 874** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TITLE OF THE SAFETY AND HEALTH REVIEW BOARD UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA TO THE NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, TO CHANGE THE TITLE OF THE OFFICE OF OCCUPATIONAL SAFETY AND HEALTH TO THE OCCUPATIONAL SAFETY AND HEALTH DIVISION, AND TO RESTORE THE AUTHORITY OF THE BOARD TO ASSESS PENALTIES IN THE CASE OF AN APPEAL, passes its second reading, by electronic vote (110-3), and there being no objection is read a third time.

Representative Fisher requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (111-3).

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

**H.B. 1502** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOLCHILDREN'S HEALTH ACT OF 2005, 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.

#### RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 347**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PUNISHMENT FOR FAILURE TO YIELD RESULTING IN DEATH, is withdrawn from the Committee on Judiciary IV and re-referred to the Committee on Agriculture.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 824**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MUSCADINE INSTITUTE FOR OPERATING FUNDS, is withdrawn from the Committee on Appropriations 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. 842**, A BILL TO BE ENTITLED AN ACT TO

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APPROPRIATE FUNDS TO NORTH CAROLINA STATE UNIVERSITY FOR RESEARCH AND DEVELOPMENT OF MUSCADINE GRAPES IN NORTH CAROLINA, is withdrawn from the Committee on Appropriations 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. 1677**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MANCHESTER CDC, INC., TO DEVELOP CULTURAL AND RECREATIONAL ACTIVITIES IN THE MANCHESTER TOWNSHIP OF CUMBERLAND COUNTY, is withdrawn from the Committee on Appropriations 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. 917**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES, is withdrawn from the Committee on Judiciary IV and re-referred to the Committee on Judiciary III.

#### **WITHDRAWAL OF BILLS FROM CALENDAR**

On motion of Representative Culpepper, the following bills are withdrawn from the Calendar of May 25 and placed on the Calendar of May 26.

**H.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY CONSUMER CREDIT REPORTING AGENCY TO, UPON THE WRITTEN REQUEST OF A CONSUMER, PLACE A SECURITY FREEZE THAT PROHIBITS THE AGENCY FROM PROVIDING A CONSUMER'S CREDIT REPORT TO A THIRD PARTY.

**H.B. 1311** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING DOMESTIC VIOLENCE VICTIMS TO APPLY FOR A TEMPORARY CONCEALED HANDGUN PERMIT UPON SHOWING PROOF OF A PROTECTIVE ORDER ISSUED UNDER CHAPTER 50B OF THE GENERAL STATUTES AS EVIDENCE OF AN EMERGENCY SITUATION IN ORDER TO EMPOWER DOMESTIC VIOLENCE VICTIMS TO PROTECT THEMSELVES AND THEIR FAMILIES.

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**S.B. 525** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO NASCAR HALL OF FAME FINANCING.

**S.B. 763** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC.

#### **WITHDRAWAL OF BILL FROM COMMITTEE**

On motion of the Chair and without objection, **H.J.R. 140**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF FRANKLIN ON THE TOWN'S 150TH ANNIVERSARY, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar of May 26.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of the Chair and without objection, **H.B. 1243** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING GOOD FAITH CAUSE FOR THE EVICTION OF TENANTS RENTING SPACE FOR RESIDENTIAL MANUFACTURED HOMES, is withdrawn from the Calendar of May 31 and re-referred to the Committee on Judiciary II.

On motion of Representative Culpepper, seconded by Representative Dickson, the House adjourns at 12:38 p.m. to reconvene pursuant to **H.R. 1784**, on May 25 at 1767 Courthouse in Edenton, North Carolina at 11:00 a.m.

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### **SIXTH-NINTH DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, May 25, 2005  
1767 Courthouse  
Edenton, North Carolina

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

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

"God of the Ages:

"We greet You this morning with a renewed sense of purpose as we retrace the steps of our ancestors. Stepping in the footprints of those who have gone before us reminds us that life is larger than ourselves. It provides us with a healthy perspective of who we are and from where we have come. Even as we meet here in this historical place and are reminded of our own place in this great State's history, fill our hearts with gratitude for the good work that has been done before we got here; and grant us the full measure of Your divine promise that You will be with those who come after us. We pray that they too, will be blessed by Your eternal presence and gracious guidance. In all things, we humbly offer You our thanks and praise, O Lord. 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 Allred, Barnhart, Blackwood, Brown, Brubaker, Church, Clary, Daughtry, Dockham, Earle, Eddins, Fisher, Gillespie, Goodwin, Gulley, Hill, Hilton, Holmes, Howard, Johnson, Justus, Kiser, McComas, Rayfield, Rhodes, Saunders, Setzer, Sherrill, Steen, Sutton, Walker, West, and Wilson for today. Representative Morgan is excused for a portion of the Session.

#### **CHAPTERED BILLS**

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

**H.B. 277**, AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE ABUSED. (S.L. 2005-55)

**S.B. 262**, AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES. (S.L. 2005-56)

**H.B. 393**, AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF

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CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS. (S.L. 2005-57)

**H.B. 827**, AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO REGULATE GOLF CARTS. (S.L. 2005-58)

**H.B. 941**, AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO REMOVE ABANDONED AIRPLANES FROM PUBLIC PROPERTY. (S.L. 2005-59)

**H.B. 1080**, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES. (S.L. 2005-60)

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Culpepper:

**H.R. 1785**, A HOUSE RESOLUTION HONORING THE MEMORY OF SOME OF EDENTON'S HISTORICAL LEADERS AND RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE CHOWAN COUNTY COURTHOUSE OF 1767.

Pursuant to Rule 32(a), the resolution is placed on the Calendar for immediate consideration.

The resolution is adopted, on a voice vote (84-0), and ordered printed.

On motion of Representative Adams, the remarks of Representative Culpepper are spread upon the Journal.

"Mr. Speaker and Members of the House:

"The right of the people to have assemblies which would meet at least every two years was initially guaranteed by the Carolina Charter of 1662 - the grant of North Carolina by the British crown to the eight Lords Proprietors.

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"The Proprietary period lasted until 1729 when the grant was relinquished back to the crown. This marked what is referred to as the Royal period which lasted until the Revolutionary War.

"The Colonial assembly consisted of the 'upper house,' the Governor and his twelve council members, all appointed - and the 'lower house' - the House of Burgesses - later called House of Commons - composed of members who represented the counties and towns of the province and who were elected to office.

"Edenton had its official beginning in the eyes of colonial government with the passage of an Act of Assembly in November 1712 'to promote the building of a Court House to hold the Assembly in.' The fixing of the location of the Assembly at the Courthouse in 1712, and a later provision by the Assembly in 1722 for the building of a Governor's House and a Council Room established Edenton as the seat of North Carolina government - in other words, the first capital of North Carolina.

"Members, note that the Courthouse described in the 1712 Act is not this Courthouse. The 1<sup>st</sup> Courthouse at Edenton was a wooden frame structure located across King Street at the head of the Courthouse green that, obviously, no longer survives.

"During the colonial period, the speaker was generally selected unanimously. There was little ceremony involved in placing the speaker in office prior to 1760. The speaker was influential within the assembly, empowered to issue warrants to the sergeant-at-arms to bring people before the house for information or punishment. The speaker also signed all addresses to the upper house and served as the voice of the assembly.

"Next to the speaker, the most powerful official of the assembly was the clerk. The clerk's primary responsibility was keeping the journal, which was not to be delivered to anyone except the speaker. This enabled the assembly to keep their activities secret from the governor. The clerk was eventually named custodian of all previous journals and other documents associated with the assembly.

"Members of the House, it is customary when presenting a resolution such as this that it is often stated that 'the resolution speaks for itself.' I think that phrase is particularly operative with respect to this resolution and in that light I would like to re-read the most pertinent provisions contained therein:

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"The General Assembly convened in the Town of Edenton, the capital of North Carolina, from 1722 to 1737, 1740 to 1741, and in 1743.

"During the November 1766 Session of the General Assembly, a bill was passed to build a new courthouse in Edenton.

"The Georgian style courthouse included a second floor assembly room, which was the largest fully paneled room in colonial America.

"The courthouse has remained a significant part of the legal, political, and social life in the Edenton community for many decades and was named a National Historic Landmark in 1970.

"In 2001 archaeologists digging under the courthouse uncovered the foundation of the 1722 Council Chamber, the State's first capitol building.

"The 1767 Chowan County Courthouse is the State's oldest government building and the nation's best preserved colonial courthouse.

"The finest Georgian courthouse in the South,' the 1767 Chowan County Courthouse is the oldest courthouse still in continuous use in North America.

"On May 25, 2005, the North Carolina House of Representatives will convene in the 1767 Chowan County Courthouse for a legislative session, returning to Edenton for the first time in 262 years.

"Members of the House it is with great pleasure and honor that I say to you as a representative body, welcome back to Edenton."

The Speaker relinquishes the gavel to Representative Culpepper.

REPRESENTATIVE CULPEPPER PRESIDING.

### CALENDAR

Action is taken on the following:

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

**H.B. 196, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF OXFORD TO GIVE ANNUAL NOTICE TO VIOLATORS OF**

May 25, 2005



THE CITY'S WEEDED LOT ORDINANCE, 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. 922** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FILLING OF VACANCIES IN THE OFFICES OF REGISTER OF DEEDS, SHERIFF, AND COUNTY COMMISSIONER IN BEAUFORT COUNTY SHALL BE IN ACCORDANCE WITH GENERAL LAW, 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. 62** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF GIBSON TO EXTEND THE TOWN COMMISSIONERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative L. Allen, **H.B. 1281** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS, is withdrawn from the Calendar and placed on the Calendar of May 26.

#### **CALENDAR (continued)**

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

**H.J.R. 1019**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TROUTMAN ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY, passes its second reading, by voice vote (80-0), 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. 1316**, A BILL TO BE ENTITLED AN ACT ADOPTING THE FRASER FIR AS THE OFFICIAL CHRISTMAS TREE OF THE STATE OF NORTH CAROLINA, passes its second reading, by voice vote (80-0), and there being no objection is read a third time.

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

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

**S.B. 116** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS PLANT OF THE STATE OF NORTH CAROLINA, passes its second reading, by voice vote (75-5), and there being no objection is read a third time.

Representative Farmer-Butterfield requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (76-4).

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 resolution appears on today's Calendar.

**S.J.R. 1170** (House Committee Substitute), A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2005 NCAA DIVISION I CHAMPIONSHIP, passes its second reading, by voice vote (80-0), 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 bill.

Speaker Black moves, seconded by Representative Nye, that the House adjourn, subject to the receipt of Committee Reports, the receipt of Messages from the Senate, and committee assignments, to reconvene in the Hall of the House at the State Legislative Building in Raleigh on May 26 at 1:00 p.m.

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The motion carries.

**REPORTS OF STANDING COMMITTEES AND PERMANENT  
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Daughtridge, Goforth, LaRoque and Rapp, Chairs,  
for the Committee on Commerce:

**H.B. 892**, A BILL TO BE ENTITLED AN ACT REGULATING THE SALE OF KEGS CONTAINING MALT BEVERAGE, 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. 1240**, A BILL TO BE ENTITLED AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS, 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 26. The original bill is placed on the Unfavorable Calendar.

**H.B. 1539**, A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT TO BROADEN THE SCOPE OF ACTIVITIES THAT MAY BE OFFERED BY THE UNIVERSITY OF NORTH CAROLINA PROVIDED THE ACTIVITIES ARE NOT, IN FACT, UNFAIR COMPETITION, 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 Holliman, Chair, for the Committee on Insurance:

**H.B. 657**, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURANCE PRODUCERS TO DISCLOSE COMPENSATION ARRANGEMENTS TO CUSTOMERS AND TO CLARIFY THAT AN INSURANCE BROKER MUST SERVE THE INTEREST OF THE

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CUSTOMER FIRST, 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. 1236**, A BILL TO BE ENTITLED AN ACT TO REPLACE THE ALLIANCE OF AMERICAN INSURERS AND NATIONAL ASSOCIATION OF INDEPENDENT INSURERS WITH THE PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA AND THE NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES AS TRADE ASSOCIATION MEMBERS WHICH MUST BE REPRESENTED ON THE BOARD OF GOVERNORS OF THE NORTH CAROLINA REINSURANCE FACILITY, 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.

By Representative Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 661**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUBSTANTIATION APPEAL PROCESS FOR THOSE INDIVIDUALS ALLEGED TO BE RESPONSIBLE FOR ABUSE OR NEGLECT OF A JUVENILE IN A SUBSTANTIATED REPORT UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY, 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. 1176** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CAP ON PROPERTY OF A JUDGMENT DEBTOR THAT IS FREE OF THE ENFORCEMENT OF THE CLAIMS OF CREDITORS, TO EXEMPT CERTAIN TYPES OF PROPERTY FROM ENFORCEMENT, TO PROVIDE FOR FUTURE AUTOMATIC ADJUSTMENTS OF THESE CAPS ON EXEMPT PROPERTY, AND TO MAKE CONFORMING CHANGES, with a favorable report as to

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Committee Substitute Bill No. 3, which changes the title, unfavorable as to Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Committee Substitute Bill No. 3 is placed on the Calendar of May 26. Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

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

**H.B. 1394**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE PARENTS OF AN INCOMPETENT ADULT WHO IS NOT MARRIED TO RECOMMEND A GUARDIAN FOR THAT ADULT BY WILL OR OTHER DOCUMENT, 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 26. The original bill is placed on the Unfavorable Calendar.

**H.B. 1401**, A BILL TO BE ENTITLED AN ACT TO ALLOW A SWORN LAW ENFORCEMENT OFFICER WITH A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY TO CARRY A CONCEALED WEAPON AT ALL TIMES, 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 Hackney, Chair, for the Committee on Judiciary I:

**H.B. 1209**, A BILL TO BE ENTITLED AN ACT TO AGGRAVATE THE PENALTY FOR PERSONS WHO COMMIT MULTIPLE SEX OFFENSES, 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. 1221**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN DOMESTIC CHILD CUSTODY ACTIONS, 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.B. 1327**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE, 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 26. The original bill is placed on the Unfavorable Calendar.

#### **MESSAGES FROM THE SENATE**

The following is received from the Senate:

Senate Committee Substitute for **H.B. 583**, A BILL TO BE ENTITLED AN ACT DESIGNATING THE COMMUNITY COLLEGE SYSTEM AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE, 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 26.

Upon concurrence the Senate committee substitute bill changes the title.

No committee assignments having been received, the House stands adjourned at 4:12 p.m.

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### **SEVENTIETH DAY**

HOUSE OF REPRESENTATIVES  
Thursday, May 26, 2005

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

May 26, 2005

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

"Gracious Lord:

" For the beauty of the earth, for the glory of the skies...we praise You on earth and in heaven. For the generosity which You have displayed by allowing us to share in the leadership of Your people, we offer You our thanks. Help us in these moments of prayer each day to earnestly seek Your divine will and holy guidance for our work. Keep us true to our tasks and humble in spirit. May our common goals be to seek unanimous agreement when possible, friendly debate as we seek to hammer out our differences, and when necessary, amicable disagreement. These things we humbly pray in the name of the One True God. 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.

Leaves of absence are granted Representatives Clary, Daughtridge, Fisher, and Sherrill for today. Representatives Culp, Eddins, Martin, Pierce, and Vinson are excused for a portion of the Session.

#### **ENROLLED BILLS**

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

**S.B. 867**, AN ACT TO INCREASE THE PERIOD OF TIME OVER WHICH AN INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR COMMERCIAL PARK MAY REMAIN IN EFFECT.

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

**S.B. 62**, AN ACT AMENDING THE CHARTER OF THE TOWN OF GIBSON TO EXTEND THE TOWN COMMISSIONERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS.

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

**H.J.R. 774**, A JOINT RESOLUTION HONORING THOSE WHO CONTRIBUTED TO THE CONSTRUCTION OF THE DISMAL SWAMP

May 26, 2005

CANAL ON THE TWO HUNDREDTH ANNIVERSARY OF THIS HISTORIC LANDMARK. (RESOLUTION 2005-33)

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 1541**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS, 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 Hackney, Chair, for the Committee on Judiciary I:

**H.B. 1466**, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDERLY PERSON OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE, 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 Sutton, Chair, for the Committee on Judiciary III:

**H.B. 1436**, A BILL TO BE ENTITLED AN ACT TO ADD TO THE LIST OF AGGRAVATING FACTORS FOR A CAPITAL OFFENSE THAT THE FELONY WAS COMMITTED IN VIOLATION OF A VALID PROTECTIVE ORDER, 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. 1489**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR INDECENT EXPOSURE IF THE OFFENSE IS COMMITTED IN THE PRESENCE OF A MINOR OF THE OPPOSITE

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SEX WHO IS LESS THAN THIRTEEN YEARS OLD, with a favorable report.

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

**H.B. 1527**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS, 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 Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 723**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN CRIMINAL RECORD CHECKS, TO ALLOW CERTAIN FEES TO BE CHARGED FOR THE CRIMINAL RECORD CHECK, AND TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE FALSE INFORMATION THAT IS THE BASIS OF A CRIMINAL RECORD CHECK, 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.

#### **SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

**S.B. 1048** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005, is read the first time and referred to the Committee on Judiciary I.

#### **MESSAGES FROM THE SENATE**

The following are received from the Senate:

**S.B. 88** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE APPLICABILITY OF CERTAIN MOTOR VEHICLE LAWS ON PROPERTIES OWNED OR UNDER THE CONTROL OF

May 26, 2005

THE BENT TREE PLANTATION HOMEOWNERS ASSOCIATION IN BRUNSWICK COUNTY, is read the first time and referred to the Committee on Local Government I.

**S.B. 249** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, is read the first time and referred to the Committee on Finance.

**S.B. 491** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO BURIAL SERVICES AT STATE VETERANS CEMETERIES, is read the first time and referred to the Committee on Military, Veterans and Indian Affairs.

**S.B. 967** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ONE NORTH CAROLINA SMALL BUSINESS FUND AND TO EXTEND THE SUNSET ON THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, is read the first time and referred to the Committee on Appropriations.

**S.B. 998** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PROVISION OF THE COASTAL HABITAT PROTECTION PLAN BY PROVIDING FOR GREATER FLEXIBILITY IN THE USE OF FUNDS FROM THE RIPARIAN BUFFER RESTORATION FUND TO CONSTRUCT ALTERNATIVE MEASURES TO REDUCE NUTRIENT LOADING AND BY PROVIDING THAT IF A LAND-DISTURBING ACTIVITY LEAVES AN EXPOSED SLOPE, THE SLOPE SHALL BE PLANTED WITH TEMPORARY OR PERMANENT GROUND COVER WITHIN TWENTY-ONE CALENDAR DAYS, is read the first time and referred to the Committee on Environment and Natural Resources.

**S.B. 1032** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DETERMINE THE BEST MEANS OF PROTECTING THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS POSED BY INHERENTLY DANGEROUS ANIMALS, is read the first time and referred to the Committee on Environment and Natural Resources and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

### CALENDAR

Action is taken on the following:

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**S.B. 525** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO NASCAR HALL OF FAME FINANCING, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Steen, Stillier, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 92.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brubaker, Capps, Cleveland, Dollar, Folwell, Frye, Gillespie, Hollo, Holloway, LaRoque, Rhodes, Setzer, Starnes, and Walend - 18.

Excused absences: Representatives Clary, Daughtridge, Eddins, Fisher, and Sherrill - 5.

Representatives Moore and Wiley request and are granted permission to change their votes from "aye" to "no". The adjusted vote total is (90-20).

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

Senate Committee Substitute for **H.B. 986** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF GREENVILLE AND THE TOWNS OF SURF CITY AND WINDSOR.

On motion of Representative McLawhorn, 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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Dollar, Earle, England, Faison,

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Farmer-Butterfield, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 111.

Voting in the negative: Representative Folwell.

Excused absences: Representatives Clary, Daughtridge, Eddins, Fisher, and Sherrill - 5.

Senate Committee Substitute for **H.B. 583**, A BILL TO BE ENTITLED AN ACT DESIGNATING THE COMMUNITY COLLEGE SYSTEM AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE.

On motion of Representative Sauls, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (115-0), and the bill is ordered enrolled and presented to the Governor,

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

**H.B. 470** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY, 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, L. Allen, Barnhart, Bell, Bordsen, Brown, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray,

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Rayfield, Ross, Sauls, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 91.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brubaker, Capps, Cleveland, Daughtry, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, LaRoque, Moore, Rhodes, Saunders, Setzer, Stiller, and Wiley - 23.

Excused absences: Representatives Clary, Daughtridge, Fisher, and Sherrill - 4.

#### **WITHDRAWAL OF BILLS FROM CALENDAR**

On motion of Representative Glazier and without objection, **H.B. 448** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FAIR AND ORDERLY PROCESS FOR THE DISPOSITION OF COMPLAINTS AGAINST LOCAL SCHOOL BOARD MEMBERS, is withdrawn from the Calendar and placed on the Calendar of May 31.

On motion of Representative Glazier and without objection, **H.B. 661** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST, is withdrawn from the Calendar and placed on the Calendar of May 31.

On motion of Representative Pierce and without objection, **H.B. 1414** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING, is withdrawn from the Calendar and re-referred to the Committee on Education.

#### **CALENDAR (continued)**

**H.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY CONSUMER CREDIT REPORTING AGENCY TO, UPON THE WRITTEN REQUEST OF A CONSUMER, PLACE A SECURITY FREEZE THAT PROHIBITS THE AGENCY FROM PROVIDING A CONSUMER'S CREDIT REPORT TO A THIRD PARTY,

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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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Clary, Daughtride, Fisher, and Sherrill - 4.

Representative Pierce requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (113-0).

**H.B. 1281** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Stam,

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Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: Representative Setzer.

Excused absences: Representatives Clary, Culp, Daughtridge, Fisher, and Sherrill - 5.

Representative Setzer requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (113-0).

#### **WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 38(b), **H.B. 1327** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE, is withdrawn from the Calendar and re-referred to the Committee on Finance.

#### **CALENDAR (continued)**

**H.J.R. 140**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF FRANKLIN ON THE TOWN'S 150TH ANNIVERSARY, passes its second reading, by electronic vote (113-1), and there being no objection is read a third time.

Representative Coleman requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (114-0).

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

**H.B. 635** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AT LEAST ONE PUBLIC COMMENT PERIOD PER MONTH AT A REGULAR MEETING OF A LOCAL BOARD OF EDUCATION, COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD,

Representative Glazier offers Amendment No. 1 which is adopted by electronic vote (113-0).

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Representative L. Allen moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Local Government II.

The motion fails by electronic vote (38-74).

Representative Harrison requests and is granted permission to change her vote from "aye" to "no". The adjusted vote total is (37-75).

The bill, as amended, passes its second reading, by electronic vote (88-25), 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.

### ENROLLED BILLS

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**S.B. 525**, AN ACT RELATING TO NASCAR HALL OF FAME FINANCING.

### SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

Senate Committee Substitute for **H.B. 869**, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS, 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 for immediate consideration.

Upon concurrence the Senate committee substitute bill changes the title.

Representative Wright moves that the House concur in the Senate committee substitute bill.

On motion of the Chair, the bill is temporarily displaced.

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**WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 1524** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, is withdrawn from the Calendar and re-referred to the Committee on Pensions and Retirement.

**CALENDAR (continued)**

**H.B. 657** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURANCE BROKERS TO DISCLOSE COMPENSATION ARRANGEMENTS TO CUSTOMERS, 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.

**H.B. 1086** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING THE JURISDICTION OF THE GENERAL ASSEMBLY POLICE AND THE OATH OF OFFICE TO REFLECT THAT CHANGE, AND TO MAKE A TECHNICAL AMENDMENT.

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (110-0).

Representative Culpepper calls the previous question on the amendment and the call is sustained by electronic vote (98-10).

Representative Alexander requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (99-10).

The bill, as amended, passes its second reading, by electronic vote (109-1), and there being no objection is read a third time.

Representative Setzer requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (110-0).

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate.

**SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

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**S.B. 61**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY INCREASING THE PUNISHMENT FOR FELONY DEATH BY VEHICLE AND CREATING THE OFFENSE OF FELONY SERIOUS INJURY BY VEHICLE, is read the first time and referred to the Committee on Judiciary IV.

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Hill, Chair, for the Committee on Agriculture:

**H.B. 347**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PUNISHMENT FOR FAILURE TO YIELD RESULTING IN DEATH, 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 Wright, Chair, for the Committee on Health:

**H.B. 1343**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROMPT PAY STATUTE TO ALLOW PARTIES TO AGREE TO CERTAIN TERMS, 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 EXEMPTING CERTAIN SOCIAL WORKERS FROM THE PRESERVICE TRAINING REQUIREMENT PURSUANT TO LAWS REQUIRING TRAINING BY THE DIVISION OF SOCIAL SERVICES WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND REQUIRING THE DIVISION OF SOCIAL SERVICES TO DEVELOP OR ALLOW ALTERNATIVE MODELS OF DELIVERING TRAINING TO CHILD WELFARE SERVICES WORKERS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representatives Steen and Williams, Chairs, for the Committee on Wildlife Resources:

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**H.B. 787** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES AND PROVIDING THAT YADKIN COUNTY MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1, and recommendation that Committee Substitute Bill No. 2 be re-referred to the Committee on Finance.

Committee Substitute Bill No. 2 is re-referred to the Committee on Finance. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

#### **CALENDAR (continued)**

**H.B. 1087** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF SOCIAL WORKER UNDER THE SOCIAL WORKER CERTIFICATION AND LICENSURE ACT.

Representative Culpepper calls the previous question on the passage of the bill and the call is sustained by electronic vote (68-39).

The bill passes its second reading, by electronic vote (80-29), and remains on the Calendar.

Representative Current requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (81-28).

**H.B. 1176** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE CAP ON PROPERTY OF A JUDGMENT DEBTOR THAT IS FREE OF THE ENFORCEMENT OF THE CLAIMS OF CREDITORS, AND TO EXEMPT CERTAIN TYPES OF PROPERTY FROM ENFORCEMENT.

Representative LaRoque offers Amendment No. 1.

Representative Moore moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Commerce.

The motion fails by electronic vote (50-62).

Amendment No. 1 fails of adoption by electronic vote (36-77).

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The bill passes its second reading, by electronic vote (70-42), 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 Haire and without objection, **H.B. 1188**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COURT-IMPOSED AND ENFORCED POST-RELEASE PUNISHMENT OF PRISONERS UNDER STRUCTURED SENTENCING, is withdrawn from the Calendar and placed on the Calendar of June 2.

#### **CALENDAR (continued)**

**H.B. 1209** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEX OFFENDER REGISTRATION PROGRAM TO INCLUDE SEXUAL BATTERY AS A REPORTABLE OFFENSE, AND ADD SEXUAL BATTERY TO THE OFFENSES REQUIRING A DNA SAMPLE, passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

Representative Saunders 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.

**H.B. 1221** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN DOMESTIC CHILD CUSTODY ACTIONS.

Representative Hackney offers Amendment No. 1 which is adopted by electronic vote (108-0).

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.

**H.B. 1236** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPLACE THE ALLIANCE OF AMERICAN INSURERS AND NATIONAL ASSOCIATION OF INDEPENDENT INSURERS WITH THE PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA

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AND ONE INSURER FROM THE INDUSTRY AT LARGE SELECTED BY THE INSURER COMPANY MEMBERS OF THE BOARD AS TRADE ASSOCIATION MEMBERS WHICH MUST BE REPRESENTED ON THE BOARD OF GOVERNORS OF THE NORTH CAROLINA REINSURANCE FACILITY, 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.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Culpepper and without objection, **H.B. 1240** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS, is withdrawn from the Calendar and placed on the Calendar of May 31.

#### **CALENDAR (continued)**

Senate Committee Substitute for **H.B. 869**, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS, which was temporarily displaced, is before the Body.

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 by Special Message.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1261** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, 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.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Harrell and Justice, Chairs, for the Committee on Environment and Natural Resources:

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**H.B. 1093**, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (2) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; AND (3) PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**H.B. 1094**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO CHANGE THE NAME OF THE WETLANDS RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**H.B. 1095**, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**H.B. 1096**, 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.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**H.B. 1099**, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT BY FACILITATING THE REUSE OF CONTAMINATED REAL PROPERTY BY CLARIFYING THE CIRCUMSTANCES UNDER WHICH THE OWNERS OF REAL PROPERTY HAVE A DEFENSE AGAINST LIABILITY FOR THE CLEANUP OF ENVIRONMENTAL DAMAGE AND RESTORATION OF NATURAL

RESOURCES AND BY MAKING THAT DEFENSE APPLICABLE TO STATE CLEANUP PROGRAMS, 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. 1385**, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS, AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124, 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 L. Allen, Allred, Carney, and Stiller, Chairs, for the Committee on Transportation:

**H.B. 254**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TREASURER TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, 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.

**H.B. 747**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS, 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. 1026**, A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED AT CERTAIN INTERSECTIONS IN RALEIGH, 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.

#### WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 38(a), **H.B. 1486** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FIRST AND SECOND DEGREE FELONY DEATH BY VEHICLE, is withdrawn from the Calendar and re-referred to the Committee on Appropriations.

#### WITHDRAWAL OF BILL FROM COMMITTEE

On motion of the Chair and without objection, **H.B. 267** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, is withdrawn from the Appropriations Subcommittee on Transportation and placed on the Calendar pursuant to Rule 36(b).

#### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from permanent subcommittee is presented:

By Representatives Dickson and Ray, Chairs, for the Education Subcommittee on Universities, with approval of standing committee Chairs for report to be made directly to the floor of the House:

**H.B. 1105**, A BILL TO BE ENTITLED AN ACT TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT TRI-COUNTY COMMUNITY COLLEGE BY WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE COMMUNITY COLLEGE TUITION AND TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT WINSTON-SALEM

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STATE UNIVERSITY ELIGIBLE FOR IN-STATE UNIVERSITY TUITION, 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.

**CALENDAR (continued)**

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1305** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING CITIES TO FILE CERTIFIED CHARTERS AND BOUNDARY MAPS AND COUNTIES TO FILE CERTIFIED BOUNDARY MAPS WITH THE SECRETARY OF STATE, 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.

**H.B. 1311** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING DOMESTIC VIOLENCE VICTIMS TO APPLY FOR A TEMPORARY CONCEALED HANDGUN PERMIT UPON SHOWING PROOF OF A PROTECTIVE ORDER ISSUED UNDER CHAPTER 50B OF THE GENERAL STATUTES AS EVIDENCE OF AN EMERGENCY SITUATION IN ORDER TO EMPOWER DOMESTIC VIOLENCE VICTIMS TO PROTECT THEMSELVES AND THEIR FAMILIES.

Representative Hilton offers Amendment No. 1 which is adopted by electronic vote (81-28).

The bill, as amended, passes its second reading, by electronic vote (83-27), and there being no objection is read a third time.

Representative Miller states that his voting equipment malfunctioned and he requests to be recorded as voting "no". This request is granted. The adjusted vote total is (82-28).

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. 1469** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION

May 26, 2005

SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, passes its second reading by electronic vote (109-0).

Representative Stam 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. 884** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RECOGNIZING THE SEAGROVE AREA AS THE BIRTH-PLACE OF NORTH CAROLINA TRADITIONAL POTTERY.

Representative Brubaker offers Amendment No. 1 which is adopted by electronic vote (108-0).

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 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.

**H.B. 1392** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FELONY OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS.

Representative Crawford moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Appropriations.

On motion of the Chair, the bill is temporarily displaced.

**H.B. 1394** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PARENTS OF AN INCOMPETENT ADULT WHO IS NOT MARRIED TO RECOMMEND A GUARDIAN FOR THAT ADULT BY WILL OR OTHER DOCUMENT, 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.

#### **WITHDRAWAL OF OBJECTION TO THIRD READING**

Representative Stam withdraws his objection to the third reading of **H.B. 1469** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION

May 26, 2005

SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, and the bill is before the Body.

Representative Stam offers Amendment No. 1 which is adopted by electronic vote (110-0).

The bill, as amended, passes its third reading, by electronic vote (108-0), and is ordered engrossed and sent to the Senate.

Representative Glazier requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (109-0).

#### **CALENDAR (continued)**

**H.B. 1401** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CIRCUMSTANCES UNDER WHICH FEDERAL LAW ENFORCEMENT OFFICERS AND SWORN LAW ENFORCEMENT OFFICERS MAY CARRY CONCEALED WEAPONS, passes its second reading, by electronic vote (101-5), 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. 1409** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND AND THAT THE MONEY OR PROPERTY MAY BE REFUSED IF IT WAS NOT DERIVED FROM A LAWFUL SOURCE OR WILL NOT REASONABLY ASSURE APPEARANCE, 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.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1491** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE LIABILITY INSURANCE FOR SCHOOL SOCIAL WORKERS WHO TRANSPORT STUDENTS, passes its second reading, by electronic vote (105-0), 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.

**S.B. 763** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC.

On motion of the Chair, the bill is temporarily displaced.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Michaux, Chair, for the Committee on Judiciary II:

**H.B. 1428**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT WHEN A DISTRICT COURT JUDGE IS COMPLETING A FOUR-YEAR ELECTIVE TERM OF OFFICE AND WISHES TO CONTINUE IN OFFICE, THE NEXT ELECTION SHALL BE BY VOTE OF THE PEOPLE FOR RETENTION FOR AN EIGHT-YEAR TERM, 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 Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 877**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL NOTICES OF SALE INDICATE THAT THE SALE MAY BE DELAYED AND TO DIRECT THE DISPOSITION OF PROCEEDS FROM FORECLOSURE SALES TO PROTECT SECOND AND SUCCESSOR MORTGAGEES AND JUDGMENT CREDITORS, 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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**RE-REFERRALS**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 787** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES, TO PROVIDE THAT YADKIN COUNTY MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER, TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT, AND TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY, is withdrawn from the Committee on Finance 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. 189** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES, is withdrawn from the Committee on Transportation and re-referred to the Committee on Children, Youth and Families.

Representative Culpepper moves, seconded by Representative L. Allen, that the House adjourn, subject to the receipt of Committee Reports and committee assignments, to reconvene May 27 at 9:00 a.m.

The motion carries.

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

By Representative Sutton, Chair, for the Committee on Judiciary III:

**H.B. 1417**, A BILL TO BE ENTITLED AN ACT TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE THREE ADDITIONAL MEMBERS OF THE COMMISSION, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

May 26, 2005

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

No committee assignments having been received, the House stands adjourned at 6:15 p.m.

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## SEVENTY-FIRST DAY

HOUSE OF REPRESENTATIVES  
Friday, May 27, 2005

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by Representative Morgan, Speaker Pro Tempore.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Almighty God:

"As we go from day to day doing our work, welcoming the weekends and seeking opportunities for rest and relaxation, keep us ever mindful of the gift of sacrifice. Over this extended Memorial Day weekend may we remember the many gifts of sacrifice that have been made by the men and women of our country to keep us free. Indeed, the very movements within this Chamber itself are a vivid example of this extraordinary gift of sacrifice. As wreaths are laid, Taps is sounded throughout battlegrounds and cemeteries, and prayers are offered, may we always remember that the precious gift of life itself is best lived when it is offered as a sacrifice to others. 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.

There are no excused absences for today.

### CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

May 27, 2005

**S.B. 62**, AN ACT AMENDING THE CHARTER OF THE TOWN OF GIBSON TO EXTEND THE TOWN COMMISSIONERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS. (S.L. 2005-61)

**H.B. 772**, AN ACT TO PROHIBIT COMPUTER-ASSISTED REMOTE HUNTING. (S.L. 2005-62)

**S.B. 510**, AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT. (S.L. 2005-63)

**H.B. 761**, AN ACT TO AMEND THE MOTOR CARRIER SAFETY STATUTES. (S.L. 2005-64)

**H.B. 231**, AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER TO CLARIFY THAT THE CONTROLLER MAY CONDUCT COMPLIANCE REVIEWS OF STATE AGENCIES AND TO EXEMPT THE WORKING PAPERS FROM THOSE REVIEWS FROM THE PUBLIC RECORDS LAWS. (S.L. 2005-65)

**S.B. 572**, AN ACT TO CREATE A LICENSURE CATEGORY FOR ASSISTED LIVING COMMUNITIES THAT SERVE ONLY ELDERLY ADULTS. (S.L. 2005-66)

**H.B. 1015**, AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION. (S.L. 2005-67)

**S.B. 525**, AN ACT RELATING TO NASCAR HALL OF FAME FINANCING. (S.L. 2005-68)

#### **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. 1346**, A BILL TO BE ENTITLED AN ACT TO ENACT THE INTERSTATE COMPACT FOR JUVENILES, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

May 27, 2005

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of May 31. The original bill is placed on the Unfavorable Calendar.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**H.B. 1206** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DOMESTICALLY PROPAGATED WATERFOWL AND GAME BIRDS IN DOG TRAINING UNDER CERTAIN CONDITIONS, 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 31.

**S.B. 319** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND MAKING CONFORMING CHANGES TO THE WORKERS' COMPENSATION LAWS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 320** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF THE UNIFORM JUROR FEE AND TO DESIGNATE THE WAIVED FEES TO BE USED FOR SPECIFIED SERVICES, is read the first time and referred to the Committee on Appropriations.

**S.B. 494** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE DEPLOYMENT OF COMPETITIVE BROAD-BAND SERVICE BY PUBLIC UTILITIES, is read the first time and referred to the Committee on Public Utilities.

**S.B. 551**, A BILL TO BE ENTITLED AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS, is read the first time and referred to the Committee on Finance.

**S.B. 593** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATTORNEYS APPOINTED TO REPRESENT

May 27, 2005



INDIGENT CLIENTS FROM THE FEE CHARGED BY THE CLERK OF COURT FOR PREPARING COPIES, is read the first time and referred to the Committee on Finance.

**S.B. 846** (Committee Substitute), A BILL TO BE ENTITLED AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN REGISTER THEIR LICENSES, is read the first time and referred to the Committee on Judiciary II.

**S.B. 1134** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, TO DETERMINE WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO DEVELOP A RECOMMENDED GOAL, is read the first time and referred to the Committee on Environment and Natural Resources and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

By Representative Sutton, Chair, for the Committee on Judiciary III:

**H.B. 1439**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A GOOD FAITH EXCEPTION TO THE EXCLUSIONARY RULE, 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.

On motion of Representative Culpepper, seconded by Representative Justice, the House adjourns at 9:10 a.m. to reconvene Tuesday, May 31, 2005, at 3:00 p.m.

May 27, 2005

**SEVENTY-SECOND DAY**

HOUSE OF REPRESENTATIVES  
Tuesday, May 31, 2005

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Almighty God, who gives us grace and strength beyond measure, we come to You today with a sense of urgency as we seek Your intervention for the many tasks that await this Honorable Body. Grant them clear vision to see their way through the thickness of the daily Calendars. Grant them patience as they endure long periods of time behind the plow. Grant them clarity as they contemplate the alternatives to both bills and votes that await their attention. Throughout these days, may their minds be keen, their intellect sharp, and their sense of humor alive enough to help them through the hurdles that lie ahead. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 27 has been examined and found correct. Upon his motion, the Journal is approved as written.

A leave of absence is granted Representative Culp for today. Representatives Church, Dockham, Luebke, McGee, and Preston are excused for a portion of the Session.

**WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 1439** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE STATE'S EXCLUSIONARY RULE, is withdrawn from the Calendar pursuant to Rule 36(b) 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:

May 31, 2005

**H.B. 583**, AN ACT DESIGNATING THE COMMUNITY COLLEGES SYSTEM OFFICE AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE, AND TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES.

**H.B. 869**, AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS AND TO EXTEND A SPECIAL DEADLINE FOR EXEMPT ADULT HOUSING FACILITIES LOCATED IN A DOWNTOWN AREA AND BEING RELOCATED DUE TO A MAJOR ECONOMIC DEVELOPMENT PROJECT.

#### **CHAPTERED BILLS**

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

**H.B. 236**, AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER LANDS ACQUIRED BY THE FEDERAL GOVERNMENT. (S.L. 2005-69)

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Frye and Hilton, Chairs, for the Committee on Federal Relations and Trade Issues:

**H.R. 1614**, A HOUSE RESOLUTION URGING THE GENERAL ASSEMBLY TO ENDORSE THE RECOMMENDATIONS OF THE INTERGOVERNMENTAL POLICY ADVISORY COMMITTEE'S REPORT ON THE US-CENTRAL AMERICA FREE TRADE AGREEMENT, with recommendation that it be adopted.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of June 1.

By Representatives England and Sauls, Chairs, for the Education Subcommittee on Community Colleges, with approval of standing committee Chairs for report to be made directly to the floor of the House:

May 31, 2005

**H.B. 577**, A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE, with a favorable report as to the committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 1. The original bill is placed on the Unfavorable Calendar.

By Representatives Harrell and Justice, Chairs, for the Committee on Environment and Natural Resources:

**H.B. 1336**, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE USE OF METHYL TERTIARY BUTYL ETHER (MTBE) IN GASOLINE AND ALL OTHER 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 1. The original bill is placed on the Unfavorable Calendar.

By Representative Gibson, Chair, for the Committee on Alcoholic Beverage Control:

**H.B. 1416**, A BILL TO BE ENTITLED AN ACT TO MAKE TOWNS OR CITIES WHERE A RAILROAD PASSENGER TERMINUS EXISTS ELIGIBLE TO HOLD MALT BEVERAGE PERMIT ELECTIONS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 1.

**H.B. 1518**, A BILL TO BE ENTITLED AN ACT TO REQUIRE HOLDERS OF CERTAIN ABC PERMITS TO RECYCLE ALL RECYCLABLE CONTAINERS OF ALL BEVERAGES SOLD AT RETAIL ON THE PREMISES AND TO PROHIBIT THE DISPOSAL OF THOSE CONTAINERS IN LANDFILLS OR BY INCINERATION, 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 1. The original bill is placed on the Unfavorable Calendar.

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By Representative Sutton, Chair, for the Committee on Judiciary III:

**H.B. 1474**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN APPLICANT FOR PUBLIC ASSISTANCE PROGRAM BENEFITS MUST PROVIDE PROOF THAT THE APPLICANT IS A UNITED STATES CITIZEN OR, IF NOT A UNITED STATES CITIZEN, IS LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL LAW; TO PROVIDE FOR TEMPORARY PUBLIC ASSISTANCE BENEFITS TO BE PAID IN CASES WHERE THE APPLICANT CANNOT PROVIDE PROOF AT THE TIME OF APPLICATION; TO REQUIRE CERTAIN STATE AGENCIES TO COOPERATE WITH LOCAL GOVERNMENTS AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO DEVELOP A SYSTEM FOR VERIFYING LAWFUL PRESENCE IN THE UNITED STATES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 1.

By Representative Hill, Chair, for the Committee on Agriculture:

**H.B. 607**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A VETERINARIAN WHO OPERATES A MOBILE FACILITY MAY ENTER INTO A WRITTEN AGREEMENT TO HAVE URINE TESTS PERFORMED BY ANOTHER FACILITY OR LABORATORY, 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 1. The original bill is placed on the Unfavorable Calendar.

By Representative Wright, Chair, for the Committee on Health:

**H.B. 636**, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE BILLING FOR ANATOMIC PATHOLOGY SERVICES BY CLINICAL LABORATORIES AND PHYSICIANS PROVIDING THE SERVICES, 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 1. The original bill is placed on the Unfavorable Calendar.

May 31, 2005

**H.B. 1482**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL DEPARTMENTS OF SOCIAL SERVICES AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED, 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 1. The original bill is placed on the Unfavorable Calendar.

**H.B. 1493**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY, 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 1. The original bill is placed on the Unfavorable Calendar.

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 1304**, A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES TO HAVE THE SAME POWER TO CREATE MULTIMEMBER DISTRICTS AS DO 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 of June 1. The original bill is placed on the Unfavorable Calendar.

By Representative Hackney, Chair, for the Committee on Judiciary I:

**H.B. 76**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING SMOKING IN PUBLIC PLACES AND TO PROHIBIT SMOKING IN RESTAURANTS, 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 1. The original bill is placed on the Unfavorable Calendar.

May 31, 2005

**H.B. 529**, A BILL TO BE ENTITLED AN ACT TO SUSPEND EXECUTIONS FOR TWO YEARS WHILE CONDUCTING A TWO-YEAR STUDY ON ISSUES RELATING TO THE DEATH SENTENCE, 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. 725**, A BILL TO BE ENTITLED AN ACT TO REGULATE THE PRACTICE OF REAL ESTATE RESALE DEALERS IN THIS 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 of June 1. The original bill is placed on the Unfavorable Calendar.

**H.B. 1318**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS REGARDING EQUITABLE DISTRIBUTION BY REQUIRING THE COURT TO CONSIDER EVIDENCE RELATING TO BUILT-IN TAXES AND OTHER TAX CONSEQUENCES OF THE PARTIES TO A DIVORCE ACTION IN DETERMINING EQUITABLE DISTRIBUTION, 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 1. The original bill is placed on the Unfavorable Calendar.

By Representatives Dickson and Ray, Chairs, for the Education Subcommittee on Universities, with approval of standing committee Chairs for report to be made directly to the floor of the House:

**H.B. 1515**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A CRIMINAL BACKGROUND CHECK OF ALL STUDENTS ADMITTED INTO A SCHOOL OF MEDICINE AT A NORTH CAROLINA INSTITUTION OF HIGHER EDUCATION, with a favorable report as to the committee substitute bill, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

May 31, 2005

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representatives Glazier and Parmon, Chairs, for the Education Subcommittee on Pre-School, Elementary and Secondary Education, with approval of standing committee Chairs for report to be made directly to the floor of the House:

**H.B. 1059**, A BILL TO BE ENTITLED AN ACT TO CORRECT INACCURACIES IN THE USE OF CERTAIN TERMS IN THE GENERAL STATUTES PERTAINING TO THE ADMINISTRATION OF A SCHOOL HEALTH EDUCATION PROGRAM, with a favorable report as to the committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on the Calendar of June 1. The original bill is placed on the Unfavorable Calendar.

By Representative Michaux, Chair, for the Committee on Judiciary II:

**H.B. 1516**, A BILL TO BE ENTITLED AN ACT TO DECLARE SIGNING A WRITTEN STATEMENT THAT ALL MATERIALMEN'S LIENS ARE SATISFIED IS AN UNFAIR AND DECEPTIVE ACT, 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 1. The original bill is placed on the Unfavorable Calendar.

**S.B. 472**, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS, AND TO REQUIRE PERSONS CONVICTED OF THIS OFFENSE TO REGISTER AS SEX OFFENDERS, 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.

May 31, 2005



**CALENDAR**

Action is taken on the following:

**H.B. 1206** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DOMESTICALLY PROPAGATED WATERFOWL AND GAME BIRDS IN DOG TRAINING UNDER CERTAIN CONDITIONS.

On motion of Representative Williams, the House concurs in the Senate committee substitute bill, by electronic vote (113-1), and the bill is ordered enrolled and presented to the Governor.

**H.B. 1392** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FELONY OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS.

On motion of Representative Glazier and without objection, the bill is withdrawn from the Calendar and re-referred to the Appropriations Subcommittee on Justice and Public Safety.

**S.B. 763** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC, passes its second reading, by electronic vote (103-12), 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.

Senate Committee Substitute for **H.B. 986** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF GREENVILLE AND THE TOWNS OF SURF CITY AND WINDSOR.

On motion of Representative McLawhorn, the House concurs in the material Senate committee substitute bill on its third roll call reading, by the following vote, and the bill is ordered enrolled.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Cleveland, Coates, Cole,

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Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: Representatives Almond and Folwell - 2.

Excused absences: Representatives Church, Culp, and Dockham - 3.

**H.B. 470** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY, 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, L. Allen, Barnhart, Bell, Bordsen, Brown, Carney, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 92.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brubaker, Capps, Clary, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Kiser, LaRoque, Moore, Rayfield, Rhodes, Setzer, Stiller, Vinson, and Wiley - 25.

Excused absences: Representatives Church, Culp, and Dockham - 3.

**H.B. 1281** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE

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NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 116.

Voting in the negative: None.

Excused absences: Representatives Church, Culp, and Dockham - 3.

**H.B. 1087** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF SOCIAL WORKER UNDER THE SOCIAL WORKER CERTIFICATION AND LICENSURE ACT.

Representative Howard offers Amendment No. 1 which is adopted by electronic vote (69-46).

Representative Harrell requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (68-47).

On motion of Representative Culpepper, the bill is withdrawn from the Calendar, ordered engrossed, and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1541** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS.

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Representative Underhill offers Amendment No. 1.

On motion of the Chair, the amendment is temporarily displaced.

Representative Weiss offers Amendment No. 2.

Pursuant to Rule 24.1A, Representative Stiller requests that he be excused from voting on this bill because his law partner represents a large homeowners association. Pursuant to Rule 24.1A, Representative Justice requests that she be excused from voting on this bill because she manages a homeowners association for a living. These requests are granted.

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE PRESIDING.

Amendment No. 2 is adopted by electronic vote (112-0).

Speaker Black votes "aye". The adjusted vote total is (113-0).

Amendment No. 1, which was temporarily displaced, is before the Body.

The amendment is temporarily displaced.

Representative Gibson offers Amendment No. 3 which is adopted by electronic vote (113-0).

On motion of the Chair, the bill with pending Amendment No. 1 is temporarily displaced.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 271** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLEAR PROCEEDS OF TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS IN THE CITY OF WILMINGTON TO BE PAID TO THE COUNTY SCHOOL FUND, is read the first time and referred to the Committee on Local Government II.

**S.B. 486** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN

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WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES, is read the first time and referred to the Committee on Judiciary II.

**S.B. 592** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL REVISIONS TO THE LAW GOVERNING INDIGENT DEFENSE AND ENTITLEMENT TO COUNSEL, is read the first time and referred to the Committee on Judiciary I.

**S.B. 594** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING RECOUPMENT FOR LEGAL SERVICES PROVIDED TO INDIGENT PERSONS WHO ARE FINANCIALLY ABLE TO PAY A PORTION OF THE VALUE OF THOSE SERVICES, is read the first time and referred to the Committee on Judiciary I.

**S.B. 687**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE VOLUNTEER RESCUE/EMS FUND, is read the first time and referred to the Committee on Insurance.

**S.B. 724**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEPENDENTS OF MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD PAY IN-STATE TUITION, is read the first time and referred to the Committee on Appropriations.

**S.B. 828** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE ONE-TIME WINE SHIPPERS' APPLICATION FEE, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE, is read the first time and referred to the Committee on Alcoholic Beverage Control and, if favorable, to the Committee on Finance.

**S.B. 911** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION, is read the first time and referred to the Appropriations Subcommittee on Justice and Public Safety.

**S.B. 912** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE PUBLIC SCHOOLS TO TEACH PERSONAL FINANCIAL LITERACY TO HIGH SCHOOL STUDENTS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 1067** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DEVELOPMENT OF A DEFENSE

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TECHNOLOGY INNOVATION CENTER, is read the first time and referred to the Committee on Appropriations.

### INTRODUCTION OF PAGES

Pages for the week of May 31 are introduced to the membership. They are: Jessie Ammons of Wake; Neltonia Atkinson of Wake; Edward Bersuder of Wake; Dana Boone of Caldwell; Molly Brewer of Person; Austin Cannon of Wake; William Corbett of Iredell; Mary Jane Christoph of Alamance; John Falkner of Vance; Catherine Gaddis of Cumberland; Trey Green of Stanly; Jessie Hollingsworth of Pitt; Amanda Hurley of Cumberland; Meredith Hurley of Cumberland; Cameron Isaacs of Iredell; Suzanne Jordan of Wake; Savannah King of Wake; Kristin Kirk of Montgomery; Alexandra Leonard of Wake; Lisa Martin of Wake; Kirkland Morgan of Guilford; Jack Neese of Wake; Marycobb Randall of Pitt; Heather Stancil of Wake; Samuel Willis of Carteret; and Cliff Wilson of Wayne.

### CALENDAR (continued)

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 267** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Representative Allred offers Amendment No. 1 which fails of adoption by electronic vote (35-80).

The bill passes its second reading, by electronic vote (111-5), 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 COMMITTEE

On motion of the Chair and without objection, **H.B. 1087** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF SOCIAL WORKER UNDER THE SOCIAL WORKER CERTIFICATION AND LICENSURE ACT, is withdrawn from the

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Committee on Rules, Calendar, and Operations of the House and placed on the Calendar pursuant to Rule 36(b).

**CALENDAR (continued)**

**H.B. 1541** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS, which was temporarily displaced with Amendment No. 1 pending, is before the Body.

Amendment No. 1 is adopted by electronic vote (113-0).

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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 114.

Voting in the negative: Representative Vinson.

Excused absences: Representatives Church, Culp, and Dockham - 3.

Excused vote: Representatives Justice and Stiller - 2.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 347** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE GROWTH, DEVELOPMENT, AND SUSTAINABILITY OF FAMILY FARMS, TO RENAME THE FARMLAND

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PRESERVATION TRUST FUND AS THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND, AND TO ESTABLISH THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE, passes its second reading, by electronic vote (117-0), 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. 448** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FAIR AND ORDERLY PROCESS FOR THE DISPOSITION OF COMPLAINTS AGAINST LOCAL SCHOOL BOARD MEMBERS.

Representative Glazier offers Amendment No. 1 which is adopted by electronic vote (115-0).

The bill, as amended, passes its second reading, by electronic vote (115-0), 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.B. 661** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST.

On motion of Representative Glazier and without objection, the bill is temporarily displaced.

#### **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. 1295**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MAXIMUM WEIGHT OF A MOTOR VEHICLE THAT IS SUBJECT TO THE NEW MOTOR VEHICLES WARRANTIES ACT AND TO PROMOTE

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THE EXPEDITIOUS SETTLEMENT OF CLAIMS WHEN THE CONSUMER REQUESTS THE MANUFACTURER TO REPURCHASE THE MOTOR VEHICLE, 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 1. The original bill is placed on the Unfavorable Calendar.

**H.B. 1351**, A BILL TO BE ENTITLED AN ACT TO CREATE VARIOUS CRIMINAL OFFENSES THAT EXTEND THE SAME PROTECTION THAT A CURRENT LAW PROVIDES FOR EXECUTIVE, LEGISLATIVE, AND COURT OFFICERS TO A PERSON ENGAGED IN SCHOOL ACTIVITIES OR ON SCHOOL PROPERTY, 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 1. The original bill is placed on the Unfavorable Calendar.

By Representative Sutton, Chair, for the Committee on Judiciary III:

**H.B. 288**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A MOTOR VEHICLE SHALL DO UPON APPROACH OF AN EMERGENCY VEHICLE, 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 1. The original bill is placed on the Unfavorable Calendar.

By Representative Weiss, Chair, for the Committee on Judiciary IV:

**H.B. 1543**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PHOTOGRAPHS AND VIDEO OR AUDIO RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT PUBLIC RECORDS AND TO ALLOW FOR LIMITED ACCESS TO RECORDED IMAGES OF AN AUTOPSY BY THE PUBLIC, 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 1. 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. 747** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS AND TO REQUIRE ANNUAL WORK PLANS FOR MAINTENANCE OF STATE STREETS AND HIGHWAYS WITHIN MUNICIPALITIES, 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.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 877** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL NOTICES OF SALE INDICATE THAT THE SALE MAY BE DELAYED, passes its second reading by electronic vote (111-3).

Representative Stam objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1026** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED AT CERTAIN INTERSECTIONS IN RALEIGH, fails to pass its second reading by electronic vote (47-65).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1093**, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (2) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; AND (3) PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE

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WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION, 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.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1094**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO CHANGE THE NAME OF THE WETLANDS RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND, passes its second reading, by electronic vote (106-2), 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.

**H.B. 1095**, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS, 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. 1096**, 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, 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 report from standing committee is presented:

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By Representative Wright, Chair, for the Committee on Health:

**H.B. 785**, A BILL TO BE ENTITLED AN ACT TO AMEND THE INVESTMENT AUTHORITY OF PUBLIC HOSPITALS, 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.

#### **CALENDAR (continued)**

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1099** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997, 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.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Michaux and without objection, **H.B. 1309** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO OFFER COTENANTS THE RIGHT OF FIRST REFUSAL PRIOR TO A FORCED PUBLIC PARTITION SALE, is withdrawn from the Calendar and re-referred to the Committee on Judiciary II.

#### **WITHDRAWAL OF OBJECTION TO THIRD READING**

Representative Stam withdraws his objection to the third reading of **H.B. 877** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL NOTICES OF SALE INDICATE THAT THE SALE MAY BE DELAYED, and the bill is before the Body.

Representative Stam offers Amendment No. 1 which is adopted by electronic vote (115-0).

The bill, as amended, passes its third reading, by electronic vote (113-0), and is ordered engrossed and sent to the Senate.

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Representative Justice states that her voting equipment malfunctioned and she requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (114-0).

**CALENDAR (continued)**

**H.B. 1240** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS.

SPEAKER BLACK PRESIDING.

The bill 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.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1343**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROMPT PAY STATUTE TO ALLOW PARTIES TO AGREE TO CERTAIN TERMS, passes its second reading, by electronic vote (115-0), and remains on the Calendar.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1346** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE INTERSTATE COMPACT FOR JUVENILES, passes its second reading, by electronic vote (114-0), and there being no objection is read a third time.

Representative Lewis states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (115-0).

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. 1385** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS, AND TO REMOVE THE SUNSET APPLICABLE

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TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124, passes its second reading by electronic vote (97-14).

Representative B. Allen objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1417** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE SIX ADDITIONAL MEMBERS OF THE COMMISSION, passes its second reading by electronic vote (115-0).

Representative Crawford objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1436** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SENTENCING COMMISSION TO STUDY AND MAKE RECOMMENDATIONS REGARDING EVIDENCE THAT A MURDER WAS COMMITTED IN VIOLATION OF A VALID DOMESTIC VIOLENCE PROTECTIVE ORDER AS AN AGGRAVATING FACTOR IN CAPITAL SENTENCING, passes its second reading, by electronic vote (111-1), and there being no objection is read a third time.

Representative Crawford requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (112-1).

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. 1466** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE, 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.

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Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1489**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR INDECENT EXPOSURE IF THE OFFENSE IS COMMITTED IN THE PRESENCE OF A MINOR OF THE OPPOSITE SEX WHO IS LESS THAN THIRTEEN YEARS OLD, passes its second reading by electronic vote (115-0).

Representative Michaux objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1527** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS, 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. 1539** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT RELATING TO ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA AND TO CREATE A PANEL TO DETERMINE WHETHER UNIVERSITY ACTIVITIES VIOLATE THE ACT.

Representative Daughtridge offers Amendment No. 1 which is adopted by electronic vote (116-0).

Representative Faison offers Amendment No. 2 which fails of adoption by electronic vote (34-82).

The bill, as amended, passes its second reading by electronic vote (108-10).

Representative Grady objects to the third reading. The bill remains on the Calendar.

#### **WITHDRAWAL OF OBJECTION TO THIRD READING**

Representative Michaux withdraws his objection to the third reading of **H.B. 1489**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR INDECENT EXPOSURE IF THE OFFENSE IS

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COMMITTED IN THE PRESENCE OF A MINOR OF THE OPPOSITE SEX WHO IS LESS THAN THIRTEEN YEARS OLD, and the bill is before the Body.

The bill passes its third reading and is ordered sent to the Senate.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of the Chair and without objection, **H.B. 1343**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROMPT PAY STATUTE TO ALLOW PARTIES TO AGREE TO CERTAIN TERMS, is withdrawn from the Calendar of June 1 and placed on the Calendar for immediate consideration.

Representative Nye offers Amendment No. 1 which is adopted by electronic vote (117-0).

The bill, as amended, passes its third reading, by electronic vote (115-0), and is ordered engrossed and sent to the Senate.

Representatives Allred and Sauls request and are granted permission to be recorded as voting "aye". The adjusted vote total is (117-0).

#### **CALENDAR (continued)**

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1551**, A BILL TO BE ENTITLED AN ACT EXEMPTING CERTAIN SOCIAL WORKERS FROM THE PRESERVICE TRAINING REQUIREMENT PURSUANT TO LAWS REQUIRING TRAINING BY THE DIVISION OF SOCIAL SERVICES WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND REQUIRING THE DIVISION OF SOCIAL SERVICES TO DEVELOP OR ALLOW ALTERNATIVE MODELS OF DELIVERING TRAINING TO CHILD WELFARE SERVICES WORKERS, passes its second reading, by electronic vote (114-1), and there being no objection is read a third time.

Representative Yongue requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (115-0).

The bill passes its third reading and is ordered sent to the Senate.

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**RE-REFERRALS**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 386**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT, 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.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 913**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF ORANGE COUNTY AND PROVIDE FOR DISTRICT ELECTION OF MOST OF ITS MEMBERS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Local Government I.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1526**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE AUTOMOBILE INSURANCE COMPREHENSIVE DEDUCTIBLE ON MOTOR VEHICLE WINDSHIELD GLASS, is withdrawn from the Committee on Insurance 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 Bell, Lucas, and McLawhorn, Chairs, for the Committee on Education:

**H.B. 126**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE THROUGH ELECTION DAY AS THE PREDOMINANT VOTING METHOD, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS, 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 of June 1. The original bill is placed on the Unfavorable Calendar.

**H.B. 550**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES TO IMPLEMENT AN EXPEDITED PROCEDURE FOR THE ADOPTION OF PERMANENT RULES, 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 1. The original bill is placed on the Unfavorable Calendar.

**H.B. 855**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A SPECIAL PURCHASE-TRANSPORTATION PERMIT FOR KEGS CONTAINING ALCOHOLIC BEVERAGES, 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 1. The original bill is placed on the Unfavorable Calendar.

Representative Culpepper moves, seconded by Representative Williams, that the House adjourn, subject to the receipt of Committee Reports, to reconvene June 1 at 3:00 p.m.

The motion carries.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

**H.B. 386**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT, reported without

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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.

**H.B. 1064** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE PROVISION OF WATER SERVICE IN BUNCOMBE COUNTY, reported without prejudice as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar of June 1. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

**H.B. 1065** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY, reported without prejudice as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar of June 1. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

**H.B. 327**, 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, 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 1. The original bill is placed on the Unfavorable Calendar.

**H.B. 328** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWN OF NAGS HEAD TO THE CITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR

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OR LESS, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar of June 1. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

**H.B. 824**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MUSCADINE INSTITUTE FOR OPERATING FUNDS, 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 Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

**H.B. 842**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA STATE UNIVERSITY FOR RESEARCH AND DEVELOPMENT OF MUSCADINE GRAPES IN NORTH CAROLINA, 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.

**H.B. 1677**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MANCHESTER CDC, INC., TO DEVELOP CULTURAL AND RECREATIONAL ACTIVITIES IN THE MANCHESTER TOWNSHIP OF CUMBERLAND COUNTY, 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.

**H.J.R. 1650**, A JOINT RESOLUTION HONORING THE MEMORY OF ABRAHAM L. FREELANDER FOR HIS CONTRIBUTIONS TO HAYWOOD COMMUNITY COLLEGE, ON THE OCCASION OF THE COLLEGE'S FORTIETH ANNIVERSARY, with a favorable report.

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Pursuant to Rule 36(b), the resolution is placed on the Calendar of June 1.

**H.B. 1526**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE AUTOMOBILE INSURANCE COMPREHENSIVE DEDUCTIBLE ON MOTOR VEHICLE WINDSHIELD GLASS, 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 Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

**H.B. 601** (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 CAROLINA LAKES PROPERTY OWNERS' ASSOCIATION IN HARNETT COUNTY, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar of June 1. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

**H.B. 253**, A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS OF THE NORTH CAROLINA TURNPIKE AUTHORITY, 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 1. The original bill is placed on the Unfavorable Calendar.

The House stands adjourned at 8:42 p.m.

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## SEVENTY-THIRD DAY

HOUSE OF REPRESENTATIVES  
Wednesday, June 1, 2005

The House meets at 3:00 p.m. pursuant to adjournment and is called to order by the Speaker.

June 1, 2005

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Loving God:

"You created us in Your image, opened the portals of heaven and blessed us with Your presence. Look with pity upon us, we humbly beseech Thee, as we carefully debate in conference, vote on the Chamber floor and wearily make our way through the daily Calendar. Keep true in us the reasons we were sent here, that in so doing, we may give serious consideration to each and every bill that passes before us. Remind us that the race is not always won by the swift but to those who persevere to the end. 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.

There are no excused absences for today.

### **ENROLLED BILLS**

The following bills are duly ratified and presented to the Governor:

**S.B. 116**, AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS PLANT OF THE STATE OF NORTH CAROLINA.

**S.B. 763**, AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC.

**H.B. 1206**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DOMESTICALLY PROPAGATED WATERFOWL AND GAME BIRDS IN DOG TRAINING UNDER CERTAIN CONDITIONS.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**H.B. 986**, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITIES OF GREENVILLE AND ELIZABETH CITY AND THE TOWNS OF AYDEN, SURF CITY, AND WINDSOR.

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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. 1170**, A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2005 NCAA DIVISION I CHAMPIONSHIP. (RESOLUTION 2005-34)

#### **CHAPTERED BILLS**

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

**H.B. 869**, AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS AND TO EXTEND 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. 2005-70)

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Bell and Wilson, Chairs, for the Committee on Pensions and Retirement:

**H.B. 59**, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED SCHOOL GUIDANCE COUNSELORS AND MEDIA SPECIALISTS TO RETURN TO EMPLOYMENT WITH THE PUBLIC SCHOOLS WITHOUT LOSING RETIREMENT BENEFITS, 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 Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

By Representative Tucker, Chair, for the Committee on Local Government I:

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**H.B. 1034**, A BILL TO BE ENTITLED AN ACT REQUIRING THE NEW HANOVER COUNTY BOARD OF EDUCATION TO STUDY SUCCESS CENTERS BEFORE IMPLEMENTING THEM IN THE NEW HANOVER COUNTY SCHOOLS, 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 Dickson and Ray, Chairs, for the Education Subcommittee on Universities, with approval of standing committee Chairs for report to be made directly to the floor of the House:

**H.B. 1285**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ELECTION AND TERMS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA BY INCREASING THE TERM LENGTH OF A MEMBER FROM FOUR YEARS TO SIX YEARS, DECREASING THE NUMBER OF MEMBERS FROM THIRTY-TWO MEMBERS TO THIRTY MEMBERS, AND ELIMINATING THE POSITION OF MEMBER EMERITUS, 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 Bell and Wilson, Chairs, for the Committee on Pensions and Retirement:

**H.B. 1524** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, 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.

By Representatives Daughtridge, Goforth, LaRoque, and Rapp, Chairs, for the Committee on Commerce:

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**H.B. 1522**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE PORTS AUTHORITY ENABLING LEGISLATION, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representatives Bell, Lucas, and McLawhorn, Chairs, for the Committee on Education:

**H.B. 595**, A BILL TO BE ENTITLED AN ACT TO DECREASE THE COST TO A TEACHER WHO TAKES PERSONAL LEAVE, 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. 1414** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 38(a), Committee Substitute Bill No. 2 is re-referred to the Committee on Appropriations. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Womble, Chair, for the Committee on Ways and Means:

**H.B. 1291**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE CONTINUING EDUCATION REQUIREMENTS FOR LOCKSMITHS UNDER THE NORTH CAROLINA LOCKSMITH LICENSING ACT, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representatives Johnson and Womble, Chairs, for the Committee on State Government:

**H.B. 237**, 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, AS RECOMMENDED

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BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, reported without prejudice and with recommendation that the bill be re-referred to the Committee on Transportation.

The bill is re-referred to the Committee on Transportation.

**H.B. 1776**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NORTH CAROLINA TROUT UNLIMITED SPECIAL REGISTRATION PLATE, 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.

By Representatives L. Allen, Allred, Carney, and Stiller, Chairs, for the Committee on Transportation:

**H.B. 1227**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**H.B. 1487**, 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, 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 Hill, Chair, for the Committee on Agriculture:

**H.B. 858**, A BILL TO BE ENTITLED AN ACT DESIGNATING MAY OF EACH YEAR AS MOTORCYCLE AWARENESS MONTH, 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 Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

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By Representatives Glazier and Parmon, Chairs, for the Education Subcommittee on Pre-School, Elementary and Secondary Education, with approval of standing committee Chairs for report to be made directly to the floor of the House:

**H.B. 1074** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ENROLLING CHILDREN IN THE PUBLIC SCHOOLS, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

**H.B. 1151**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A DUTY-FREE LUNCH PERIOD FOR TEACHERS, 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 B. Allen and Justus, Chairs, for the Committee on State Personnel:

**H.B. 716**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE MEDIATION OF STATE EMPLOYEE GRIEVANCES UNDER THE STATE PERSONNEL ACT AND RELATING TO THE TIME FRAME FOR CONTESTED CASES UNDER G.S. 126-34.1, 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 Hackney, Chair, for the Committee on Judiciary I:

**H.B. 829**, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG, 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.

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**H.B. 1020**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**H.B. 1029**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ESTABLISH EFFECTIVE PROCEDURES TO ALLOW THE CLEARING OF OBSTRUCTIONS FROM THE FLOODWAY OF STREAMS AND TO ENSURE THAT THE CLEARING OF STREAMS DOES NOT CONSTITUTE LEGAL ADOPTION OF STREAMS, 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.

The committee substitute changes the bill from local to public.

By Representative Michaux, Chair, for the Committee on Judiciary II:

**H.B. 1243** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING GOOD FAITH CAUSE FOR THE EVICTION OF TENANTS RENTING SPACE FOR RESIDENTIAL MANUFACTURED HOMES, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

**H.B. 1404**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA STATE HIGHWAY PATROL TO DESIGNATE ENFORCEMENT PERSONNEL TO SERVE AS PROCESS OFFICERS IN EACH DISTRICT OF EACH TROOP AND TO SERVE PROCESS

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AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES, 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 Steen and Williams, Chairs, for the Committee on Wildlife Resources:

**S.B. 844**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MANAGED HUNTS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representatives Bell, Lucas, and McLawhorn, Chairs, for the Committee on Education:

**H.B. 793**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL, with a favorable report and recommendation that the bill be re-referred to the Committee on Rules, Calendar, and Operations of the House.

The bill is re-referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

**H.B. 667**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE INCENTIVES, DISINCENTIVES, AND RELATED CONTRACTUAL MEASURES TO EXPEDITE RELOCATION OF PUBLIC AND PRIVATE TELECOMMUNICATIONS, GAS, OR ELECTRIC UTILITIES THAT ARE REQUIRED TO BE RELOCATED FOR A HIGHWAY CONSTRUCTION PROJECT, 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 Rules, Calendar, and Operations of the House. The original bill is placed on the Unfavorable Calendar.

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**H.B. 1163**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROVISIONS IN MOTOR CARRIER FREIGHT TRANSPORTATION CONTRACTS THAT HOLD HARMLESS THE SHIPPER FOR THE SHIPPER'S NEGLIGENCE OR INTENTIONAL ACTS ARE VOID, 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. 1353**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO HEAR CONTROVERSIES SUBMITTED BY MUNICIPAL ELECTRIC SERVICE CUSTOMERS WHO LIVE OUTSIDE THE MUNICIPALITY'S CORPORATE BOUNDARIES, with a favorable report as to the committee substitute bill, as amended, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill, as amended, is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representative McAllister, Chair, for the Committee on Children, Youth and Families:

**H.B. 1517**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO CHILD CARE FACILITIES, 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 L. Allen, Allred, Carney, and Stiller, Chairs, for the Committee on Transportation:

**H.B. 749**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE PARTNERSHIP AGREEMENTS TO MAKE NEEDED TRANSPORTATION IMPROVEMENTS, 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.

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The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

### CALENDAR

Action is taken on the following:

**H.B. 661** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST.

On motion of Representative Glazier and without objection, the bill is temporarily displaced.

**H.R. 1614**, A HOUSE RESOLUTION URGING THE GENERAL ASSEMBLY TO ENDORSE THE RECOMMENDATIONS OF THE INTERGOVERNMENTAL POLICY ADVISORY COMMITTEE'S REPORT ON THE US-CENTRAL AMERICA FREE TRADE AGREEMENT.

On motion of Representative Glazier and without objection, the resolution is withdrawn from the Calendar and placed on the Calendar of June 6.

### WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **H.B. 328** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE AND THE TOWNS OF BEAUFORT AND SOUTHERN SHORES TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWNS OF DUCK, KILL DEVIL HILLS, KITTY HAWK, AND NAGS HEAD TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, TO ALLOW THE TOWN OF ST. JAMES TO EXERCISE PLANNING JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND TO ALLOW EXTRA-TERRITORIAL PLANNING JURISDICTION IN 2010, TO EXEMPT

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THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN ABC STORE IN BRUNSWICK COUNTY BE LOCATED NO CLOSER THAN SEVEN MILES FROM A MUNICIPALITY WITH AN EXISTING ABC STORE, AND TO ADD WASHINGTON COUNTY TO THE COUNTIES IN WHICH IT IS ILLEGAL TO REMOVE OR DESTROY AN ELECTRONIC DOG COLLAR, is withdrawn from the Calendar and referred to the Committee on Rules, Calendar, and Operations of the House.

**CALENDAR (continued)**

**H.B. 601** (Committee Substitute No. 2), 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, 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 by Special Message.

**H.B. 1064** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REGARDING THE PROVISION OF WATER SERVICE IN BUNCOMBE 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 by Special Message.

**H.B. 1065** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REGARDING WATER RATES IN BUNCOMBE 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 by Special Message.

**H.B. 1541** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS.

Pursuant to Rule 24.1A(c), the requests that Representatives Justice and Stiller be excused from voting on May 31 are continued.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate by Special Message.

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Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Jeffus, Johnson, Jones, Ed Jones, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: Representatives Rhodes and Vinson - 2.

Excused absences: None.

Excused vote: Representatives Justice and Stiller - 2.

Representative Current requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (113-2).

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Harrell and without objection, **H.B. 1428** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT WHEN A DISTRICT COURT JUDGE IS COMPLETING A FOUR-YEAR ELECTIVE TERM OF OFFICE AND WISHES TO CONTINUE IN OFFICE, THE NEXT ELECTION SHALL BE BY VOTE OF THE PEOPLE FOR RETENTION FOR AN EIGHT-YEAR TERM, AND TO MAKE CONFORMING CHANGES, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

#### **CALENDAR (continued)**

**H.B. 1385** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE

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TANKS, AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124, passes its third reading, by electronic vote (115-5), and is ordered and sent to the Senate by Special Message.

**H.B. 1417** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE SIX ADDITIONAL MEMBERS OF THE COMMISSION.

Representative Haire offers Amendment No. 1 which is adopted by electronic vote (120-0).

The bill, as amended, passes its third reading, by electronic vote (118-0), and is ordered engrossed and sent to the Senate by Special Message.

Representative England requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (119-0).

**H.B. 1539** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT RELATING TO ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA AND TO CREATE A PANEL TO DETERMINE WHETHER UNIVERSITY ACTIVITIES VIOLATE THE ACT.

Representative Daughtridge offers Amendment No. 3 which is adopted by electronic vote (114-3).

The bill, as amended, passes its third reading, by electronic vote (112-6), and is ordered engrossed and sent to the Senate by Special Message.

Representative Haire requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (113-6).

**H.B. 76** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING SMOKING IN PUBLIC PLACES AND TO REDUCE SMOKING IN RESTAURANTS.

Representative Holliman offers Amendment No. 1 which fails of adoption for lack of a majority by electronic vote (59-59).

The bill fails to pass its second reading by electronic vote (58-62).

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Representative Harrell requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (57-63).

**H.B. 126** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND, passes its second reading by electronic vote (95-23).

Representative Stam objects to the third reading. The bill remains on the Calendar.

**H.B. 253** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ADOPT TRANSPORTATION CORRIDOR OFFICIAL MAPS, TO INCREASE THE NUMBER OF PROJECTS THE AUTHORITY MAY UNDERTAKE FROM THREE TO NINE, AND TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, passes its second reading, by electronic vote (99-19), 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.B. 288** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A MOTOR VEHICLE SHALL DO UPON APPROACH OF AN EMERGENCY VEHICLE.

Representative Rapp offers Amendment No. 1 which is adopted by electronic vote (119-0).

Representative Sherrill offers Amendment No. 2 which is adopted by electronic vote (118-0).

The bill, as amended, passes its second reading, by electronic vote (117-0), 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 by Special Message.

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**WITHDRAWAL OF OBJECTION TO THIRD READING**

Representatives Allred and Stam withdraw their objections to the third reading of **H.B. 126** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND, and the bill is before the Body.

Representative Allred offers Amendment No. 1 which fails of adoption by electronic vote (22-94).

Representative Coleman requests and is granted permission to be recorded as voting "no". Representative Ross requests and is granted permission to change her vote from "aye" to "no". The adjusted vote total is (21-96).

The bill passes its third reading, by electronic vote (100-17), and is ordered sent to the Senate by Special Message.

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees and permanent subcommittees are presented:

By Representative Michaux, Chair, for the Committee on Judiciary II:

**H.B. 1146**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE FORECLOSURE PROCESS, 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 Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

**H.B. 1256**, A BILL TO BE ENTITLED AN ACT TO FACILITATE VOTING BY ACCUSED CITIZENS WHO ARE INCARCERATED BUT NOT CONVICTED OF CRIMES AND BY CITIZENS WHO ARE INCARCERATED ON MISDEMEANOR CONVICTIONS; AND TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON

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THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP, 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 Tucker, Chair, for the Committee on Local Government I:

**H.B. 787** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES, TO PROVIDE THAT YADKIN COUNTY MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER, TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT, AND TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY, with a favorable report as to Committee Substitute Bill No. 3, which changes the title, unfavorable as to Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Committee Substitute Bill No. 3 is placed on the Calendar. Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

By Representatives Daughtridge, Goforth, LaRoque, and Rapp, Chairs, for the Committee on Commerce:

**H.B. 1388**, A BILL TO BE ENTITLED AN ACT TO EXCLUDE INTERNET-BASED SALES FROM ACTIVITIES REGULATED BY THE LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS, 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 Haire and Kiser, Chairs, for the Appropriations Subcommittee on Justice and Public Safety, with approval of standing committee Chairs for report to be made directly to the floor of the House:

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**H.B. 1392** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FELONY OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

#### CALENDAR (continued)

**H.B. 327** (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, 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.

**H.B. 550** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES TO IMPLEMENT AN EXPEDITED PROCEDURE FOR THE ADOPTION OF PERMANENT RULES, passes its second reading, by electronic vote (113-3), and there being no objection is read a third time.

Representative McComas requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (114-2).

The bill passes its third reading and is ordered sent to the Senate by Special Message.

**H.B. 577** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE, 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.

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**H.B. 607** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE FARMLAND PRESERVATION ENABLING ACT TO ESTABLISH A CATEGORY OF ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS THAT OFFERS ADDITIONAL PROTECTION OF FARMLAND FROM NONFARM DEVELOPMENT AND ADDITIONAL BENEFITS FOR FARMLAND WHEN THE OWNER OF THE FARMLAND IS WILLING TO ENTER INTO AN IRREVOCABLE CONSERVATION AGREEMENT FOR TEN YEARS OR LONGER.

Representative Hill offers Amendment No. 1 which is adopted by electronic vote (114-0).

The bill, as amended, passes its second reading, by electronic vote (111-0), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate by Special Message.

**H.B. 636** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF MARKUPS OF ANATOMIC PATHOLOGY SERVICES BY PHYSICIANS, HOSPITALS, DENTISTS, AND PODIATRISTS.

Representative Nye offers Amendment No. 1 which is adopted by electronic vote (115-0).

The bill, as amended, passes its second reading, by electronic vote (115-0), 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 by Special Message.

**H.B. 725** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE PRACTICE OF REAL ESTATE RESALE DEALERS IN THIS STATE, passes its second reading, by electronic vote (116-1), and remains on the Calendar.

Representative LaRoque requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (117-0).

**H.B. 855** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH STATEWIDE NUTRITION STANDARDS FOR SCHOOL MEALS, A LA CARTE FOODS AND BEVERAGES, AND THE AFTER SCHOOL SNACK

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PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/ OBESITY OF THE HEALTH AND WELLNESS TRUST FUND, passes its second reading, by electronic vote (119-1), 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.

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE, PRESIDING.

**H.B. 1059** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT INACCURACIES IN THE USE OF CERTAIN TERMS IN THE GENERAL STATUTES PERTAINING TO THE ADMINISTRATION OF A SCHOOL HEALTH EDUCATION PROGRAM.

Representative Stam offers Amendment No. 1 which is adopted by electronic vote (113-0).

Representative Hilton offers Amendment No. 2 which is adopted by electronic vote (115-2).

The bill, as amended, passes its second reading, by electronic vote (116-2), and there being no objection is read a third time.

Representative Clary requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (117-2).

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate by Special Message.

**H.B. 1295** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MAXIMUM WEIGHT OF A MOTOR VEHICLE THAT IS SUBJECT TO THE NEW MOTOR VEHICLES WARRANTIES ACT AND TO PROMOTE THE EXPEDITIOUS SETTLEMENT OF CLAIMS WHEN THE CONSUMER REQUESTS THE MANUFACTURER TO REPURCHASE THE MOTOR VEHICLE.

Representative Moore offers Amendment No. 1 which fails of adoption by electronic vote (28-87).

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Representative Pierce requests and is granted permission to be recorded as voting "no". The adjusted vote total is (28-88).

The bill passes its second reading, by electronic vote (111-8), and there being no objection is read a third time.

Representatives Earle and Williams request and are granted permission to change their votes from "no" to "aye". The adjusted vote total is (113-6).

The bill passes its third reading and is ordered sent to the Senate by Special Message.

**H.B. 1304** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES TO HAVE THE SAME POWER TO CREATE MULTIMEMBER DISTRICTS AS DO COUNTIES.

On motion of Representative L. Allen, the bill is temporarily displaced.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

By Representatives Bell, Lucas, and McLawhorn, Chairs, for the Committee on Education:

**H.B. 1155**, A BILL TO BE ENTITLED AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL, 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.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 36(b)(2), **H.B. 787** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT BUNCOMBE, GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY

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THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

#### WITHDRAWAL OF BILL FROM COMMITTEE

Without objection, **H.B. 1414** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING, is withdrawn from the Committee on Appropriations and placed on the Calendar pursuant to Rule 36(b).

#### CALENDAR (continued)

**H.B. 1318** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS REGARDING EQUITABLE DISTRIBUTION BY REQUIRING THE COURT TO CONSIDER EVIDENCE RELATING TO BUILT-IN TAXES AND OTHER TAX CONSEQUENCES OF THE PARTIES TO A DIVORCE ACTION IN DETERMINING EQUITABLE DISTRIBUTION, passes its second reading, by electronic vote (117-0), 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.

**H.B. 1336** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF METHYL TERTIARY BUTYL ETHER (MTBE) IN MOTOR FUELS, TO DIRECT THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND THE COMMISSIONER OF AGRICULTURE TO STUDY THE FEASIBILITY AND ADVANTAGES OF A COORDINATED APPROACH TO THE PHASE-OUT OF MTBE IN THE SOUTHEAST REGION OF THE UNITED STATES, AND TO DIRECT THE SECRETARY AND THE COMMISSIONER TO WORK COOPERATIVELY WITH SOUTHEASTERN STATES TO DEVELOP AND IMPLEMENT A REGIONAL APPROACH, passes its second reading, by electronic vote (113-5), 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 by Special Message.

SPEAKER BLACK PRESIDING.

**H.B. 1351** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN OFFENSE FOR THREATS AGAINST SCHOOL PROPERTY.

Pursuant to Rule 36.1, Representative Earle, Chair of the Committee on Appropriations, requests a fiscal note on the bill.

The bill is removed from the Calendar.

**H.B. 1304** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES TO HAVE THE SAME POWER TO CREATE MULTIMEMBER DISTRICTS AS DO COUNTIES, which was temporarily displaced, is before the Body.

On motion of the Chair, the House recesses at 6:19 p.m.

### RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

### CALENDAR (continued)

**H.B. 1304** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES TO HAVE THE SAME POWER TO CREATE MULTIMEMBER DISTRICTS AS DO COUNTIES, is before the Body.

On motion of Representative L. Allen, the bill is temporarily displaced.

**H.B. 1416**, A BILL TO BE ENTITLED AN ACT TO MAKE TOWNS OR CITIES WHERE A RAILROAD PASSENGER TERMINUS EXISTS ELIGIBLE TO HOLD MALT BEVERAGE PERMIT ELECTIONS, passes its second reading by electronic vote (77-42).

Representative Starnes objects to the third reading. The bill remains on the Calendar.

**H.B. 1474**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN APPLICANT FOR PUBLIC ASSISTANCE PROGRAM BENEFITS

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MUST PROVIDE PROOF THAT THE APPLICANT IS A UNITED STATES CITIZEN OR, IF NOT A UNITED STATES CITIZEN, IS LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL LAW; TO PROVIDE FOR TEMPORARY PUBLIC ASSISTANCE BENEFITS TO BE PAID IN CASES WHERE THE APPLICANT CANNOT PROVIDE PROOF AT THE TIME OF APPLICATION; TO REQUIRE CERTAIN STATE AGENCIES TO COOPERATE WITH LOCAL GOVERNMENTS AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO DEVELOP A SYSTEM FOR VERIFYING LAWFUL PRESENCE IN THE UNITED STATES.

On motion of Representative Howard, the bill is temporarily displaced.

**H.B. 1482** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL DEPARTMENTS OF SOCIAL SERVICES AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED, passes its second reading, by electronic vote (103-17), and there being no objection is read a third time.

Representative Current requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (104-16).

The bill passes its third reading and is ordered sent to the Senate by Special Message.

**H.B. 1493** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY, passes its second reading, by electronic vote (120-0), 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.

**H.B. 1516** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS AN UNFAIR AND DECEPTIVE ACT FOR A PERSON TO SIGN A WRITTEN STATEMENT THAT ALL MATERIALMEN'S LIENS ARE SATISFIED WHEN THE PERSON HAS ACTUAL KNOWLEDGE THAT ANY MATERIALMEN'S LIEN REMAINS UNSATISFIED, passes its second reading, by electronic vote (119-0), and there being no objection is read a third time.

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Representative Current requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (120-0).

The bill passes its third reading and is ordered sent to the Senate by Special Message.

**H.B. 1518** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HOLDERS OF CERTAIN ABC PERMITS TO RECYCLE ALL RECYCLABLE CONTAINERS OF ALL BEVERAGES SOLD AT RETAIL ON THE PREMISES AND TO PROHIBIT THE DISPOSAL OF THOSE CONTAINERS IN LANDFILLS OR BY INCINERATION, passes its second reading, by electronic vote (116-3), 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.

**H.B. 1543** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PHOTOGRAPHS AND VIDEO OR AUDIO RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT PUBLIC RECORDS AND TO ALLOW FOR LIMITED ACCESS TO RECORDED IMAGES OF AN AUTOPSY BY THE PUBLIC.

On motion of the Chair, the bill is temporarily displaced.

**H.B. 661** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST, which was temporarily displaced, is before the Body.

Representative Moore offers Amendment No. 1 which is adopted by electronic vote (119-0).

The bill, as amended, passes its second reading, by electronic vote (111-8), 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. 1543** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PHOTOGRAPHS AND VIDEO OR AUDIO

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RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT PUBLIC RECORDS AND TO ALLOW FOR LIMITED ACCESS TO RECORDED IMAGES OF AN AUTOPSY BY THE PUBLIC, which was temporarily displaced, is before the Body.

The bill passes its second reading, by electronic vote (111-9), 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.B. 1304** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES TO HAVE THE SAME POWER TO CREATE MULTIMEMBER DISTRICTS AS DO COUNTIES, which was temporarily displaced, is before the Body.

Representative L. Allen offers Amendment No. 1 which is adopted by electronic vote (113-6).

The bill, as amended, fails to pass its second reading by electronic vote (34-84).

**H.B. 1474**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN APPLICANT FOR PUBLIC ASSISTANCE PROGRAM BENEFITS MUST PROVIDE PROOF THAT THE APPLICANT IS A UNITED STATES CITIZEN OR, IF NOT A UNITED STATES CITIZEN, IS LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL LAW; TO PROVIDE FOR TEMPORARY PUBLIC ASSISTANCE BENEFITS TO BE PAID IN CASES WHERE THE APPLICANT CANNOT PROVIDE PROOF AT THE TIME OF APPLICATION; TO REQUIRE CERTAIN STATE AGENCIES TO COOPERATE WITH LOCAL GOVERNMENTS AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO DEVELOP A SYSTEM FOR VERIFYING LAWFUL PRESENCE IN THE UNITED STATES, which was temporarily displaced, is before the Body.

Representative Howard offers Amendment No. 1.

Pursuant to Rule 36.1, Representative Earle, Chair of the Committee on Appropriations, requests a fiscal note on the bill.

The bill is removed from the Calendar.

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**H.J.R. 1650**, A JOINT RESOLUTION HONORING THE MEMORY OF ABRAHAM L. FREEDLANDER FOR HIS CONTRIBUTIONS TO HAYWOOD COMMUNITY COLLEGE, ON THE OCCASION OF THE COLLEGE'S FORTIETH ANNIVERSARY, passes its second reading, by electronic vote (114-0), and there being no objection is read a third time.

Representative Adams requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (115-0).

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

Pursuant to Rule 38(a), **H.B. 529** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SUSPEND EXECUTIONS FOR TWO YEARS WHILE CONDUCTING A STUDY ON ISSUES RELATING TO THE DEATH SENTENCE, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Appropriations.

#### **FISCAL NOTE ATTACHED**

The fiscal note requested by Representative Earle earlier today is attached to **H.B. 1351** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN OFFENSE FOR THREATS AGAINST SCHOOL PROPERTY, and the bill is placed on today's Calendar.

On motion of Representative Almond and without objection, the bill is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

#### **CROSSOVER DEADLINE AGREEMENT**

**JUNE 1, 2005**

**AGREEMENT TO COVER BILLS AND RESOLUTIONS PASSED FOLLOWING ADJOURNMENT OF EITHER CHAMBER PRIOR TO THE OTHER ON JUNE 2, 2005, CROSSOVER DEADLINE.**

It is agreed that all bills and resolutions passed by the House of Representatives or the Senate on June 2, 2005, and ordered sent to the other chamber but not read as a message on the floor of either Body, shall be

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considered to have met the provision of House Rule 31.1(d) and Senate Rule 41.

S/ Marc Basnight  
*Senate President Pro Tempore*

S/ James B. Black  
*Speaker of the House*

On motion of the Chair, the House recesses at 8:26 p.m.

### RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

**H.B. 1101**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PROMPT RELEASE OF ELECTION RESULTS AFTER THE CLOSE OF THE POLLS ON ELECTION DAY, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representative Culpepper, Chair, for the Committee on Rules, Calendar, and Operations of the House:

**H.B. 328** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE AND THE TOWNS OF BEAUFORT AND SOUTHERN SHORES TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWNS OF DUCK, KILL DEVIL HILLS, KITTY HAWK, AND NAGS HEAD TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH

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SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, TO ALLOW THE TOWN OF ST. JAMES TO EXERCISE PLANNING JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND TO ALLOW EXTRATERRITORIAL PLANNING JURISDICTION IN 2010, TO EXEMPT THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN ABC STORE IN BRUNSWICK COUNTY BE LOCATED NO CLOSER THAN SEVEN MILES FROM A MUNICIPALITY WITH AN EXISTING ABC STORE, AND TO ADD WASHINGTON COUNTY TO THE COUNTIES IN WHICH IT IS ILLEGAL TO REMOVE OR DESTROY AN ELECTRONIC DOG COLLAR, with a favorable report as to Committee Substitute Bill No. 3, which changes the title, unfavorable as to Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Committee Substitute Bill No. 3 is placed on the Calendar. Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

**H.B. 787** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT BUNCOMBE, GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE, with a favorable report as to Committee Substitute Bill No. 4, which changes the title, unfavorable as to Committee Substitute Bill No. 3.

Pursuant to Rule 36(b), Committee Substitute Bill No. 4 is placed on the Calendar. Committee Substitute Bill No. 3 is placed on the Unfavorable Calendar.

#### **CALENDAR (continued)**

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1020**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE DEMOLITION OF

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STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS, 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 by Special Message.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1034** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION, 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 by Special Message.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1087** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF SOCIAL WORKER UNDER THE SOCIAL WORKER CERTIFICATION AND LICENSURE ACT, passes its third reading, by electronic vote (105-12), 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. 59** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED SCHOOL GUIDANCE COUNSELORS AND MEDIA SPECIALISTS, AND PSYCHOLOGISTS TO RETURN TO EMPLOYMENT WITH THE PUBLIC SCHOOLS WITHOUT LOSING RETIREMENT BENEFITS.

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE PRESIDING.

On motion of Representative Crawford and without objection, the bill is withdrawn from the Calendar and re-referred to the Committee on Appropriations.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 716** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE MEDIATION OF STATE EMPLOYEE GRIEVANCES UNDER THE STATE PERSONNEL ACT AND

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RELATING TO THE TIME FRAME FOR CONTESTED CASES UNDER G.S. 126-34.1, passes its second reading, by electronic vote (113-3), and there being no objection is read a third time.

On motion of Representative Gibson and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of June 2.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Daughtridge, Goforth, LaRoque, and Rapp, Chairs, for the Committee on Commerce:

**H.B. 330**, A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE TO A LIVABLE WAGE, 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. 1473**, 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, 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. 829** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL FLAGS, passes its second reading, by electronic vote (114-2), 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.

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Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1029** (Committee Substitute), A BILL TO BE ENTITLED AN ACT FACILITATING THE ESTABLISHMENT OF MUNICIPAL PROGRAMS TO CLEAR STREAMS BY CLARIFYING A MUNICIPALITY'S LIABILITY FOR SUCH ACTIONS, 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 by Special Message.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1074** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ADMITTING CHILDREN TO THE PUBLIC SCHOOLS, passes its second reading by electronic vote (117-1).

Representative Faison objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1146** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE FORECLOSURE PROCESS.

Representative Haire offers Amendment No. 1 which is adopted by electronic vote (101-17).

The bill, as amended, passes its second reading by electronic vote (99-18).

Representative Cole requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (100-18).

Representative LaRoque objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1151** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INSTRUCTIONAL PLANNING TIME AND A DUTY-FREE LUNCH PERIOD FOR TEACHERS.

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SPEAKER BLACK PRESIDING.

The bill passes its second reading by electronic vote (117-2).

Representative Crawford objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1155** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL, passes its second reading, by electronic vote (119-0), 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.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1163** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROVISIONS IN MOTOR CARRIER FREIGHT TRANSPORTATION CONTRACTS THAT HOLD HARMLESS THE SHIPPER FOR THE SHIPPER'S NEGLIGENCE OR INTENTIONAL ACTS ARE VOID, passes its second reading, by electronic vote (119-0), 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.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1227**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT, passes its second reading, by electronic vote (117-0), 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.

#### **WITHDRAWAL OF OBJECTION TO THIRD READING**

Representative Faison withdraws his objection to the third reading of **H.B. 1074** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN

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ACT TO CLARIFY THE PROCEDURE FOR ADMITTING CHILDREN TO THE PUBLIC SCHOOLS, and the bill is before the Body.

Representative Glazier offers Amendment No. 1 which is adopted by electronic vote (118-0).

Representative Coleman states that her voting equipment malfunctioned and she requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (119-0).

The bill, as amended, passes its third reading, by electronic vote (115-0), and is ordered engrossed and sent to the Senate by Special Message.

#### **CALENDAR (continued)**

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1243** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING A LONGER NOTICE PERIOD FOR A TERMINATION OF A TENANCY FOR THE RENTAL SPACE FOR RESIDENTIAL MANUFACTURED HOMES, passes its second reading, by electronic vote (104-14), 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.

**H.B. 1256** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP.

Pursuant to Rule 36.1, Representative Sherrill, Chair of the Committee of Appropriations requests a fiscal note on the the bill.

The bill is removed from the Calendar.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1285** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE ELECTION AND TERMS OF THE BOARD OF

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GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA BY INCREASING THE TERM LENGTH OF A MEMBER FROM FOUR YEARS TO SIX YEARS.

Pursuant to Rule 24.1A, Representative Luebke requests that he be excused from voting on this bill because of a conflict of interest. This request is granted.

The bill fails to pass its second reading by electronic vote (26-90).

Representative Ross requests and is granted permission to be recorded as voting "no". The adjusted vote total is (26-91).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1291**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE CONTINUING EDUCATION REQUIREMENTS FOR LOCKSMITHS UNDER THE NORTH CAROLINA LOCKSMITH LICENSING ACT, passes its second reading, by electronic vote (92-25), 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.

**H.B. 1353** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION TO HEAR CONTROVERSIES SUBMITTED BY MUNICIPAL ELECTRIC SERVICE CUSTOMERS WHO LIVE OUTSIDE THE MUNICIPALITY'S CORPORATE BOUNDARIES AND IN LENOIR COUNTY.

On motion of Representative LaRoque, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading 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.

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**WITHDRAWAL OF OBJECTION TO THIRD READING**

Representative LaRoque withdraws his objection to the third reading of **H.B. 1146** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE FORECLOSURE PROCESS, and the bill is before the Body.

On motion of Representative Hackney, the bill is temporarily displaced.

**CALENDAR (continued)**

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE INTERNET-BASED SALES FROM ACTIVITIES REGULATED BY THE LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS, passes its second reading, by electronic vote (118-0), 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.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1392** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A CLASS 1 MISDEMEANOR OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS, passes its second reading, by electronic vote (117-0), 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.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1404** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LAW ENFORCEMENT OFFICERS TO SERVE PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES, passes its second reading, by electronic vote (118-0), 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.

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Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1414** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING, 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 by Special Message.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1517** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO CHILD CARE FACILITIES, SO AS TO CLARIFY THAT FACILITIES MAY ALSO OFFER CARE TO CHILDREN OF PART-TIME EMPLOYEES OF THE FACILITY, passes its second reading, by electronic vote (117-2), 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.

**H.B. 1522**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE PORTS AUTHORITY ENABLING LEGISLATION, passes its second reading, by electronic vote (119-0), 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.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1524** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, passes its second reading, by electronic vote (116-0), 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 by Special Message.

**H.B. 1146** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE FORECLOSURE PROCESS, which was temporarily displaced, is before the Body.

Representative Stam offers Amendment No. 2 which is adopted by electronic vote (119-0).

The bill, as amended, passes its third reading, by electronic vote (115-3), and is ordered engrossed and sent to the Senate 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.

**H.B. 328** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE AND THE TOWNS OF BEAUFORT AND SOUTHERN SHORES TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWNS OF DUCK, KILL DEVIL HILLS, KITTY HAWK, AND NAGS HEAD TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, TO ALLOW THE TOWN OF ST. JAMES TO EXERCISE PLANNING JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND TO ALLOW EXTRATERRITORIAL PLANNING JURISDICTION IN 2010, TO EXEMPT THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN ABC STORE IN BRUNSWICK COUNTY BE LOCATED NO CLOSER THAN SEVEN MILES FROM A MUNICIPALITY WITH AN EXISTING ABC STORE, TO ADD WASHINGTON COUNTY TO THE COUNTIES IN WHICH IT IS ILLEGAL TO REMOVE OR DESTROY AN ELECTRONIC DOG COLLAR, AND TO AUTHORIZE THE TOWN OF MATTHEWS TO ADOPT AND ENACT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THAT TOWN.

**H.B. 787** (Committee Substitute No. 4), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN

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ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT BUNCOMBE, GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE.

**H.B. 1101**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PROMPT RELEASE OF ELECTION RESULTS AFTER THE CLOSE OF THE POLLS ON ELECTION DAY.

**H.B. 1473**, 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.

**H.B. 330** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE TO A LIVABLE WAGE.

#### **CALENDAR (continued)**

**H.B. 328** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE AND THE TOWNS OF BEAUFORT AND SOUTHERN SHORES TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWNS OF DUCK, KILL DEVIL HILLS, KITTY HAWK, AND NAGS HEAD TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, TO ALLOW THE TOWN OF ST. JAMES TO EXERCISE PLANNING

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JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND TO ALLOW EXTRATERRITORIAL PLANNING JURISDICTION IN 2010, TO EXEMPT THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN ABC STORE IN BRUNSWICK COUNTY BE LOCATED NO CLOSER THAN SEVEN MILES FROM A MUNICIPALITY WITH AN EXISTING ABC STORE, TO ADD WASHINGTON COUNTY TO THE COUNTIES IN WHICH IT IS ILLEGAL TO REMOVE OR DESTROY AN ELECTRONIC DOG COLLAR, AND TO AUTHORIZE THE TOWN OF MATTHEWS TO ADOPT AND ENACT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THAT TOWN, 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 by Special Message.

**H.B. 330** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE TO A LIVABLE WAGE.

Pursuant to Rule 36.1, Representative Clary, Chair of the Committee on Appropriations, requests a fiscal note on the bill.

The bill is removed from the Calendar.

**H.B. 1473**, 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, passes its second reading by electronic vote (115-0).

Representative Stam objects to the third reading. The bill remains on the Calendar.

**H.B. 1101**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PROMPT RELEASE OF ELECTION RESULTS AFTER THE CLOSE OF THE POLLS ON ELECTION DAY, passes its second reading by electronic vote (72-46).

Representative Luebke objects to the third reading. The bill remains on the Calendar.

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**BILL PLACED ON CALENDAR**

The Speaker determines that a fiscal note is not necessary for **H.B. 330** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE TO A LIVABLE WAGE, under Rule 36.1, and the bill is placed on the Calendar.

The bill fails to pass its second reading by electronic vote (52-66).

**CALENDAR (continued)**

**H.B. 787** (Committee Substitute No. 4), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT BUNCOMBE, GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE, 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 by Special Message.

**RE-REFERRAL**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 249**, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION CONCERNING DRIVEWAY CONNECTIONS TO STATE HIGHWAYS, is withdrawn from the Committee on Transportation and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Culpepper, seconded by Representative Jeffus, the House adjourns at 11:59 p.m. to reconvene June 2 at 10:00 a.m.

June 1, 2005

**SEVENTY-FOURTH DAY**

HOUSE OF REPRESENTATIVES  
Thursday, June 2, 2005

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Almighty God, Ruler of heaven and earth:

"It is right and good that we greet and acknowledge Thee as sovereign over us; for we greet You this morning with both a sense of anticipation and trepidation. We are excited about our respective legislation while at the same time we understand that our nerves are frayed and some of us may even be at wits end. Gracious God, remind us of the honor and tradition of this place that far surpasses our limited time in this Chamber. Grant that we may debate vigorously; but also that we might honor one another with the integrity and respect that is fitting for men and women of elected office, which honors our respective constituents, but most importantly, honors and blesses You. 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.

Representative Weiss is excused for a portion of the Session.

**ENROLLED BILLS**

The following bill is duly ratified and presented to the Governor:

**S.B. 884**, AN ACT RECOGNIZING THE SEAGROVE AREA AS THE BIRTHPLACE OF NORTH CAROLINA TRADITIONAL POTTERY.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**H.B. 570**, AN ACT TO PROVIDE FOR THE PROFIT DISTRIBUTION FROM THE SALES OF ALCOHOLIC BEVERAGES BY THE KINGS MOUNTAIN ALCOHOLIC BEVERAGE CONTROL BOARD.

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The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**H.J.R. 1609**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM "BILL" SETH HIATT, FORMER COMMISSIONER OF THE NORTH CAROLINA DEPARTMENT OF MOTOR VEHICLES AND FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 2005-35)

#### CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

**H.B. 986**, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITIES OF GREENVILLE AND ELIZABETH CITY AND THE TOWNS OF AYDEN, SURF CITY, AND WINDSOR. (S.L. 2005-71)

#### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Bell, Lucas, and McLawhorn, Chairs, for the Committee on Education:

**S.B. 988**, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY TO GASTON COLLEGE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representative Holliman, Chair, for the Committee on Insurance:

**H.B. 653**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CREDIT INSURANCE LAWS TO DEFINE "CRITICAL PERIOD COVERAGE"; CLARIFY THE APPROPRIATE REFUND OF PREMIUMS METHOD WHEN A POLICY OR GROUP CERTIFICATE IS TERMINATED PRIOR TO THE SCHEDULED MATURITY DATE OF THE SUBJECT DEBT; ALLOW CREDIT CARD COVERAGE FROM OUT-OF-STATE FINANCIAL INSTITUTIONS; PROVIDE THAT INSURERS MUST ACKNOWLEDGE TO THE CLAIMANT ANY CLAIMS NOT PAID WITHIN THIRTY DAYS; CLARIFY THAT INSURERS CAN REQUIRE

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REGISTRATION WITH THE STATE UNEMPLOYMENT OFFICE TO QUALIFY FOR CREDIT UNEMPLOYMENT INSURANCE BUT CANNOT IMPOSE A TIME LIMIT ON THAT REGISTRATION NOR CONDITION QUALIFICATION FOR BENEFITS UNDER A POLICY UPON QUALIFICATION FOR STATE UNEMPLOYMENT BENEFITS; CLARIFY THAT, WITH RESPECT TO CREDIT UNEMPLOYMENT INSURANCE, THE REFUND SHALL EQUAL THE PRO RATA UNEARNED GROSS PREMIUM; AND PROVIDE THE COMMISSIONER OF INSURANCE WITH THE AUTHORITY TO ENFORCE THE LAWS GOVERNING CREDIT INSURANCE CONSISTENT WITH THE COMMISSIONER'S GENERAL ENFORCEMENT AUTHORITY AS SET FORTH IN CHAPTER 58 OF THE GENERAL STATUTES, with a favorable report as to the committee substitute bill, as amended, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill, as amended, is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

### CALENDAR

Action is taken on the following:

**H.B. 716** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE MEDIATION OF STATE EMPLOYEE GRIEVANCES UNDER THE STATE PERSONNEL ACT AND RELATING TO THE TIME FRAME FOR CONTESTED CASES UNDER G.S. 126-34.1.

Representative Crawford moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Appropriations.

Pursuant to Rule 36.1, Representative Culpepper, Chair of the Committee on Rules, Calendar, and Operations of the House, requests a fiscal note on the bill.

The bill is removed from the Calendar.

**H.B. 725** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE PRACTICE OF REAL ESTATE RESALE DEALERS IN THIS STATE, passes its third reading, by electronic vote (115-1), and is ordered sent to the Senate by Special Message.

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Representative Blackwood requests and is granted permission to change his vote from "no" to "aye". Representatives Wright, Goforth, and Coleman request and are granted permission to be recorded as voting "aye". The adjusted vote total is (119-0).

**H.B. 1101**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PROMPT RELEASE OF ELECTION RESULTS AFTER THE CLOSE OF THE POLLS ON ELECTION DAY, passes its third reading, by electronic vote (75-43), and is ordered sent to the Senate by Special Message.

**H.B. 1151** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INSTRUCTIONAL PLANNING TIME AND A DUTY-FREE LUNCH PERIOD FOR TEACHERS, passes its third reading, by electronic vote (115-3), and is ordered sent to the Senate by Special Message.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Haire and without objection, **H.B. 1188**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COURT-IMPOSED AND ENFORCED POST-RELEASE PUNISHMENT OF PRISONERS UNDER STRUCTURED SENTENCING, is withdrawn from the Calendar and placed on the Calendar of June 9.

#### **CALENDAR (continued)**

**H.B. 1416**, A BILL TO BE ENTITLED AN ACT TO MAKE TOWNS OR CITIES WHERE A RAILROAD PASSENGER TERMINUS EXISTS ELIGIBLE TO HOLD MALT BEVERAGE PERMIT ELECTIONS, passes its third reading, by electronic vote (80-38), and is ordered sent to the Senate by Special Message.

Representative Stiller requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (79-39).

**H.B. 1473**, 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, passes its third reading, by electronic vote (119-0), and is ordered sent to the Senate by Special Message.

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**BILL PLACED ON CALENDAR**

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 653** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CREDIT INSURANCE LAWS TO DEFINE "CRITICAL PERIOD COVERAGE"; CLARIFY THE APPROPRIATE REFUND OF PREMIUMS METHOD WHEN A POLICY OR GROUP CERTIFICATE IS TERMINATED PRIOR TO THE SCHEDULED MATURITY DATE OF THE SUBJECT DEBT; ALLOW CREDIT CARD COVERAGE FROM OUT-OF-STATE FINANCIAL INSTITUTIONS; PROVIDE THAT INSURERS MUST ACKNOWLEDGE TO THE CLAIMANT ANY CLAIMS NOT PAID WITHIN THIRTY DAYS; CLARIFY THAT INSURERS CAN REQUIRE REGISTRATION WITH THE STATE UNEMPLOYMENT OFFICE AND PROVISION OF AN OFFICIAL STATE UNEMPLOYMENT OFFICE DECISION LETTER REGARDING THE CLAIM TO QUALIFY FOR CREDIT UNEMPLOYMENT INSURANCE BENEFITS UNDER THE POLICY BUT CANNOT IMPOSE A TIME LIMIT ON THAT REGISTRATION; AND PROVIDE THE COMMISSIONER OF INSURANCE WITH THE AUTHORITY TO ENFORCE THE LAWS GOVERNING CREDIT INSURANCE CONSISTENT WITH THE COMMISSIONER'S GENERAL ENFORCEMENT AUTHORITY AS SET FORTH IN CHAPTER 58 OF THE GENERAL STATUTES, is placed on today's Calendar for immediate consideration.

On motion of Representative Howard, Committee Amendment No. 1 is adopted by electronic vote (119-0).

The bill, as amended, passes its second reading, by electronic vote (119-0), 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 by Special Message.

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committee are presented:

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 863** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE, AND TO ADD

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CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WOODFIN, with a favorable report as to Committee Substitute Bill No. 3, which changes the title, unfavorable as to Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Committee Substitute Bill No. 3 is placed on the Calendar. Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

**H.B. 945**, A BILL TO BE ENTITLED AN ACT TO AMEND THE DURHAM COUNTY OCCUPANCY TAX, 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.

Representative Culpepper moves, seconded by Representative B. Allen, that the House adjourn, subject to the receipt of Messages from the Senate, the referral of bills to committee, and committee assignments, to reconvene Monday, June 5, 2005, at 7:00 p.m.

The motion carries.

#### **SPECIAL MESSAGES FROM THE SENATE**

The following Special Messages are received from the Senate:

**H.B. 631** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY, 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 6.

Senate Committee Substitute for **H.B. 940** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF LELAND AND PINEVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWNS' OVERGROWN VEGETATION ORDINANCE, 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.

Upon concurrence the Senate committee substitute bill changes the title.

**S.B. 32**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 42** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE HOME CARE AGENCY LICENSURE ACT AND TO ESTABLISH HOME CARE CLIENTS' RIGHTS AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is read the first time and referred to the Committee on Aging.

**S.B. 98** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE THROUGH ELECTION DAY AS THE VOTING METHOD, TO BE KNOWN AS "SUPER PRECINCTS" OR "VOTE CENTERS", is read the first time and referred to the Committee on Election Law and Campaign Finance Reform.

**S.B. 140**, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENT THAT FIREMEN HAVE FIVE YEARS OF SERVICE IN ORDER TO BE ELIGIBLE FOR ASSISTANCE UNDER THE LOCAL FIREMEN'S RELIEF FUND, is read the first time and referred to the Committee on Pensions and Retirement.

**S.B. 148** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS, is read the first time and referred to the Committee on Pensions and Retirement.

**S.B. 217** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REVOCATION OF THE DRIVERS LICENSE OF ANY PERSON CONVICTED OF GIVING ALCOHOLIC

BEVERAGES TO, OR AIDING AND ABETTING THE PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES BY, AN UNDERAGE PERSON AND TO ALLOW FOR A LIMITED DRIVING PRIVILEGE, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 247** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT HELIPORT LOCATIONS AND DECLARE CERTAIN HELIPORTS A NUISANCE, is read the first time and referred to the Committee on Commerce.

**S.B. 268** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT "AEDIN'S LAW" TO DIRECT THE COMMISSIONER OF AGRICULTURE TO ADOPT RULES ESTABLISHING PERMITTING AND SANITATION REQUIREMENTS FOR ANIMAL EXHIBITIONS, is read the first time and referred to the Committee on Agriculture.

**S.B. 277** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF A CERTIFICATE OF MOTOR VEHICLE SELF-INSURANCE FOR CERTAIN GROUPS TO ADDRESS THOSE ORGANIZATIONS EXEMPTED UNDER FEDERAL LAW, is read the first time and referred to the Committee on Insurance.

**S.B. 289** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION, is read the first time and referred to the Committee on Local Government II.

**S.B. 335** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE, is read the first time and referred to the Committee on Local Government II.

**S.B. 338** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE, is read the first time and referred to the Committee on Local Government I.

**S.B. 340** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE AND TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE

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DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION, is read the first time and referred to the Committee on Local Government II.

**S.B. 353** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SUPREME COURT WITH THE AUTHORITY TO REVISE THE RULES OF CIVIL AND CRIMINAL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 383**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND, is read the first time and referred to the Committee on Pensions and Retirement.

**S.B. 393** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT, is read the first time and referred to the Committee on Commerce.

**S.B. 428** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED DISCHARGE OF LASER AT AN AIRCRAFT, is read the first time and referred to the Committee on Judiciary I.

**S.B. 435** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE AUTHORITY OF THE COUNTY OF DURHAM TO ENTER INTO PUBLIC-PRIVATE PROJECTS, is read the first time and referred to the Committee on Local Government I.

**S.B. 489** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING A MEMBER TO THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS, AUTHORIZING THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS TO CLARIFY CERTAIN DEFINITIONS UNDER THE NORTH CAROLINA COSMETIC ART ACT, TO APPROVE EXAMINATION FACILITIES, AND TO SET LIMITS FOR FAILED CANDIDATES SEEKING TO RETAKE AN EXAMINATION, is read the first time and referred to the Committee on Health.

**S.B. 512** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF CONDITIONING THE PROVISION OF WATER OR SEWER SERVICES UPON AGREEING TO BE SUPPLIED WITH ELECTRICITY, TO PRESERVE THE CORRIDOR

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SERVICE RIGHTS OF ELECTRIC SUPPLIERS OUTSIDE CITIES FROM BEING LOST OR DILUTED DUE TO EXTRATERRITORIAL SERVICES BY CITIES, AND TO ADDRESS OTHER ELECTRIC TERRITORY ISSUES, is read the first time and referred to the Committee on Public Utilities.

**S.B. 523** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT A STATUTORY REFERENCE, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 590** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS, is read the first time and referred to the Committee on Finance.

**S.B. 602** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PROFESSIONAL LIABILITY OF STATE EMPLOYEES AND AGENCIES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 669**, A BILL TO BE ENTITLED AN ACT TO REPEAL LEGISLATION THAT MADE STATE LAND SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND PERMITTED THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS ON STATE LAND WITHOUT THE APPROVAL OF THE COUNCIL OF STATE, is read the first time and referred to the Committee on State Government.

**S.B. 692** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 729**, A BILL TO BE ENTITLED AN ACT TO CLARIFY INCLUDABLE INTEREST CHARGES FOR USED MOTOR VEHICLES UNDER THE RETAIL INSTALLMENT SALES ACT, is read the first time and referred to the Committee on Commerce.

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**S.B. 740**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS, is read the first time and referred to the Committee on Health.

**S.B. 751** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN IN ORDER TO PROVIDE AFFORDABLE HEALTH BENEFIT OPTIONS TO COVERED EMPLOYEES, is read the first time and referred to the Committee on Health.

**S.B. 756** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE STATE BUILDING COMMISSION, is read the first time and referred to the Committee on Commerce.

**S.B. 757** (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, is read the first time and referred to the Committee on Commerce.

**S.B. 782** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE NORTH CAROLINA HUMAN RELATIONS COMMISSION TO STUDY ISSUES RELATED TO THE STATE FAIR HOUSING ACT AND TO REPORT TO THE GENERAL ASSEMBLY, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 797** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FORFEITURE OF A BAIL BOND SHALL BE SET ASIDE IF THE DEFENDANT FOR WHOM THE BOND WAS POSTED WAS INCARCERATED ANYWHERE AT THE TIME OF THE FAILURE TO APPEAR, TO PROVIDE THAT BOND SHALL NOT BE FORFEITED UNLESS THE SURETY OR BAIL AGENT HAD NOTICE OR ACTUAL KNOWLEDGE THAT THE DEFENDANT HAD FAILED TO APPEAR ON TWO OR MORE OCCASIONS ON THE SAME CHARGE, AND TO PROVIDE THAT BOND SHALL BE REMITTED IF THE DEFENDANT RECEIVES A PRAYER FOR JUDGMENT CONTINUED OR DEFERRED PROSECUTION UNLESS THE DISTRICT ATTORNEY OBJECTS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 811** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE DISTRICT COURT DISTRICT 20 AND PROSECUTORIAL

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DISTRICT 20 INTO 20A AND 20B, TO REALIGN SUPERIOR COURT DISTRICTS 20A AND 20B, AND TO DIVIDE SUPERIOR COURT, DISTRICT COURT, AND PROSECUTORIAL DISTRICTS 29 INTO DISTRICTS 29A AND 29B, is read the first time and referred to the Appropriations Subcommittee on Justice and Public Safety.

**S.B. 814** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 832** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WRECKERS TO TAKE DISABLED VEHICLES UP TO FIFTY MILES FOR REPAIR, PARKING, OR STORAGE, is read the first time and referred to the Committee on Judiciary II.

**S.B. 856** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO TRIAL PREPARATION MATERIAL, is read the first time and referred to the Committee on Judiciary I.

**S.B. 895** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REAL ESTATE BROKERS DUTIES RELATED TO REAL ESTATE TRUST MONIES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 927** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS, AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 932** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONFIDENTIAL INFORMATION OF PUBLIC AGENCIES AND SUBDIVISIONS, is read the first time and referred to the Committee on Judiciary I.

**S.B. 951** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A UNIT OF LOCAL GOVERNMENT THAT DISPLACES A PRIVATE COMPANY THAT IS PROVIDING COLLECTION SERVICES

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FOR SOLID WASTE OR RECOVERED MATERIALS TO GIVE NOTICE OF ITS INTENT TO DO SO AND TO PROVIDE COMPENSATION TO THE DISPLACED PRIVATE COMPANY, is read the first time and referred to the Committee on Commerce.

**S.B. 970** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING APPEALS OF QUASI-JUDICIAL DECISIONS MADE UNDER ARTICLE 19 OF CHAPTER 160A AND ARTICLE 18 OF CHAPTER 153A OF THE GENERAL STATUTES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 981** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION: (1) TO STUDY WATER QUALITY IN DRINKING WATER SUPPLY RESERVOIRS IN THE STATE, (2) TO ADOPT NUTRIENT CONTROL CRITERIA FOR DRINKING WATER SUPPLY RESERVOIRS, (3) TO DEVELOP AND IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS THAT ARE IMPAIRED OR THAT MAY BECOME IMPAIRED WITHIN FIVE YEARS, (4) NOT TO MAKE ANY NEW OR INCREASED NUTRIENT LOADING ALLOCATION TO ANY IMPAIRED DRINKING WATER SUPPLY RESERVOIR UNTIL RULES TO IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR THAT RESERVOIR BECOME EFFECTIVE, AND (5) TO REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION ON PROGRESS IN DEVELOPING AND IMPLEMENTING NUTRIENT MANAGEMENT STRATEGIES FOR DRINKING WATER SUPPLY RESERVOIRS WITH IMPAIRED WATER QUALITY, is read the first time and referred to the Committee on Environment and Natural Resources.

**S.B. 1029** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND ENHANCE THE LAWS RELATING TO DOMESTIC VIOLENCE, TO ENACT LAWS REGARDING DOMESTIC VIOLENCE VICTIMS AND TENANCY AND TO CLARIFY THAT THE FAILURE TO FILE A COUNTERCLAIM IN A SMALL CLAIMS ACTION DOES NOT BAR THE CLAIM IN A SEPARATE ACTION, is read the first time and referred to the Committee on Judiciary I.

**S.B. 1057** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EDUCATION AND ECONOMIC COMPETITIVENESS ACT OF 2005, is read the first time and referred to the Committee on Education.

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**S.B. 1074** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE STATUTORY CHANGES TO IMPROVE QUALITY AND SAFETY IN HOME CARE SERVICES, MENTAL HEALTH FACILITIES, ADULT CARE HOMES, AND CERTAIN HOSPITAL FACILITIES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE CHANGES, is read the first time and referred to the Committee on Health.

**S.B. 1081**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURES FOR NOTIFYING OWNERS AND ADVERTISING TAX LIENS ON REAL PROPERTY, is read the first time and referred to the Committee on Finance.

**S.B. 1096** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES (I) PROVIDING FOR THE DISPLAY OF THE FLAG OF THE UNITED STATES AND OF NORTH CAROLINA, (II) ENSURING THAT STUDENTS HAVE AN OPPORTUNITY TO RECITE THE PLEDGE OF ALLEGIANCE ON A DAILY BASIS, (III) PROVIDING FOR INSTRUCTION ON THE MEANING AND HISTORICAL ORIGINS OF THE FLAG AND THE PLEDGE OF ALLEGIANCE AND THE VALUES AND PRINCIPLES THEY REPRESENT, AND (IV) PROVIDING FOR INSTRUCTION ON THE STATE SYMBOLS, is read the first time and referred to the Committee on Education.

**S.B. 1121** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 1122**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO CHANGE THE NAME OF THE WETLANDS RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 1123**, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 1124**, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO

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VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 1130** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS, is read the first time and referred to the Committee on Judiciary I.

**S.B. 1132**, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (2) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; AND (3) PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 1143** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE PROTECTION TO MUNICIPALITIES AND COUNTIES AND BUILDING INSPECTORS EMPLOYED BY MUNICIPALITIES AND COUNTIES WHEN PERFORMING ACTIVITIES RELATED TO BUILDING INSPECTIONS, is read the first time and referred to the Committee on Judiciary III.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 269** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH STATEWIDE NUTRITION STANDARDS FOR SCHOOL MEALS, A LA CARTE FOODS AND BEVERAGES, AND THE AFTER SCHOOL SNACK PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND, is read the first time and referred to the Committee on Education.

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**S.B. 278** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FOOTHILLS REGIONAL AIRPORT AUTHORITY TO ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A CORRECTIONAL FACILITY AS PART OF THE STATE PRISON SYSTEM, is read the first time and referred to the Committee on State Government.

**S.B. 343** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE LEAGUE OF MUNICIPALITIES TO DETERMINE A DIFFERENT METHOD FOR DISTRIBUTING THE FRANCHISE TAX ON ELECTRIC POWER COMPANIES IN ORDER TO SIMPLIFY THE DISTRIBUTION, REDUCE THE ADMINISTRATIVE BURDEN ASSOCIATED WITH THE DISTRIBUTION, AND PREVENT ERRORS IN THE DISTRIBUTION, is read the first time and referred to the Committee on Public Utilities.

**S.B. 518** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

**S.B. 527** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CAPACITY OF PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO PROTECT THE SAFETY AND WELFARE OF THEIR STUDENTS, FACULTY, AND STAFF BY ENACTING THE CAMPUS POLICE ACT, is read the first time and referred to the Committee on Judiciary IV and, if favorable, to the Committee on Finance.

**S.B. 537** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PAYMENT OF TAXES IN LIMITED CIRCUMSTANCES BY OFFSET OF AN OBLIGATION OWED TO THE TAXPAYER BY THE TAXING UNIT, is read the first time and referred to the Committee on Finance.

**S.B. 778** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES, is read the first time and referred to the Committee on Judiciary III.

**S.B. 961** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING

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PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND, is read the first time and referred to the Committee on Education.

**S.B. 1018**, A BILL TO BE ENTITLED AN ACT ADOPTING THE FELIS CONCOLOR AS THE OFFICIAL STATE CAT OF NORTH CAROLINA, is read the first time and referred to the Committee on State Government.

No committee assignments having been received, the House stands adjourned at 5:15 p.m.

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## SEVENTY-FIFTH DAY

HOUSE OF REPRESENTATIVES  
Monday, June 6, 2005

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Almighty God:

"We are quite bold to come before You asking for Your divine guidance given the simple fact that everything You created and called, 'good', we have found a way to destroy. You created the earth for us to enjoy; and we have enjoyed it to the point where we endanger it. You gave us the beasts of the fields and the birds of the air to name, and we have named many into extinction while endangering countless others. You gave us each other to befriend and to enjoy; and we have even created divisions amongst ourselves...division that brings war, open hostility and argumentative debate. Yes indeed, Lord, we are quite bold to come before You. But...we come, anyway. And, we come because even in spite of our frailties and failures, You beckon us to come. Thus, it is right and good that we seek Thee and beseech Thy endless mercy. May it be granted unto us, we humbly pray. Amen."

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The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 2 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Allred, Brubaker, Church, Cole, Dickson, Hill, Howard, Kiser, LaRoque, Lewis, Rhodes, Starnes, and Wright for today.

### ENROLLED BILLS

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**H.J.R. 1579**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLARENCE E. "BIG HOUSE" GAINES, SR., LEGENDARY BASKETBALL COACH. (RESOLUTION 2005-36)

### CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

**S.B. 867**, AN ACT TO INCREASE THE PERIOD OF TIME OVER WHICH AN INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR COMMERCIAL PARK MAY REMAIN IN EFFECT. (S.L. 2005-72)

**H.B. 570**, AN ACT TO PROVIDE FOR THE PROFIT DISTRIBUTION FROM THE SALES OF ALCOHOLIC BEVERAGES BY THE KINGS MOUNTAIN ALCOHOLIC BEVERAGE CONTROL BOARD. (S.L. 2005-73)

### CALENDAR

Action is taken on the following:

**H.B. 631** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY.

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On motion of Representative Haire, the House concurs in the Senate committee substitute bill, by electronic vote (101-0), and the bill is ordered enrolled.

**H.R. 1614**, A HOUSE RESOLUTION URGING THE GENERAL ASSEMBLY TO ENDORSE THE RECOMMENDATIONS OF THE INTERGOVERNMENTAL POLICY ADVISORY COMMITTEE'S REPORT ON THE US-CENTRAL AMERICA FREE TRADE AGREEMENT.

On motion of Representative Glazier, the resolution is withdrawn from the Calendar and re-referred to the Committee on Federal Relations and Trade Issues.

#### **FISCAL NOTE ATTACHED**

The fiscal note requested by Representative Sherrill on June 1 is attached to **H.B. 1256** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP, and the bill appears on today's Calendar.

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.

#### **INTRODUCTION OF PAGES**

Pages for the week of June 6 are introduced to the membership. They are: Samantha Alexander of Cumberland; Bernard Allen, III, of Wake; Katie Amspacher of Carteret; Zack Bridges of Cleveland; Jenna Carpenter of Jackson; Casey Cline of Lincoln; Ward Collins of Macon; Heather Crow of Rutherford; Jarrett Frazier of Jackson; Lindsey Garrison of Scotland; Jessica Glenn of Lincoln; Marvin Green of Wake; Christopher Hall of Robeson; Emily Helm of Guilford; Michael Moore of Cleveland; Amelia Muse of Durham; Carrie Neal of New Hanover; Jennifer Page of Randolph; Michael Pell of Alamance; Scott Possiel of Wake; Linzy Shoaf of Davidson; Eric Spitler of Wake; Jennifer Stewart of Cumberland; Lauren Umbdenstock of Wake; Lamar Watkins of Rutherford; Kyle West of Orange; Robinson Williams of Johnston; and Jared Wilson of Cumberland.

On motion of Representative Culpepper, seconded by Representative Carney, the House adjourns at 7:31 p.m. to reconvene June 7 at 1:30 p.m.

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**SEVENTY-SIXTH DAY**

HOUSE OF REPRESENTATIVES  
Tuesday, June 7, 2005

The House meets at 1:30 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Merciful God, who expresses Thy sovereignty with humility, thereby providing us with the perfect example of governing leadership:

"May You look with pity upon us as we seek to humble ourselves before Thee. Society tends to yield so much authority and pomp to its leaders that often, we may come to believe all of what we are told and thus, fall into the trap of thinking more highly of ourselves than we ought. And, if we are not careful, we may even begin to believe that we are worthy of such loftiness and entitlement. Bring us back down to earth, dear Lord, and grant each of us humble hearts that seek to serve rather than to be served and to do for others rather than to have others do for us. Remind us that true servant leadership seeks to deny our own egos in the true hope that those whom we serve are the ones who are raised up; and that You alone are worthy to be exalted. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 6 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Allred, Eddins, Howard, and Starnes for today.

**ENROLLED BILLS**

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**H.B. 631**, AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY.

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**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:

**S.B. 507**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN OFFENSE COMMITTED AGAINST OR THAT PROXIMATELY CAUSES SERIOUS INJURY TO A SOCIAL WORKER IS AN AGGRAVATING FACTOR, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Haire and without objection, **H.B. 1188**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COURT-IMPOSED AND ENFORCED POST-RELEASE PUNISHMENT OF PRISONERS UNDER STRUCTURED SENTENCING, is withdrawn from the Calendar of June 9 and re-referred to the Committee on Judiciary III.

**FISCAL NOTE ATTACHED**

The fiscal note requested by Representative Culpepper on June 2 is attached to **H.B. 716** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE MEDIATION OF STATE EMPLOYEE GRIEVANCES UNDER THE STATE PERSONNEL ACT AND RELATING TO THE TIME FRAME FOR CONTESTED CASES UNDER G.S. 126-34.1, and the bill appears on today's Calendar.

On motion of Representative Coleman, the bill is withdrawn from the Calendar and re-referred to the Committee on Appropriations.

**SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

**S.B. 386** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JAIL, ANCILLARY JAIL, AND TEMPORARY FACILITY IN CABARRUS COUNTY, AUTHORIZING CABARRUS COUNTY AND

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THE MUNICIPALITIES LOCATED IN WHOLE OR IN PART IN CABARRUS COUNTY TO ENTER INTO DEVELOPMENT AGREEMENTS WITH DEVELOPERS, AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY, is read the first time and referred to the Committee on Finance.

#### **RE-REFERRALS**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 527** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CAPACITY OF PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO PROTECT THE SAFETY AND WELFARE OF THEIR STUDENTS, FACULTY, AND STAFF BY ENACTING THE CAMPUS POLICE ACT, is withdrawn from the Committee on Judiciary IV and re-referred to the Committee on Judiciary II.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Commerce.

Representative Culpepper moves, seconded by Representative Alexander, that the House adjourn, subject to the receipt of Committee Reports, to reconvene June 8 at 2:00 p.m.

The motion carries.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 1630**, A BILL TO BE ENTITLED AN ACT AFFECTING STATE FINANCE LAWS, 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 of June 8. The original bill is placed on the Unfavorable Calendar.

The House stands adjourned at 5:08 p.m.

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## SEVENTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES  
Wednesday, June 8, 2005

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by Dr. Edward A. McLeod, Jr., Pastor, First Presbyterian Church, Raleigh, North Carolina:

"Eternal God, by whose grace we live and in whose mercy we reside, we pray Your blessing upon our State, and all those who call it home. Especially we pray Your blessing upon the Members of the North Carolina House of Representatives as they take up their work this day. We turn to You, O God, for it is in our acknowledgement of Your power and authority that our true wisdom begins. Our lives are lived in Your presence, and we live out our purpose as we seek to honor and glorify You. Stir deep faith and profound humility in this gathering of public servants, that they might seek first of all to serve You.

"And give them the gifts they will need to serve You, O God. Give them wisdom, and discernment, give them such clarity of vision that they can see beyond their own interests, and even begin to appreciate the insights of those with whom they disagree. Give them a keen sense of stewardship, and a deep awareness of the trust that has been given them, that they might serve with honor and integrity, for the benefit of us all. Give them the courage to speak the truth to us. And give them a special concern for the weak and the poor and the outcast, those for whom there are few advocates, for we know deep within us that our lives shall be measured by our care for those who are the easiest to ignore.

"Lord God of grace, give to all who occupy seats of power and responsibility in our State and Nation a sense of duty and a spirit of service. Place Your hand upon them, and like a faithful shepherd, guide them along

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paths of justice and fairness and human dignity. In a world where all manner of voices clamor for attention and loyalty, grant to these leaders a particular attentiveness to Your voice, that they might be guided by their best inclinations, and by Your perfect will, to the glory of Your name. 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.

A leave of absence is granted Representative Dockham for today.

### ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

**H.B. 916**, AN ACT TO EXTEND THE SUNSET FROM THE LAW EXEMPTING FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS.

### CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

**S.B. 116**, AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS PLANT OF THE STATE OF NORTH CAROLINA. (S.L. 2005-74)

**S.B. 763**, AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC. (S.L. 2005-75)

**H.B. 1206**, AN ACT TO ALLOW THE USE OF DOMESTICALLY PROPAGATED WATERFOWL AND GAME BIRDS IN DOG TRAINING UNDER CERTAIN CONDITIONS. (S.L. 2005-76)

**H.B. 583**, AN ACT DESIGNATING THE COMMUNITY COLLEGES SYSTEM OFFICE AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING,

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LITERACY, AND ADULT EDUCATION IN THE STATE, AND TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES. (S.L. 2005-77)

**S.B. 884**, AN ACT RECOGNIZING THE SEAGROVE AREA AS THE BIRTHPLACE OF NORTH CAROLINA TRADITIONAL POTTERY. (S.L. 2005-78)

**H.B. 631**, AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY. (S.L. 2005-79)

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Sutton, Chair, for the Committee on Judiciary III:

**S.B. 734** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 4 OF CHAPTER 45 RELATING TO THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION, 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 Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

**S.B. 494** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE DEPLOYMENT OF COMPETITIVE BROAD-BAND SERVICE BY PUBLIC UTILITIES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 9.

By Representatives Bell, Lucas, and McLawhorn, Chairs, for the Committee on Education:

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**H.B. 1116**, A BILL TO BE ENTITLED AN ACT TO STUDY THE ESTABLISHING AND FUNDING OF A TEACHER ASSISTANT SALARY SCHEDULE AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, 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. 1272**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE EDUCATION FACILITY FINANCING STUDY COMMISSION, 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 Hackney, Chair, for the Committee on Judiciary I:

**H.B. 1048**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED, 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 Frye and Hilton, Chairs, for the Committee on Federal Relations and Trade Issues:

**H.R. 1614**, A HOUSE RESOLUTION URGING THE GENERAL ASSEMBLY TO ENDORSE THE RECOMMENDATIONS OF THE INTERGOVERNMENTAL POLICY ADVISORY COMMITTEE'S REPORT ON THE US-CENTRAL AMERICA FREE TRADE AGREEMENT, with recommendation that the committee substitute resolution be adopted, unfavorable as to the original resolution.

Pursuant to Rule 36(b), the committee substitute resolution is placed on the Calendar of June 9. The original resolution is placed on the Unfavorable Calendar.

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By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 723** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN CRIMINAL RECORD CHECKS, TO ALLOW CERTAIN FEES TO BE CHARGED FOR THE CRIMINAL RECORD CHECK, AND TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE FALSE INFORMATION THAT IS THE BASIS OF A CRIMINAL RECORD CHECK, 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. 892** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGULATING THE SALE OF KEGS CONTAINING MALT BEVERAGES, 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.

**H.B. 1340**, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE NORTH CAROLINA STATE BOXING COMMISSION, 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.

**S.B. 14** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

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**S.B. 15**, A BILL TO BE ENTITLED AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER, 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.

**S.B. 206** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE LIMITS OF THE TOWN OF SALEMBURG AND TO VALIDATE ELECTIONS AND ACTS OF THE TOWN, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**S.B. 249** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**S.B. 396** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING COUNTIES TO MAKE CHANGES IN SERVICE DISTRICTS CREATED PURSUANT TO ARTICLE 16 OF CHAPTER 153A OF THE GENERAL STATUTES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**S.B. 442**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF BLOWING ROCK TO ESTABLISH AN OFF-STREET PARKING FUND, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**S.B. 466** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF BURLINGTON AND TO ANNEX IT TO THE TOWN OF GIBSONVILLE, ALL AS REQUESTED BY THE TWO MUNICIPALITIES, with a favorable report.

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Pursuant to Rule 36(b), the bill is placed on the Calendar.

### WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Sherrill and without objection, **H.B. 863** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WOODFIN, is withdrawn from the Calendar and referred to the Committee on Rules, Calendar, and Operations of the House.

### CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 945** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEVY OF ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES IN CASWELL COUNTY, THE CITIES OF EDEN AND REIDSVILLE, THE TOWNS OF BENSON, BOILING SPRINGS, KENLY, AND YANCEYVILLE, AND TO AMEND OCCUPANCY TAXES IN DURHAM, HALIFAX, SELMA, AND SMITHFIELD; AND TO CLARIFY THE AUTHORITY OF THE COUNTY OF DURHAM TO ENTER INTO PUBLIC-PRIVATE PROJECTS, 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, L. Allen, Barnhart, Bell, Bordsen, Brown, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Daughtry, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 86.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brubaker, Capps, Cleveland, Culp, Current, Dollar, Eddins, Frye, Gillespie, Hilton, Hollo, Holloway, Kiser, LaRoque, Lewis, Pate, Rayfield, Rhodes, Setzer, Steen, Stiller, Vinson, Walker, West, Wiley, and Wilson - 30.

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Excused absence: Representative Dockham.

Representative Daughtridge requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (87-30).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 472** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS, TO REQUIRE PERSONS CONVICTED OF THIS OFFENSE TO REGISTER AS SEX OFFENDERS, AND TO AUTHORIZE THE STATE BUREAU OF INVESTIGATION TO INVESTIGATE CERTAIN CRIMES COMMITTED BY USE OF A COMPUTER, passes its second reading, by electronic vote (119-0), 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.

**H.B. 1630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE WITHOUT CONFORMING TO THE DEDUCTION FOR DOMESTIC PRODUCTION ACTIVITIES, STATE AND LOCAL SALES AND USE TAXES, AND CERTAIN INTERNATIONAL SHIPPING ACTIVITIES; EXTENDING THE EIGHT AND ONE-QUARTER PERCENT UPPER INDIVIDUAL INCOME TAX BRACKET AS ENACTED IN 2001 FOR THE 2006 AND 2007 TAXABLE YEARS; EXTENDING THE ESTATE TAX UNTIL JANUARY 1, 2010; EXTENDING THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX UNTIL JULY 1, 2007; MAKING SALES TAX CHANGES REQUIRED BY THE STREAMLINED SALES TAX AGREEMENT; RETAINING THE USE TAX LINE ON THE INDIVIDUAL INCOME TAX RETURN UNTIL 2010; AND APPLYING THE SALES TAX TO CANDY, WARRANTY SERVICE AGREEMENTS, CABLE SERVICES, VOICE MAIL, AND SATELLITE RADIO, 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; Representatives Adams, Alexander, B. Allen, L. Allen, Bell, Bordsen, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Hunter, Insko, Jeffus, Jones, Ed Jones, Lucas, Luebke, Martin, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pierce, Rapp, Ross, Saunders, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 63.

Voting in the negative: Representatives Allred, Almond, Barnhart, Blackwood, Blust, Brown, Brubaker, Capps, Cleveland, Culp, Current, Daughtridge, Daughtry, Dollar, Eddins, Folwell, Frye, Gillespie, Grady, Gulley, Hilton, Hollo, Holloway, Holmes, Howard, Johnson, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, McComas, McGee, McMahan, Moore, Morgan, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson - 55.

Excused absence: Representative Dockham.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

By Representatives Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

**S.B. 368** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE FRANKLIN COUNTY BOARD OF EDUCATION FROM PARTISAN TO NON-PARTISAN, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 9.

#### **RE-REFERRAL**

On motion of Representative Crawford and without objection, **H.B. 892** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REGULATING THE SALE OF KEGS CONTAINING MALT BEVERAGES, is withdrawn from the Committee on Appropriations and re-referred to the Appropriations Subcommittee on Natural and Economic Resources.

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**CALENDAR (continued)**

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 844**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MANAGED HUNTS, passes its second reading, by electronic vote (119-0), 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.

**RE-REFERRAL**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 248**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, is withdrawn from the Committee on Financial Institutions and re-referred to the Appropriations Subcommittee on Transportation.

On motion of Representative Culpepper, seconded by Representative Blust, the House adjourns at 3:47 p.m. to reconvene June 9 at 8:30 a.m.

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**SEVENTY-EIGHTH DAY**

HOUSE OF REPRESENTATIVES  
Thursday, June 9, 2005

The House meets at 8:30 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by Dr. Edward A. McLeod, Jr., Pastor, First Presbyterian Church, Raleigh, North Carolina:

"We begin this day in a posture of prayer, O God, grateful for Your steadfast love and faithfulness, and acknowledging the claim You have on us. We stand in a place of power and authority, but we tremble in Your presence, or at least we should. For You are the Lord God of heaven and earth, the Alpha and Omega, the One who called all things into being, and

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who calls each of us by name. And so in reverence and devotion, we stand before You this day.

"Eternal God, You have given us the gift of a new day, and we don't yet know how it will unfold. It is filled with possibility. We can act nobly and charitably and wisely, so that our lives add richness to the world. We can do justice and love kindness and walk humbly with You, so that we discover our true purpose. We can spend this day seeking to do Your will, or we can be guided by lesser ambitions. Stir our hearts, O God, that we might live this day and all days with a sense of urgency and mission.

"And so as we begin this day, O God, we pray Your special blessing upon the Members of the North Carolina House of Representatives. Bless them and use them, O God. Guide them, lead them, as they exercise stewardship over our State. Grant to each one a sense of humility as they consider the trust given to them, the trust of the people, the trust that power will not be abused, but employed for the good of the rich and the poor, the old and the young, those with connections and those without. Grant to each of them a yearning to serve an honorable purpose within these halls, a purpose that goes beyond the narrow agenda of party or politics, instead, let their purpose be to serve You, and to find their deepest sense of satisfaction in a life offered to You. Remind them that to govern Your people is a sacred calling, so they might govern with a spirit of reverence and devotion, to the glory of Your name. Amen."

Representative Clary requests unanimous consent to change her vote from "aye" to "no" on the second roll call reading of **H.B. 1630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE WITHOUT CONFORMING TO THE DEDUCTION FOR DOMESTIC PRODUCTION ACTIVITIES, STATE AND LOCAL SALES AND USE TAXES, AND CERTAIN INTERNATIONAL SHIPPING ACTIVITIES; EXTENDING THE EIGHT AND ONE-QUARTER PERCENT UPPER INDIVIDUAL INCOME TAX BRACKET AS ENACTED IN 2001 FOR THE 2006 AND 2007 TAXABLE YEARS; EXTENDING THE ESTATE TAX UNTIL JANUARY 1, 2010; EXTENDING THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX UNTIL JULY 1, 2007; MAKING SALES TAX CHANGES REQUIRED BY THE STREAMLINED SALES TAX AGREEMENT; RETAINING THE USE TAX LINE ON THE

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INDIVIDUAL INCOME TAX RETURN UNTIL 2010; AND APPLYING THE SALES TAX TO CANDY, WARRANTY SERVICE AGREEMENTS, CABLE SERVICES, VOICE MAIL, AND SATELLITE RADIO, which was recorded on June 8, 2005. Without objection, the vote change is recorded.

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 Representatives Dockham and McMahan for today.

### **ENROLLED BILLS**

The following bill is duly ratified and presented to the Governor:

**S.B. 844**, AN ACT TO AMEND THE LAW REGARDING MANAGED HUNTS.

### **MESSAGES FROM THE SENATE**

The following are received from the Senate:

**S.B. 705** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD, is read the first time and referred to the Committee on Health and, if favorable, to the Committee on Finance.

**S.B. 1011**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPALITIES TO ISSUE REVENUE BONDS FOR THE CONSTRUCTION OF WATER TREATMENT AND RELATED FACILITIES TO BE OWNED BY A WATER AND SEWER AUTHORITY, is read the first time and referred to the Committee on Finance.

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**S.B. 1059** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, is read the first time and referred to the Committee on Finance.

### CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

Senate Committee Substitute for **H.B. 940** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF LELAND AND PINEVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWNS' OVERGROWN VEGETATION ORDINANCE.

On motion of Representative Stiller, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (110-0), and the bill is ordered enrolled.

Representative Crawford requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (111-0).

**H.R. 1614** (Committee Substitute), A HOUSE RESOLUTION ENDORSING THE RECOMMENDATIONS OF THE INTERGOVERNMENTAL POLICY ADVISORY COMMITTEE'S REPORT ON THE US-CENTRAL AMERICA FREE TRADE AGREEMENT.

The resolution is adopted, by electronic vote (117-0), and ordered printed.

**H.B. 945** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEVY OF ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES IN CASWELL COUNTY, THE CITIES OF EDEN AND REIDSVILLE, THE TOWNS OF BENSON, BOILING SPRINGS, KENLY, AND YANCEYVILLE, AND TO AMEND OCCUPANCY TAXES IN DURHAM, HALIFAX, SELMA, AND SMITHFIELD; AND TO CLARIFY THE AUTHORITY OF THE COUNTY OF DURHAM TO ENTER INTO PUBLIC-PRIVATE PROJECTS, 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, L. Allen, Barnhart, Bell, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford,

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Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 85.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Culp, Current, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Holmes, Kiser, LaRoque, Lewis, Pate, Setzer, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson - 31.

Excused absences: Representatives Dockham and McMahan - 2.

**S.B. 368** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE FRANKLIN COUNTY BOARD OF EDUCATION FROM PARTISAN TO NON-PARTISAN, passes its second reading, by electronic vote (114-3), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

**H.B. 1630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE WITHOUT CONFORMING TO THE DEDUCTION FOR DOMESTIC PRODUCTION ACTIVITIES, STATE AND LOCAL SALES AND USE TAXES, AND CERTAIN INTERNATIONAL SHIPPING ACTIVITIES; EXTENDING THE EIGHT AND ONE-QUARTER PERCENT UPPER INDIVIDUAL INCOME TAX BRACKET AS ENACTED IN 2001 FOR THE 2006 AND 2007 TAXABLE YEARS; EXTENDING THE ESTATE TAX UNTIL JANUARY 1, 2010; EXTENDING THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX UNTIL JULY 1, 2007; MAKING SALES TAX CHANGES REQUIRED BY THE STREAMLINED SALES

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TAX AGREEMENT; RETAINING THE USE TAX LINE ON THE INDIVIDUAL INCOME TAX RETURN UNTIL 2010; AND APPLYING THE SALES TAX TO CANDY, WARRANTY SERVICE AGREEMENTS, CABLE SERVICES, VOICE MAIL, AND SATELLITE RADIO, 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, L. Allen, Bell, Bordsen, Carney, Church, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Hunter, Insko, Jeffus, Jones, Ed Jones, Lucas, Luebke, Martin, McAllister, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pierce, Rapp, Ross, Saunders, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 63.

Voting in the negative: Representatives Allred, Almond, Barnhart, Blackwood, Blust, Brown, Brubaker, Capps, Clary, Cleveland, Culp, Current, Daughtridge, Daughtry, Dollar, Eddins, Folwell, Frye, Gillespie, Grady, Gulley, Hilton, Hollo, Holloway, Holmes, Howard, Johnson, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, McComas, McGee, Moore, Morgan, Pate, Preston, Ray, Rhodes, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson - 54.

Excused absences: Representatives Dockham and McMahan - 2.

**S.B. 494** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE DEPLOYMENT OF COMPETITIVE BROAD-BAND SERVICE BY PUBLIC UTILITIES, passes its second reading, by electronic vote (115-0), and there being no objection is read a third time.

Representative Faison states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (116-0).

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.

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**S.B. 507**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN OFFENSE COMMITTED AGAINST OR THAT PROXIMATELY CAUSES SERIOUS INJURY TO A SOCIAL WORKER IS AN AGGRAVATING FACTOR, passes its second reading, by electronic vote (117-0), and there being no objection is read a third time.

The bill passes its third reading, by electronic vote (117-0), and is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 988** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY TO GASTON COLLEGE, passes its second reading, by electronic vote (117-0), and there being no objection is read a third time.

The bill passes its third reading, by electronic vote (116-0), and is ordered enrolled and presented to the Governor.

Representative Almond requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (117-0).

#### **RE-REFERRAL**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 386** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JAIL, ANCILLARY JAIL, AND TEMPORARY FACILITY IN CABARRUS COUNTY, AUTHORIZING CABARRUS COUNTY AND THE MUNICIPALITIES LOCATED IN WHOLE OR IN PART IN CABARRUS COUNTY TO ENTER INTO DEVELOPMENT AGREEMENTS WITH DEVELOPERS, AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY, is withdrawn from the Committee on Finance and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Culpepper, seconded by Representative Luebke, the House adjourns at 9:41 a.m. to reconvene Monday, June 13, 2005, at 7:00 p.m.

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**SEVENTY-NINTH DAY**

HOUSE OF REPRESENTATIVES  
Monday, June 13, 2005

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Almighty God, Author and Perfectioner of life; Giver of every good and perfect gift:

"We greet You this evening and welcome Your ever-present Holy Spirit into our midst. Come and let Your Spirit fall on us fresh as the morning dew that we might rest our souls upon Thy breast. Enlighten our hearts that we might see how our efforts in this place can be opportunities of service to You. Guide our decisions that we might be certain our actions are acceptable and pleasing in Thy sight. Guide us in all that we say and do, we humbly beseech Thee, O God our Strength and our Redeemer. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 9 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Allred, Clary, LaRoque, Setzer, Sutton, Wainwright, and Wright for today.

**ENROLLED BILLS**

The following bills are duly ratified and presented to the Governor:

**S.B. 494**, AN ACT TO ENCOURAGE DEPLOYMENT OF COMPETITIVE BROADBAND SERVICE BY PUBLIC UTILITIES.

**S.B. 507**, AN ACT TO PROVIDE THAT AN OFFENSE COMMITTED AGAINST OR THAT PROXIMATELY CAUSES SERIOUS INJURY TO A SOCIAL WORKER IS AN AGGRAVATING FACTOR.

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**S.B. 988**, AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY TO GASTON COLLEGE.

**H.B. 658**, AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS.

**H.B. 1320**, AN ACT TO REQUIRE DISCLOSURES OF CERTAIN MONETARY TRANSMISSIONS.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**S.B. 368**, AN ACT TO CHANGE THE MANNER OF ELECTION OF THE FRANKLIN COUNTY BOARD OF EDUCATION FROM PARTISAN TO NONPARTISAN.

**H.B. 940**, AN ACT AUTHORIZING THE TOWNS OF AYDEN, LELAND, AND PINEVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWNS' OVERGROWN VEGETATION ORDINANCE.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from permanent subcommittees are presented:

By Representatives Coates and Cole, Chairs, for the Appropriations Subcommittee on Transportation, with approval of standing committee Chairs for report to be made directly to the floor of the House:

**H.B. 248**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, 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 14. The original bill is placed on the Unfavorable Calendar.

By Representatives Glazier and Parmon, Chairs, for the Education Subcommittee on Pre-School, Elementary and Secondary Education, with

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approval of standing committee Chairs for report to be made directly to the floor of the House:

**S.B. 821** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC, 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.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**S.B. 369** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is read the first time and referred to the Committee on Finance.

**S.B. 443** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS, is read the first time and referred to the Committee on Finance.

#### INTRODUCTION OF PAGES

Pages for the week of June 13 are introduced to the membership. They are: Lauren Arch of Johnston; Kirstin Bacheldor of Mecklenburg; Alex Badger of Craven; Lauren Bollinger of Mecklenburg; Kaitlin Bunch of Chowan; Cameron Burroughs of Columbus; Shauta Clowney of Cabarrus; Cliff Collins of Yadkin; Rachel Connor of Caldwell; Chris Daniels of Wake; Renee Donnell of Guilford; Jennifer Durham of Pasquotank; Cameron Eckard of Caldwell; Allie Farless of Chowan; Griffin Gough of Forsyth; Mindy Grubbs of Caldwell; Kyle Houk of Caldwell; Dean Johnson of Mecklenburg; Anna King of Bladen; Olivia Moore of Caldwell; Nathan Nye of Bladen; Rebecca Rodriguez of Guilford; Lauren Ross of Mecklenburg; Mathew Skinner of Wake; Nick Tipton of Yancey; Kallie Wease of Lincoln; and Malia Zaytoun of Craven.

Serving as Honorary Page for today is Will Floyd of New Hanover County.

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**RE-REFERRAL**

On motion of Representative Crawford and without objection, **S.B. 622** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Finance.

On motion of the Speaker, the House recesses at 7:58 p.m.

**RECESS**

The House reconvenes pursuant to recess and is called to order by the Speaker.

**CALENDAR**

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 14** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE.

Representative Hill offers Amendment No. 1 which is adopted by electronic vote (81-1).

Representative Harrison requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (82-1).

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; Representatives Adams, Alexander, B. Allen, L. Allen, Bell, Blackwood, Bordsen, Brown, Capps, Carney, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Daughtridge, Dickson, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Insko, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Nye, Owens, Pate, Pierce, Preston, Rapp, Ross, Sauls, Saunders, Sherrill, Steen, Tucker,

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Underhill, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, and Yongue - 78.

Voting in the negative: Representatives Almond, Blust, Cleveland, Current, Frye, Gillespie, Moore, Vinson, West, and Wiley - 10.

Excused absences: Representatives Allred, Clary, Eddins, LaRoque, Setzer, Sutton, Wainwright, and Wright - 8.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 206** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE LIMITS OF THE TOWN OF SALEMBURG AND TO VALIDATE ELECTIONS AND ACTS OF THE TOWN, 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, L. Allen, Bell, Blackwood, Bordsen, Brown, Capps, Carney, Church, Coates, Coleman, Crawford, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pate, Pierce, Rapp, Rayfield, Ross, Sauls, Saunders, Sherrill, Steen, Tucker, Underhill, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, and Yongue - 80.

Voting in the negative: Representatives Almond, Blust, Cleveland, Current, Folwell, Frye, Gillespie, Hollo, Moore, Vinson, and Wiley - 11.

Excused absences: Representatives Allred, Clary, Eddins, LaRoque, Setzer, Sutton, Wainwright, and Wright - 8.

Representatives Cole, Insko, Preston, and Starnes request and are granted permission to be recorded as voting "aye". The adjusted vote total is (84-11).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 249** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE

June 13, 2005



LIMITS OF THE CITY OF ASHEVILLE, 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, L. Allen, Bell, Blackwood, Bordsen, Brown, Capps, Carney, Church, Coates, Coleman, Crawford, Culpepper, Cunningham, Daughtridg, Daughtry, Dickson, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pate, Pierce, Rapp, Rayfield, Ross, Sauls, Saunders, Sherrill, Steen, Tucker, Underhill, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, and Yongue - 80.

Voting in the negative: Representatives Almond, Blust, Cleveland, Current, Folwell, Frye, Gillespie, Hollo, Moore, Vinson, and Wiley - 11.

Excused absences: Representatives Allred, Clary, Eddins, LaRoque, Setzer, Sutton, Wainwright, and Wright - 8.

Representatives Cole, Insko, Preston, and Starnes request and are granted permission to be recorded as voting "aye". The adjusted vote total is (84-11).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 442**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF BLOWING ROCK TO ESTABLISH AN OFF-STREET PARKING FUND, 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, L. Allen, Bell, Blackwood, Bordsen, Brown, Capps, Carney, Church, Coates, Coleman, Crawford, Culpepper, Cunningham, Daughtridg, Daughtry, Dickson, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pate, Pierce, Rapp, Rayfield, Ross, Sauls, Saunders, Sherrill, Steen, Tucker, Underhill, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, and Yongue - 80.

June 13, 2005

Voting in the negative: Representatives Almond, Blust, Cleveland, Current, Folwell, Frye, Gillespie, Hollo, Moore, Vinson, and Wiley - 11.

Excused absences: Representatives Allred, Clary, Eddins, LaRoque, Setzer, Sutton, Wainwright, and Wright - 8.

Representatives Cole, Insko, Preston, and Starnes request and are granted permission to be recorded as voting "aye". The adjusted vote total is (84-11).

### RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1514**, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF RECKLESS ENDANGERMENT, is withdrawn from the Committee on Judiciary IV and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Culpepper moves, seconded by Representative Nye, that the House adjourn, subject to the receipt of Committee Reports, the referral of bills to committee, and committee assignments to reconvene June 14 at 4:00 p.m.

The motion carries.

### ADDENDA TO COMMITTEE ASSIGNMENTS

June 13, 2005

The Speaker makes the following committee assignments:

**FINANCE:** Add Representatives B. Allen, England, Fisher, Goforth, Insko, and Lucas.

No committee reports being received and no bills being referred to committee, the House stands adjourned at 10:00 p.m.

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## EIGHTIETH DAY

HOUSE OF REPRESENTATIVES  
Tuesday, June 14, 2005

June 14, 2005

The House meets at 4:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Merciful God:

"We seek to humble ourselves before You primarily because...well, we know ourselves too well. We know there are things that we do, we shouldn't; and there are things that we ought to do, we don't. We know that in our positions of leadership, it can be easy to applaud our egos and fancy ourselves as those who have all of the answers. Remind us, Great God of Heaven, that nothing we do is beyond Your sight and our hearts with our respective secrets are merely an open book for You to read at Your leisure. We confess our brokenness before You, O God, and beg You to have mercy upon our lives. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 13 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Church, Morgan, Setzer, and West 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. 368**, AN ACT TO CHANGE THE MANNER OF ELECTION OF THE FRANKLIN COUNTY BOARD OF EDUCATION FROM PARTISAN TO NONPARTISAN. (S.L. 2005-80)

**H.B. 940**, AN ACT AUTHORIZING THE TOWNS OF AYDEN, LELAND, AND PINEVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWNS' OVERGROWN VEGETATION ORDINANCE. (S.L. 2005-81)

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

June 14, 2005

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**S.B. 622** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b)(2), 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.

### GUEST

The Speaker appoints Representatives Alexander, Carney, Cunningham, Earle, Gulley, Rhodes, Saunders, and Vinson as an Escort Committee for Miss Chelsea Cooley, Miss USA 2005, to the Well of the House where she makes brief remarks.

### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Sutton, Chair, for the Committee on Judiciary III:

**S.B. 465** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SERVICE AND FILING REQUIREMENTS OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**S.B. 778** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

June 14, 2005

**S.B. 883** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NOTIFICATION REQUIREMENT FOR MECKLENBURG COUNTY REGARDING THE DISPOSITION OF A SEIZED FIREARM AND TO PROVIDE THAT IN MECKLENBURG COUNTY EITHER THE SHERIFF OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY WITH JURISDICTION TO ENFORCE THE LAW WHERE THE FIREARM WAS SEIZED MAY DESTROY THE FIREARM IN ACCORDANCE WITH A COURT ORDER, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representatives Daughtridge, Goforth, LaRoque, and Rapp, Chairs, for the Committee on Commerce:

**S.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, 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.

By Representative Hackney, Chair, for the Committee on Judiciary I:

**S.B. 321** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS SEVENTY AND OLDER REQUESTING TO BE EXCUSED FROM JURY DUTY TO REQUEST A PERMANENT EXEMPTION FROM THAT JURY SERVICE, 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. 592** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL REVISIONS TO THE LAW GOVERNING INDIGENT DEFENSE AND ENTITLEMENT TO COUNSEL, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

June 14, 2005

**S.B. 594** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING RECOUPMENT FOR LEGAL SERVICES PROVIDED TO INDIGENT PERSONS WHO ARE FINANCIALLY ABLE TO PAY A PORTION OF THE VALUE OF THOSE SERVICES, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

**S.B. 689**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CLERK OF SUPERIOR COURT IS RESPONSIBLE FOR PROVIDING COPIES OF THE TRIAL FILE TO APPOINTED APPELLATE COUNSEL IN INDIGENT CASES, 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 Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 650** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES AND TO AUTHORIZE A LARGER FEE FOR THOSE CASES, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

**H.B. 1635**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOMEMAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA WOMENWORK FUND FOR DISPLACED HOMEMAKERS, 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. 1776** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO

June 14, 2005

ISSUE A NORTH CAROLINA TROUT UNLIMITED SPECIAL REGISTRATION PLATE AND TO ADOPT THE BROOK TROUT AS THE OFFICIAL FRESHWATER FISH OF THE STATE OF NORTH CAROLINA, with a favorable report, as amended.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**S.B. 178** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO LICENSURE REQUIREMENTS FOR PLUMBING AND HEATING CONTRACTORS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**S.B. 407** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY, 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. 450**, A BILL TO BE ENTITLED AN ACT TO ENABLE THE RUTHERFORD AIRPORT AUTHORITY TO LEASE PROPERTY FOR FIFTY YEARS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**S.B. 682** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO PUBLIC HEATH AUTHORITIES THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES, 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. 685** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER

June 14, 2005

ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, ESTABLISHING THE REQUIREMENTS FOR DE MINIMIS REGISTRATION, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JULY 1, 2005, PROVIDING FOR CONDITIONAL AUTHORITY FOR A PROFESSIONAL EMPLOYER ORGANIZATION TO OPERATE PENDING CONSIDERATION OF ITS LICENSE APPLICATION UPON A SHOWING OF FINANCIAL STABILITY AND NEED, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, 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 Glazier, Lewis, and Dickson (Primary Sponsors):

**H.J.R. 1786**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF GODWIN ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

#### **MESSAGE FROM THE SENATE**

The following is received from the Senate:

**H.B. 672** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF A DEMUTUALIZED INSURANCE COMPANY, is returned for concurrence in the Senate committee substitute bill.

June 14, 2005



Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar.

### CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 466** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF BURLINGTON AND TO ANNEX IT TO THE TOWN OF GIBSONVILLE, ALL AS REQUESTED BY THE TWO MUNICIPALITIES, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Church, Morgan, Setzer, and West - 4.

**S.B. 14** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE.

June 14, 2005

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.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Barnhart, Bell, Blackwood, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 100.

Voting in the negative: Representatives Almond, Blust, Cleveland, Folwell, Gillespie, Hilton, Hollo, Holloway, Moore, Rhodes, Starnes, Vinson, and Wiley - 13.

Excused absences: Representatives Church, Morgan, Setzer, and West - 4.

**S.B. 206** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE LIMITS OF THE TOWN OF SALEMBURG AND TO VALIDATE ELECTIONS AND ACTS OF THE TOWN, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill,

June 14, 2005

Vinson, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Church, Morgan, Setzer, and West - 4.

**S.B. 249** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: Representative Folwell.

Excused absences: Representatives Church, Morgan, Setzer, and West - 4.

Representative Daughtride requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (113-1).

**S.B. 442**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF BLOWING ROCK TO ESTABLISH AN OFF-STREET PARKING FUND, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Barnhart, Bell, Blackwood, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Daughtride, Daughtry, Dickson,

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Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 102.

Voting in the negative: Representatives Almond, Blust, Cleveland, Current, Gillespie, Hilton, Hollo, Holloway, Moore, Rhodes, Vinson, and Wiley - 12.

Excused absences: Representatives Church, Morgan, Setzer, and West - 4.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 723** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN CRIMINAL RECORD CHECKS, TO ALLOW CERTAIN FEES TO BE CHARGED FOR THE CRIMINAL RECORD CHECK, AND TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE FALSE INFORMATION THAT IS THE BASIS OF A CRIMINAL RECORD CHECK, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

June 14, 2005

Voting in the negative: None.

Excused absences: Representatives Church, Morgan, Setzer, and West - 4.

**H.B. 248** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE OUTER LOOP AROUND CHARLOTTE TO BE COMPLETED BEFORE ANY EXPANSION LANES MAY BE CONSTRUCTED, passes its second reading by electronic vote (84-26).

Representative Vinson 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. 734** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 4 OF CHAPTER 45 OF THE GENERAL STATUTES RELATING TO THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION, 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.

#### **RE-REFERRAL**

On motion of Representative Crawford and without objection, **H.B. 942**, A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AND GUARDSMEN SUPPORT ACT, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Finance.

Representative Culpepper moves, seconded by Representative Sherrill, that the House adjourn, subject to committee assignments, to reconvene June 15 at 2:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 5:17 p.m.

June 14, 2005

**EIGHTY-FIRST DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, June 15, 2005

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Almighty God, Ruler over all the earth:

"Throughout all time You have raised up leaders to lead Your people through life's valleys. By Your grace, You have gifted men and women with special talents to display their effective leadership skills. Those called into Your service soon discovered that their decisions were not always easy to make, and certainly, they were not always popular. O God, pour out Your Spirit on these men and women as they face the true cost of servant leadership. In these hours, grant them wisdom, courage and endurance to run the race that now awaits them. 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.

A leave of absence is granted Representative Wainwright for today. Representatives Morgan and West are excused for a portion of the Session.

**ENROLLED BILLS**

The following bills are duly ratified and presented to the Governor:

**H.B. 710**, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

**H.B. 862**, AN ACT TO MAKE THE LAW PROHIBITING THE REMOVAL OF ELECTRONIC COLLARS FROM DOGS APPLY STATEWIDE.

June 15, 2005

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**S.B. 206**, AN ACT TO CLARIFY THE CORPORATE LIMITS OF THE TOWN OF SALEMBURG AND TO VALIDATE ELECTIONS AND ACTS OF THE TOWN.

**S.B. 249**, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE.

**S.B. 442**, AN ACT AUTHORIZING THE TOWN OF BLOWING ROCK TO ESTABLISH AN OFF-STREET PARKING FUND.

On motion of the Chair, the House recesses at 2:29 p.m.

### RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

### CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

**S.B. 844**, AN ACT TO AMEND THE LAW REGARDING MANAGED HUNTS. (S.L. 2005-82)

**H.B. 916**, AN ACT TO EXTEND THE SUNSET FROM THE LAW EXEMPTING FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS. (S.L. 2005-83)

**S.B. 206**, AN ACT TO CLARIFY THE CORPORATE LIMITS OF THE TOWN OF SALEMBURG AND TO VALIDATE ELECTIONS AND ACTS OF THE TOWN. (S.L. 2005-84)

**S.B. 249**, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE. (S.L. 2005-85)

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**S.B. 442**, AN ACT AUTHORIZING THE TOWN OF BLOWING ROCK TO ESTABLISH AN OFF-STREET PARKING FUND. (S.L. 2005-86)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following is introduced, read the first time and referred to committee:

By Representatives Glazier, Farmer-Butterfield, Frye, and Hilton (Primary Sponsors); Alexander, Harrison, Martin, Rapp, and Weiss:

**H.R. 1787**, A HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO CONTINUE IN EFFECT THE CURRENT SAFEGUARDS LIMITING THE INCREASE IN IMPORTS OF CHINESE TEXTILES AND URGING THE CONGRESS TO EXPAND THE TRADE ADJUSTMENT ASSISTANCE PROGRAM AND RAISE THE FUNDING CAP, is referred to the Committee on Rules, Calendar, and Operations of the House.

### CALENDAR

Action is taken on the following:

**S.B. 466** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF BURLINGTON AND TO ANNEX IT TO THE TOWN OF GIBSONVILLE, ALL AS REQUESTED BY THE TWO MUNICIPALITIES, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Black; Representatives Adams, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn,

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McMahan, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Underhill, Vinson, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Wilson, Womble, Wray, and Wright - 108.

Voting in the negative: Representative Folwell.

Excused absences: Representatives Morgan, Wainwright, and West - 3.

**H.B. 723** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN CRIMINAL RECORD CHECKS, TO ALLOW CERTAIN FEES TO BE CHARGED FOR THE CRIMINAL RECORD CHECK, AND TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE FALSE INFORMATION THAT IS THE BASIS OF A CRIMINAL RECORD CHECK, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Morgan, Wainwright, and West - 3.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 15** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER AND TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF

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MEMBERS OF WATER AND SEWER AUTHORITIES, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: Representatives Cleveland, Holloway, and Rhodes - 3.

Excused absences: Representatives Morgan, Wainwright, and West - 3.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 396** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING COUNTIES TO MAKE CHANGES IN SERVICE DISTRICTS CREATED PURSUANT TO ARTICLE 16 OF CHAPTER 153A OF THE GENERAL STATUTES, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross,

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Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: None.

Excused absences: Representatives Morgan, Wainwright, and West - 3.

**H.B. 248** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE OUTER LOOP AROUND CHARLOTTE TO BE COMPLETED BEFORE ANY EXPANSION LANES MAY BE CONSTRUCTED, passes its third reading, by electronic vote (78-36), and is ordered sent to the Senate.

Representative Stiller requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (79-36).

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

By Representatives Clary, Crawford, Earle, Nye, Owens, and Sherrill, Chairs, for the Committee on Appropriations:

**S.B. 622** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD OF COMMUNITY COLLEGES; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE BENEFIT OF THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY TWENTY-FIVE CENTS A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO SIX PERCENT BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HEALTH MAINTENANCE ORGANIZATIONS AT ONE AND NINE-TENTHS PERCENT BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT SEVEN PERCENT; TO PROVIDE A TAX CREDIT EQUAL TO FIFTEEN

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PERCENT OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO FOUR HUNDRED DOLLARS PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR THEIR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT FIVE AND FIVE-TENTHS PERCENT; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT TWELVE HUNDREDTHS PERCENT; TO SET THE NEWBORN SCREENING FEE AT FOURTEEN DOLLARS; TO SET NUMEROUS FEES IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO EIGHT HUNDRED DOLLARS; TO INCREASE GENERAL COURT OF JUSTICE FEES FOR CRIMINAL CASES BY NINE DOLLARS AND FIFTY CENTS; TO INCREASE GENERAL COURT OF JUSTICE FEES FOR CIVIL CASES BY TEN DOLLARS; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO SIX THOUSAND DOLLARS; TO INCREASE THE FEE FOR EXPUNCTION TO ONE HUNDRED TWENTY-FIVE DOLLARS; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO SEVENTY-FIVE DOLLARS; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF TWENTY-FIVE CENTS PER ONE HUNDRED DOLLARS VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE, 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.

Without objection, pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on today's Calendar for immediate consideration. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

#### **CALENDAR (continued)**

**S.B. 622** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE

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EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE.

Representative Rhodes offers Amendment No. 1.

On motion of Representative Morgan, seconded by Representative Cole, Amendment No. 1 is tabled by electronic vote (75-29).

Representative Cole offers Amendment No. 2 which is adopted by electronic vote (116-1).

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Representative Blackwood requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (117-1).

Representative Underhill offers Amendment No. 3 which is adopted by electronic vote (87-30).

Representative Holliman offers Amendment No. 4 which is adopted by electronic vote (118-0).

Representative Williams offers Amendment No. 5 which is adopted by electronic vote (119-0).

Representative Dollar offers Amendment No. 6 which fails of adoption by electronic vote (38-80).

Representative Yongue requests and is granted permission to change his vote from "aye" to "no". Representative Morgan requests and is granted permission to be recorded as voting "no". The adjusted vote total is (37-82).

Representative Stam requests to offer an amendment. The Speaker rules that the amendment is not in order.

Representative Harrison offers Amendment No. 7 which is adopted by electronic vote (94-23).

Representative Harrell requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (95-23).

Representative Faison moves that Rule 58(b) be suspended in order that he might offer an amendment which would change the title.

Representative Luebke inquires of the Chair if the rules are suspended and the amendment is adopted, would it be considered a material change and require another reading. The Speaker states that is correct.

Representative Allred inquires of the Chair if the Finance Committee can consider a bill with the provisions of the proposed amendment. The Speaker states that is correct.

Pursuant to Rule 24.1A, Representative Daughtry requests that he be excused from voting on this motion because of an economic interest. Representative Cunningham requests that he be excused because of a possible conflict of interest. These requests are granted.

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The motion fails by electronic vote (25-92).

Representative Moore requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (24-93).

Representative McLawhorn offers Amendment No. 8 which is adopted by electronic vote (93-23).

Representative Wright states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (94-23).

Representative Howard offers Amendment No. 9 which fails of adoption by electronic vote (55-64).

Representatives Bordsen, Holloway, and Harrell request and are granted permission to change their vote from "no" to "aye". The adjusted vote total is (58-61).

Representative Crawford offers Amendment No. 10 which is adopted by electronic vote (118-0).

Representative Ed Jones offers Amendment No. 11.

Representative Ed Jones withdraws his amendment.

Representative Coleman offers Amendment No. 12 which is adopted by electronic vote (97-22).

Representative Wright requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (98-21).

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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Bell, Bordsen, Carney, Church, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Dickson, Earle, England, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Hunter, Insko, Jeffus, Jones, Ed Jones, Lucas, Luebke, Martin, McAllister, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pierce, Rapp, Ross,

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Saunders, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 63.

Voting in the negative: Representatives Almond, Barnhart, Blackwood, Blust, Brown, Brubaker, Capps, Clary, Cleveland, Culp, Current, Daughtride, Daughtry, Dockham, Dollar, Eddins, Faison, Folwell, Frye, Gillespie, Grady, Gulley, Hilton, Hollo, Holloway, Holmes, Howard, Johnson, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, McComas, McGee, McMahan, Moore, Morgan, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson - 57.

Excused absences: None.

Representative Allred requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (62-58).

Representative Culpepper moves, seconded by Representative Owens, that the House adjourn, subject to committee assignments, to reconvene June 16 at 12:16 a.m.

The motion carries.

No committee assignments having been received, the House stands adjourned.

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## **EIGHTY-SECOND DAY**

HOUSE OF REPRESENTATIVES  
Thursday, June 16, 2005

The House meets at 12:16 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Gracious God:

"Please grant unto this Honorable Body in this early hour, the strength of Sampson, the wisdom of Solomon, and the patience of Job. Amen."

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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 bills are duly ratified and presented to the Governor:

**H.B. 664**, AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO FALSIFY, OR DIRECT ANOTHER TO FALSIFY, A HIGHWAY CONSTRUCTION INSPECTION REPORT OR TEST REPORT REQUIRED BY THE DEPARTMENT OF TRANSPORTATION.

**H.B. 676**, AN ACT PROVIDING THAT THE OFFICE OF STATE BUDGET AND MANAGEMENT MUST APPROVE CERTAIN FEES RELATING TO GOVERNMENT E-COMMERCE IN CONSULTATION WITH THE STATE CHIEF INFORMATION OFFICER AND THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS.

**H.B. 786**, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE DEALERS LICENSING ACT.

**H.B. 878**, AN ACT TO ESTABLISH THE CONFERENCE OF CLERKS OF SUPERIOR COURT.

**H.B. 1189**, AN ACT TO PROTECT FONTANA LAKE AND THE WATERS DRAINING TO THE NORTH SHORE OF FONTANA LAKE.

**H.B. 1226**, AN ACT TO CLARIFY THE LAW REGARDING INSPECTION, REVIEW, AND EXAMINATION OF PRISON FACILITIES CONSTRUCTED THROUGH LEASE-PURCHASE AGREEMENT.

**H.B. 1336**, AN ACT TO PROHIBIT THE USE OF METHYL TERTIARY BUTYL ETHER (MTBE) IN MOTOR FUELS, TO DIRECT THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND THE COMMISSIONER OF AGRICULTURE TO STUDY THE FEASIBILITY AND ADVANTAGES OF A COORDINATED APPROACH TO THE PHASEOUT OF MTBE IN THE SOUTHEAST REGION OF THE UNITED STATES, AND TO DIRECT THE SECRETARY AND THE COMMISSIONER TO WORK COOPERATIVELY WITH

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SOUTHEASTERN STATES TO DEVELOP AND IMPLEMENT A REGIONAL APPROACH.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**S.B. 466**, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF BURLINGTON AND TO ANNEX IT TO THE TOWN OF GIBSONVILLE, ALL AS REQUESTED BY THE TWO MUNICIPALITIES.

**H.B. 470**, AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY.

**H.B. 1054**, AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS THAT ARE A PARTY TO THE SWIFT CREEK MANAGEMENT PLAN AND CERTAIN CITIZENS OF THOSE LOCAL GOVERNMENTS HAVE STANDING TO ENFORCE THE PROVISIONS OF S.L. 1998-192.

### CALENDAR

Action is taken on the following:

**S.B. 622** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT

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EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE.

Representative Jeffus offers Amendment No. 13 which is adopted by electronic vote (114-6).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Bell, Bordsen, Brown, Carney, Church, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Dickson, Earle, England, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Hunter, Insko, Jeffus, Jones, Ed Jones, Lucas, Luebke, Martin, McAllister, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pierce, Rapp, Ross, Saunders, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 64.

Voting in the negative: Representatives Allred, Almond, Barnhart, Blackwood, Blust, Brubaker, Capps, Clary, Cleveland, Culp, Daughtridge,

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Daughtry, Dockham, Dollar, Eddins, Faison, Folwell, Frye, Gillespie, Grady, Gulley, Hilton, Hollo, Holloway, Holmes, Howard, Johnson, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, McComas, McGee, McMahan, Moore, Morgan, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson - 56.

Excused absences: None.

Representatives Brown and Current request and are granted permission to change their votes from "aye" to "no". The adjusted vote total is (62-58).

Representative Culpepper moves, seconded by Representative Sutton, that the House adjourn, subject to committee assignments, to reconvene Monday, June 20, 2005, at 7:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 12:30 a.m.

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## **EIGHTY-THIRD DAY**

HOUSE OF REPRESENTATIVES  
Monday, June 20, 2005

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Art Ross, Pastor, White Memorial Presbyterian Church, Raleigh, North Carolina:

"Eternal and ever-loving God, in many and diverse ways we become convinced that You have created us and not we ourselves. As Your Holy Spirit touches our human spirits, life takes on a fuller meaning and purpose. We discover that when we rely upon our own insights and emotions, we become foolish; when we seek Your truth and follow Your will, we become wise.

"We gather here this night grateful for the Nation in which we live and the State we are privileged to call home. I would give You thanks for all those who seek to serve You as they serve the citizens of our State. May we

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all seek Your wisdom. In the debates and the votes that are part of our democratic process, grant us a desire to speak the truth in love. Keep us ever respectful of that noble vision that leads to unity of purpose and compassion in relationships.

"Eternal God, You have given us much; keep us ever mindful of those who have little. When we return to our homes, may we go with the peace that comes through relying upon You.

"Hear us O Lord, for we offer our prayer in humble reliance upon Your sacred presence in our lives, a presence made known to us in many ways, and to some of us through Jesus Christ. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 16 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Barnhart, Cole, Current, England, LaRoque, McAllister, Preston, Starnes, Stiller, Sutton, Warren, and Wright for today.

#### **CHAPTERED BILLS**

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

**S.B. 466**, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF BURLINGTON AND TO ANNEX IT TO THE TOWN OF GIBSONVILLE, ALL AS REQUESTED BY THE TWO MUNICIPALITIES. (S.L. 2005-87)

**H.B. 470**, AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY. (S.L. 2005-88)

**H.B. 1054**, AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS THAT ARE A PARTY TO THE SWIFT CREEK MANAGEMENT PLAN

June 20, 2005

AND CERTAIN CITIZENS OF THOSE LOCAL GOVERNMENTS HAVE STANDING TO ENFORCE THE PROVISIONS OF S.L. 1998-192. (S.L. 2005-89)

### MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 131**, A BILL TO BE ENTITLED AN ACT TO ADD ONSLOW COUNTY TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES, 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.

**H.B. 1199** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST MAY FILE AN AFFIDAVIT FOR INVOLUNTARY COMMITMENT WITH THE CLERK OR MAGISTRATE EITHER BY HAND DELIVERY OF THE ORIGINAL AFFIDAVIT OR BY FACSIMILE TRANSMISSION OF A PAPER COPY OF THE AFFIDAVIT, 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.J.R. 1582** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. AND THE APPOINTMENT OF DR. ROBERT K. KOGER TO THE UTILITIES COMMISSION, is returned for concurrence in the Senate committee substitute resolution and referred to the Committee on Public Utilities.

Upon concurrence the Senate committee substitute resolution changes the title.

**S.B. 1077**, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE DURATION OF A MOTORCYCLE LEARNER'S PERMIT AND TO SET

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THE FEE FOR THE PERMIT, is read the first time and referred to the Committee on Finance.

### INTRODUCTION OF PAGES

Pages for the week of June 20 are introduced to the membership. They are: Amber Anderson of Durham; Nichole Anderson of Durham; Megan Barton of Alamance; Scott Burton of Mecklenburg; Jordan Byrd of McDowell; Will Carlton of Wake; Jonathan Carpenter of Lee; Kristyn Dalton of McDowell; Requita Demery of Pitt; Allison Gilboy of Union; Nick Grosman of Guilford; Amy Gwynn of Wake; K. C. Hackney of New Hanover; Max Hamilton of Wake; Panos Harakas of Gaston; Cam Hill of Chatham; Courtney Jackson of Duplin; Matthew Kaylor of McDowell; Caitlin Lofton of Mecklenburg; Alex Martin of Cleveland; David Matney of Buncombe; Meredith Matney of Buncombe; Amy McLeod of Wake; Anne Miller of Guilford; Katie Phillips of Wake; Avery Pittman of Wake; Elizabeth Plemmons of Buncombe; Andrew Rogers of Person; and Brittany Wright of Randolph.

On motion of Representative Culpepper, seconded by Representative Bell, the House adjourns at 7:26 p.m. to reconvene June 21 at 2:00 p.m.

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## EIGHTY-FOURTH DAY

HOUSE OF REPRESENTATIVES  
Tuesday, June 21, 2005

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by Mrs. Geraldine Tucker, Lay Pastor, Smith Presbyterian Church, Pink Hill, North Carolina:

"Our Father:

"We give you thanks for all who gather here to do the work of this great State. Help them stand strong among the strain of the decisions they must make. We pray You will give them strength and endurance to face busy schedules, meetings and appointments.

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"In the midst of their work, give them wisdom to make decisions that would strengthen and prosper our State. For You, Our Father, will care for them who come to You and provide for them who trust in You. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 20 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives England, Sherrill, and Starnes for today.

### ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

**H.B. 97**, AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO MURDERS THE OTHER PARENT OF THE CHILD.

**H.B. 822**, AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON.

**H.B. 1209**, AN ACT TO AMEND THE SEX OFFENDER REGISTRATION PROGRAM TO INCLUDE SEXUAL BATTERY AS A REPORTABLE OFFENSE, AND ADD SEXUAL BATTERY TO THE OFFENSES REQUIRING A DNA SAMPLE.

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**S.B. 14**, AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE.

### SPECIAL MESSAGE FROM THE SENATE

#### 2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber  
June 20, 2005

June 21, 2005



Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill No. 2 to **S.B. 622** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, and requests conferees. The President *Pro Tempore* appoints:

Senator Garrou, Co-chair	Senator Jenkins
Senator Dalton, Co-chair	Senator Kerr
Senator Hagan, Co-chair	Senator Kinnaird
Senator Dannelly	Senator Lucas
Senator Albertson	Senator Malone
Senator Atwater	Senator Nesbitt
Senator Berger, D.	Senator Purcell
Senator Boseman	Senator Rand
Senator Clodfelter	Senator Shaw
Senator Cowell	Senator Snow
Senator Dorsett	Senator Soles
Senator Graham	Senator Swindell
Senator Holloman	Senator Thomas
Senator Hoyle	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*

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**H.B. 1063**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF KILL DEVIL HILLS TO MAKE CERTAIN ASSESSMENTS WITHOUT PETITION, with a favorable report.

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Pursuant to Rule 36(b), the bill is placed on the Calendar of June 22.

**H.B. 1284**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW, 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. 537** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PAYMENT OF TAXES IN LIMITED CIRCUMSTANCES BY OFFSET OF AN OBLIGATION OWED TO THE TAXPAYER BY THE TAXING UNIT, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 22.

**S.B. 1059** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, with a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of June 22. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE PRESIDING.

### CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 672** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF A DEMUTUALIZED INSURANCE COMPANY.

On motion of Representative Holliman, 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.

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**S.B. 15** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER AND TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER AUTHORITIES, 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: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: Representatives Cleveland and Rhodes - 2.

Excused absences: Representatives England, Sherrill, and Starnes - 3.

**S.B. 396** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING COUNTIES TO MAKE CHANGES IN SERVICE DISTRICTS CREATED PURSUANT TO ARTICLE 16 OF CHAPTER 153A OF THE GENERAL STATUTES, passes its third reading, by the following vote, and is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Hackney, Haire, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque,

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Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 114.

Voting in the negative: None.

Excused absences: Representatives England, Sherrill, and Starnes - 3.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 821** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC.

Representative Blackwood offers Amendment No. 1 which is adopted by electronic vote (96-20).

The bill, as amended, passes its second reading, by electronic vote (114-2), 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. 407** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth,

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Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Pierce, Preston, Rapp, Ross, Sauls, Saunders, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 92.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, LaRoque, McGee, Moore, Pate, Ray, Rayfield, Rhodes, Setzer, West, and Wiley - 23.

Excused absences: Representatives England, Sherrill, and Starnes - 3.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 450**, A BILL TO BE ENTITLED AN ACT TO ENABLE THE RUTHERFORD AIRPORT AUTHORITY TO LEASE PROPERTY FOR FIFTY YEARS, 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 enrolled.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 883** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NOTIFICATION REQUIREMENT FOR MECKLENBURG COUNTY REGARDING THE DISPOSITION OF A SEIZED FIREARM AND TO PROVIDE THAT IN MECKLENBURG COUNTY EITHER THE SHERIFF OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY WITH JURISDICTION TO ENFORCE THE LAW WHERE THE FIREARM WAS SEIZED MAY DESTROY THE FIREARM IN ACCORDANCE WITH A COURT ORDER, passes its second reading, by electronic vote (105-11), and there being no objection is read a third time.

Representative Frye requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (104-12).

The bill passes its third reading and is ordered enrolled.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

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**H.B. 650** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES, TO AUTHORIZE A LARGER FEE FOR COMPLEX BUSINESS CASES, AND TO CHANGE THE DATE DISTRICT COURT JUDGES TAKE OFFICE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 104.

Voting in the negative: Representatives Almond, Frye, Gillespie, Hilton, Hollo, Moore, Rayfield, Rhodes, Setzer, and Vinson - 10.

Excused absences: Representatives England, Sherrill, and Starnes - 3.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1635** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOME-MAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Bell, Bordsen, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Dickson, Dockham, Earle, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Hackney, Harrell, Harrison, Hill, Holliman, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, McMahan, Michaux, Miller, Morgan,

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Nye, Owens, Parmon, Pierce, Preston, Rapp, Ross, Saunders, Tolson, Tucker, Underhill, Wainwright, Walend, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 69.

Voting in the negative: Representatives Allred, Almond, Barnhart, Blackwood, Blust, Brown, Capps, Cleveland, Culp, Current, Daughtridg, Daughtry, Dollar, Eddins, Frye, Gillespie, Grady, Gulley, Haire, Hilton, Hollo, Holloway, Johnson, Justus, Kiser, Langdon, LaRoque, Lewis, McGee, Moore, Pate, Ray, Rayfield, Rhodes, Sauls, Setzer, Stam, Steen, Stiller, Sutton, Vinson, Walker, West, Wiley, and Wilson - 45.

Excused absences: Representatives England, Sherrill, and Starnes - 3.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1776** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NORTH CAROLINA TROUT UNLIMITED SPECIAL REGISTRATION PLATE AND TO ADOPT THE BROOK TROUT AS THE OFFICIAL FRESHWATER FISH OF THE STATE OF NORTH CAROLINA.

On motion of Representative Luebke, Committee Amendment No. 1 is adopted by electronic vote (107-7). This amendment changes the title.

Representative Haire offers Amendment No. 2 which is adopted by electronic vote (113-1).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Dickson, Dockham, Dollar, Earle, Eddins, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Harrell, Harrison, Hill, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer,

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Stam, Steen, Stiller, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 109.

Voting in the negative: Representatives Daughtry, Hilton, Kiser, Michaux, Rhodes, and Sutton - 6.

Excused absences: Representatives England, Sherrill, and Starnes - 3.

Representative Haire requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (110-6).

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 178** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO LICENSURE REQUIREMENTS FOR PLUMBING AND HEATING CONTRACTORS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: None.

Excused absences: Representatives England, Sherrill, and Starnes - 3.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 682** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO PUBLIC HEALTH AUTHORITIES, SANITARY

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DISTRICTS, AND METROPOLITAN SEWERAGE DISTRICTS THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: None.

Excused absences: Representatives England, Sherrill, and Starnes - 3.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 685** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, ESTABLISHING THE REQUIREMENTS FOR DE MINIMIS REGISTRATION, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JULY 1, 2005, PROVIDING FOR CONDITIONAL AUTHORITY FOR A PROFESSIONAL EMPLOYER ORGANIZATION TO OPERATE PENDING CONSIDERATION OF ITS LICENSE APPLICATION UPON A SHOWING

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OF FINANCIAL STABILITY AND NEED, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: Representative Almond.

Excused absences: Representatives England, Sherrill, and Starnes - 3.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 321** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS SEVENTY-TWO AND OLDER REQUESTING TO BE EXCUSED FROM JURY DUTY TO REQUEST AN EXEMPTION FROM JURY SERVICE, passes its second reading, by electronic vote (82-33), 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. 465** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SERVICE AND FILING REQUIREMENTS OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, passes its

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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.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 689** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CLERK OF SUPERIOR COURT IS RESPONSIBLE FOR PROVIDING COPIES OF THE TRIAL FILE TO APPOINTED APPELLATE COUNSEL IN INDIGENT CASES, 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.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Dollar and without objection, **S.B. 778** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES, is withdrawn from the Calendar and re-referred to the Committee on Judiciary III.

#### **RE-REFERRALS**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 237**, 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, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, is withdrawn from the Committee on Transportation and re-referred to the Committee on Financial Institutions.

On motion of Representative Crawford and without objection, **H.B. 687** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION

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OF AN AUDIOVISUAL RECORDING DEVICE, is withdrawn from the Committee on Appropriations and re-referred to the Appropriations Subcommittee on Justice and Public Safety.

Representative Culpepper moves, seconded by Representative Eddins, that the House adjourn, subject to the appointment of conferees, to reconvene June 22 at 1:00 p.m.

The motion carries.

#### **CONFEREES APPOINTED**

The Speaker appoints the following conferees on **S.B. 622** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL

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CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE: Representatives Crawford, Earle, Nye, and Owens, Co-Chairs; Representatives Alexander, Gibson, Luebke, Wainwright, Culpepper, Cunningham, Hackney, and Michaux.

**SUBCOMMITTEE ON CAPITAL:** Representatives Wright, Miller, and Williams.

**SUBCOMMITTEE ON EDUCATION:** Representatives Jeffus, Tolson, Yongue, Bell, Glazier, Lucas, and Womble.

**SUBCOMMITTEE ON GENERAL GOVERNMENT:** Representatives Adams, Carney, Dickson, Fisher, Goforth, and Parmon.

**SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES:** Representatives Insko, B. Allen, Bordsen, England, Farmer-Butterfield, McLawhorn, and Weiss.

The Senate is so notified by Special Message.

The House stands adjourned at 3:24 p.m.

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## **EIGHTY-FIFTH DAY**

HOUSE OF REPRESENTATIVES  
Wednesday, June 22, 2005

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

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The following prayer is offered by Chaplain Dennis Goodwin, Senior Pastor, Trinity Methodist Church, Jacksonville, North Carolina:

"Divine Creator who birthed the great State of North Carolina and whose presence blesses our greatest resource daily, which is our people. Today we seek wisdom greater than the accumulated knowledge of committees and which supersedes our abilities to measure or even to understand. The work of the people is a matter of great responsibility which requires our most diligent efforts and humility to serve even the least, the last, and the lost who inhabit our borders. I ask that You bless today every elected official who has chosen to serve. Even when their characters are questioned and loyalty seems reserved for a few, give every man and woman here the necessary perseverance to fight the noble fight for the common good. And when there are too many mouths to feed and bodies to heal, open the hearts of our people to assist the political processes in order to achieve the common good. And when education, roads, health care and the machinery of government appear to be hungry masters for resources that are always limited, impart wisdom, even when those decisions are neither right nor wrong. When the days are long and the Session nears its end, may those seated here know they have given their best. And now may Your Divine hands circle and bless every item of business and every servant heart gathered in this place. For Your presence we remain thankful and obedient. 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.

A leave of absence is granted Representative Sherrill for today.

### **ENROLLED BILLS**

The following bills are duly ratified and presented to the Governor:

**S.B. 396**, AN ACT ALLOWING COUNTIES TO MAKE CHANGES IN SERVICE DISTRICTS CREATED PURSUANT TO ARTICLE 16 OF CHAPTER 153A OF THE GENERAL STATUTES.

**S.B. 465**, AN ACT TO CLARIFY THE SERVICE AND FILING REQUIREMENTS OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

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**S.B. 472**, AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS, TO REQUIRE PERSONS CONVICTED OF THIS OFFENSE TO REGISTER AS SEX OFFENDERS, AND TO AUTHORIZE THE STATE BUREAU OF INVESTIGATION TO INVESTIGATE CERTAIN CRIMES COMMITTED BY USE OF A COMPUTER.

**S.B. 734**, AN ACT TO AMEND ARTICLE 4 OF CHAPTER 45 OF THE GENERAL STATUTES RELATING TO THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.

**H.B. 672**, AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF A DEMUTUALIZED INSURANCE COMPANY.

**H.B. 874**, AN ACT TO CHANGE THE TITLE OF THE SAFETY AND HEALTH REVIEW BOARD UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA TO THE NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, TO CHANGE THE TITLE OF THE OFFICE OF OCCUPATIONAL SAFETY AND HEALTH TO THE OCCUPATIONAL SAFETY AND HEALTH DIVISION, AND TO RESTORE THE AUTHORITY OF THE BOARD TO ASSESS PENALTIES IN THE CASE OF AN APPEAL.

**H.B. 1262**, AN ACT AUTHORIZING THE NORTH CAROLINA SOCIAL WORK CERTIFICATION AND LICENSURE BOARD TO EMPLOY PERSONNEL NECESSARY TO CARRY OUT THE PROVISIONS OF THE SOCIAL WORK CERTIFICATION AND LICENSURE ACT.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**S.B. 450**, AN ACT TO ENABLE THE RUTHERFORD AIRPORT AUTHORITY TO LEASE PROPERTY FOR FIFTY YEARS.

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**S.B. 883**, AN ACT TO AMEND THE NOTIFICATION REQUIREMENT FOR MECKLENBURG COUNTY REGARDING THE DISPOSITION OF A SEIZED FIREARM AND TO PROVIDE THAT IN MECKLENBURG COUNTY EITHER THE SHERIFF OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY WITH JURISDICTION TO ENFORCE THE LAW WHERE THE FIREARM WAS SEIZED MAY DESTROY THE FIREARM IN ACCORDANCE WITH A COURT ORDER.

**H.B. 1055**, AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY.

### CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

**S.B. 14**, AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE. (S.L. 2005-90)

### REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

**S.B. 138** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF ARCHDALE TO EXERCISE EXTRA-TERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**S.B. 335** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE, with a favorable report.

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Pursuant to Rule 36(b), the bill is placed on the Calendar.

**S.B. 388**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, 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 Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representatives L. Allen, Allred, Carney, and Stiller, Chairs, for the Committee on Transportation:

**H.B. 10**, 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, 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 Gibson, Chair, for the Committee on Alcoholic Beverage Control:

**H.B. 1429** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT AND TO REQUIRE THE DESIGNATION OF A PRIMARY SOURCE FOR THE IMPORTATION OF WINE INTO THE STATE, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

**S.B. 974**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES,

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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 Hackney, Chair, for the Committee on Judiciary I:

**S.B. 461** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS, 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. 806**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT, MEDIATION IN DISTRICT COURT DOMESTIC CASES, AND THE REGULATION OF MEDIATORS, AS RECOMMENDED BY THE DISPUTE RESOLUTION COMMISSION, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representative Wright, Chair, for the Committee on Health:

**H.B. 1334**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON PROMOTING PATIENT SAFETY IN THE PROVISION OF HEALTH CARE, 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 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.

#### **SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

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**S.B. 1144** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ATTRACT AND RETAIN FILM INDUSTRY JOBS IN THIS STATE BY PROVIDING FOR A TAX INCENTIVE FOR PRODUCTION COMPANIES IN THE STATE, is read the first time and referred to the Committee on Finance.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**H.B. 488** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY, is returned for concurrence in the Senate amendment.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**H.B. 532** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED, 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.

#### 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. 131**, A BILL TO BE ENTITLED AN ACT TO ADD ONSLOW COUNTY TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

On motion of Representative Grady, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (118-0), 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. 1199** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST MAY FILE AN AFFIDAVIT FOR INVOLUNTARY COMMITMENT WITH THE CLERK OR MAGISTRATE EITHER BY HAND DELIVERY OF THE ORIGINAL AFFIDAVIT OR BY FACSIMILE TRANSMISSION OF A PAPER COPY OF THE AFFIDAVIT.

On motion of Representative Holliman, the House concurs in the Senate committee substitute bill, by electronic vote (119-0), and the bill is ordered enrolled and presented to the Governor.

**S.B. 407** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY, 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; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 95.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, LaRoque, McGee, Moore, Pate, Rhodes, Setzer, Stam, Vinson, West, and Wiley - 24.

Excused absence: Representative Sherrill.

**H.B. 1063**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF KILL DEVIL HILLS TO MAKE CERTAIN ASSESSMENTS

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WITHOUT PETITION, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 107.

Voting in the negative: Representatives Frye, Gillespie, Hilton, Hollo, Holloway, Moore, Rayfield, Rhodes, Setzer, Vinson, West, and Wiley - 12.

Excused absence: Representative Sherrill.

**H.B. 650** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES, TO AUTHORIZE A LARGER FEE FOR COMPLEX BUSINESS CASES, AND TO CHANGE THE DATE DISTRICT COURT JUDGES TAKE OFFICE, 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, L. Allen, Allred, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon,

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Pate, Pierce, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Stam, Starnes, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 109.

Voting in the negative: Representatives Almond, Frye, Gillespie, Hilton, Hollo, Moore, Rayfield, Setzer, and Steen - 9.

Excused absence: Representative Sherrill.

**H.B. 1635** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOME-MAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS, 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, L. Allen, Bell, Blust, Bordsen, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Hackney, Haire, Harrell, Harrison, Holliman, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Parmon, Pierce, Rapp, Ross, Saunders, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 68.

Voting in the negative: Representatives Allred, Almond, Barnhart, Blackwood, Brown, Brubaker, Capps, Cleveland, Culp, Current, Daughtride, Daughtry, Dollar, Eddins, Frye, Gillespie, Grady, Gulley, Hill, Hilton, Hollo, Holloway, Johnson, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, McGee, McMahan, Moore, Owens, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Vinson, Walend, West, Wiley, and Wilson - 50.

Excused absence: Representative Sherrill.

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following report from standing committee is presented:

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By Representatives Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

**S.B. 512** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF CONDITIONING THE PROVISION OF WATER OR SEWER SERVICES UPON AGREEING TO BE SUPPLIED WITH ELECTRICITY, TO PRESERVE THE CORRIDOR SERVICE RIGHTS OF ELECTRIC SUPPLIERS OUTSIDE CITIES FROM BEING LOST OR DILUTED DUE TO EXTRA-TERRITORIAL SERVICES BY CITIES, AND TO ADDRESS OTHER ELECTRIC TERRITORY ISSUES, 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 of June 23. The Senate committee substitute bill is placed on the Unfavorable Calendar.

#### **CALENDAR (continued)**

**H.B. 1776** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NORTH CAROLINA TROUT UNLIMITED SPECIAL REGISTRATION PLATE AND TO ADOPT THE BROOK TROUT AS THE OFFICIAL FRESHWATER TROUT OF THE STATE OF NORTH CAROLINA.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer,

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Stam, Starnes, Steen, Stiller, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: Representatives Daughtry, Gulley, Kiser, Rhodes, and Sutton - 5.

Excused absence: Representative Sherrill.

**S.B. 178** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO LICENSURE REQUIREMENTS FOR PLUMBING AND HEATING CONTRACTORS, 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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 118.

Voting in the negative: Representative Almond.

Excused absence: Representative Sherrill.

**S.B. 682** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO PUBLIC HEALTH AUTHORITIES, SANITARY DISTRICTS, AND METROPOLITAN SEWERAGE DISTRICTS THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in the House committee substitute bill.

June 22, 2005



Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 118.

Voting in the negative: Representative Blackwood.

Excused absence: Representative Sherrill.

**S.B. 685** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, ESTABLISHING THE REQUIREMENTS FOR DE MINIMIS REGISTRATION, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JULY 1, 2005, PROVIDING FOR CONDITIONAL AUTHORITY FOR A PROFESSIONAL EMPLOYER ORGANIZATION TO OPERATE PENDING CONSIDERATION OF ITS LICENSE APPLICATION UPON A SHOWING OF FINANCIAL STABILITY AND NEED, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, 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.

June 22, 2005

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 118.

Voting in the negative: Representative Almond.

Excused absence: Representative Sherrill.

**S.B. 1059** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, 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, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 119.

June 22, 2005

Voting in the negative: None.

Excused absence: Representative Sherrill.

**S.B. 537** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PAYMENT OF TAXES IN LIMITED CIRCUMSTANCES BY OFFSET OF AN OBLIGATION OWED TO THE TAXPAYER BY THE TAXING UNIT, passes its second reading, by electronic vote (119-0), 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.

### RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1723**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Sutton and without objection, **H.B. 1345**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PSEUDOEPHEDRINE PRODUCTS SHALL NOT BE OFFERED FOR SELF-SERVICE SALES AND SHALL BE STORED BEHIND THE COUNTER, TO PROVIDE THAT STEALING A PRODUCT THAT CONTAINS MORE THAN NINE GRAMS OF PSEUDOEPHEDRINE IS FELONY LARCENY, TO PROHIBIT THE SALE OF CERTAIN PRODUCTS BY CERTAIN PERSONS, AND TO ESTABLISH THE NORTH CAROLINA METHAMPHETAMINE ABUSE TASK FORCE, is withdrawn from the Committee on Judiciary III and re-referred to the Committee on Judiciary IV.

Representative Culpepper moves, seconded by Representative Wright, that the House adjourn, subject to the receipt of Messages from the Senate and committee assignments, to reconvene June 23 at 9:00 a.m.

The motion carries.

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**ADDENDA TO COMMITTEE ASSIGNMENTS**

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The Speaker makes the following conference committee changes on **S.B. 622** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL

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COMMISSION TO ESTABLISH FEES BY RULE.

**SUBCOMMITTEE ON GENERAL GOVERNMENT:** Add Representative McLawhorn; delete Representative Dickson.

**SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES:** Add Representative Dickson; delete Representative McLawhorn.

The Senate is so notified by Special Message.

#### **SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

Senate Committee Substitute for **H.B. 451** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, AND TO MAKE OTHER CONFORMING CHANGES, 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 23.

Upon concurrence the Senate committee substitute bill changes the title.

The House stands adjourned at 4:10 p.m.

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### **EIGHTY-SIXTH DAY**

HOUSE OF REPRESENTATIVES  
Thursday, June 23, 2005

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by Pastor Dennis Sheppard, Hope Mills United Methodist Church:

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"Sovereign God:

"We give You thanks for the gift of this day of life, which You have given to us. This day is filled with opportunity to serve You by serving Your people. Please give us that measure of discernment that we need, coupled with wisdom, integrity, and commitment to do our work and do it well. Remind us that what we do here has far reaching effects on the lives of others. Remind us also that we have been entrusted with the serious decision making that not only is to lead the great State of North Carolina in these days, but to lead this State into the future. Lord, while we are very much aware of the awesome responsibility entrusted to us, we are also aware of the burden placed on our shoulders. Help us to remember to make decisions that are in the best interests of the people of North Carolina, whom we have been elected to represent, and not for personal gain or political expediency. You have given each one here the ability and gifts to do outstanding work. Help us therefore to work together, utilizing the strength of many minds and hands working in harmony for the common good. Fill us with the necessary resolve of leadership, cooperation, and determination to complete the agenda of service. Help us to remember that unless we leave here as brothers and sisters, who genuinely respect and care for one another, all of our work is in vain. Give us joy and fulfillment in our work, as we labor for You and all Your children. Thanks and praise be unto Your name. 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 Adams, Allred, and Sherrill for today.

#### **ENROLLED BILLS**

The following bills are duly ratified and presented to the Governor:

**S.B. 15**, AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER AND TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER AUTHORITIES.

**S.B. 178**, AN ACT AMENDING CERTAIN LAWS RELATING TO LICENSURE REQUIREMENTS FOR PLUMBING AND HEATING CONTRACTORS.

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**S.B. 537**, AN ACT TO ALLOW THE PAYMENT OF TAXES IN LIMITED CIRCUMSTANCES BY OFFSET OF AN OBLIGATION OWED TO THE TAXPAYER BY THE TAXING UNIT.

**S.B. 685**, AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, ESTABLISHING THE REQUIREMENTS FOR DE MINIMIS REGISTRATION, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JULY 1, 2005, PROVIDING FOR CONDITIONAL AUTHORITY FOR A PROFESSIONAL EMPLOYER ORGANIZATION TO OPERATE PENDING CONSIDERATION OF ITS LICENSE APPLICATION UPON A SHOWING OF FINANCIAL STABILITY AND NEED, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS.

**H.B. 27**, AN ACT REQUIRING THE EMPLOYMENT SECURITY COMMISSION TO CONSIDER THE ORDINARY BUSINESS ACTIVITIES OF EMPLOYERS WHEN SCHEDULING HEARINGS.

**H.B. 395**, AN ACT TO DESIGNATE THE DIVISION OF FOREST RESOURCES AS AN EMERGENCY RESPONSE AGENCY.

**H.B. 678**, AN ACT ALLOWING THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN BIDS ON CERTAIN SERVICE CONTRACTS WITHOUT OBTAINING APPROVAL FROM THE STATE PURCHASING OFFICER.

**H.B. 698**, AN ACT TO EXPAND THE FINDINGS, THE PURPOSE, AND THE APPROVED PRACTICES OF THE CURRENT FOREST DEVELOPMENT ACT.

**H.B. 821**, AN ACT RELATING TO THE ADMISSIBILITY OF THE RESULTS OF SPEED-MEASURING INSTRUMENTS.

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**H.B. 1199**, AN ACT TO PROVIDE THAT A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST MAY FILE AN AFFIDAVIT FOR INVOLUNTARY COMMITMENT WITH THE CLERK OR MAGISTRATE EITHER BY HAND DELIVERY OF THE ORIGINAL AFFIDAVIT OR BY FACSIMILE TRANSMISSION OF A PAPER COPY OF THE AFFIDAVIT.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**H.B. 9**, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE.

**H.B. 131**, AN ACT TO AUTHORIZE SEVERAL ADDITIONAL COUNTIES TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

**H.B. 345**, AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL SERVICES WITHIN THE DEPARTMENT'S JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES.

**H.B. 581**, AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS.

**H.B. 743**, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EAST SPENCER.

**H.B. 828**, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE.

#### CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

**H.B. 710**, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES'

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RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND. (S.L. 2005-91)

**H.B. 676**, AN ACT PROVIDING THAT THE OFFICE OF STATE BUDGET AND MANAGEMENT MUST APPROVE CERTAIN FEES RELATING TO GOVERNMENT E-COMMERCE IN CONSULTATION WITH THE STATE CHIEF INFORMATION OFFICER AND THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS. (S.L. 2005-92)

**H.B. 1336**, AN ACT TO PROHIBIT THE USE OF METHYL TERTIARY BUTYL ETHER (MTBE) IN MOTOR FUELS, TO DIRECT THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND THE COMMISSIONER OF AGRICULTURE TO STUDY THE FEASIBILITY AND ADVANTAGES OF A COORDINATED APPROACH TO THE PHASEOUT OF MTBE IN THE SOUTHEAST REGION OF THE UNITED STATES, AND TO DIRECT THE SECRETARY AND THE COMMISSIONER TO WORK COOPERATIVELY WITH SOUTHEASTERN STATES TO DEVELOP AND IMPLEMENT A REGIONAL APPROACH. (S.L. 2005-93)

**H.B. 862**, AN ACT TO MAKE THE LAW PROHIBITING THE REMOVAL OF ELECTRONIC COLLARS FROM DOGS APPLY STATEWIDE. (S.L. 2005-94)

**S.B. 494**, AN ACT TO ENCOURAGE DEPLOYMENT OF COMPETITIVE BROADBAND SERVICE BY PUBLIC UTILITIES. (S.L. 2005-95)

**H.B. 664**, AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO FALSIFY, OR DIRECT ANOTHER TO FALSIFY, A HIGHWAY CONSTRUCTION INSPECTION REPORT OR TEST REPORT REQUIRED BY THE DEPARTMENT OF TRANSPORTATION. (S.L. 2005-96)

**H.B. 1189**, AN ACT TO PROTECT FONTANA LAKE AND THE WATERS DRAINING TO THE NORTH SHORE OF FONTANA LAKE. (S.L. 2005-97)

**H.B. 1226**, AN ACT TO CLARIFY THE LAW REGARDING INSPECTION, REVIEW, AND EXAMINATION OF PRISON FACILITIES CONSTRUCTED THROUGH LEASE-PURCHASE AGREEMENT. (S.L. 2005-98)

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**H.B. 786**, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE DEALERS LICENSING ACT. (S.L. 2005-99)

**H.B. 878**, AN ACT TO ESTABLISH THE CONFERENCE OF CLERKS OF SUPERIOR COURT. (S.L. 2005-100)

**S.B. 507**, AN ACT TO PROVIDE THAT AN OFFENSE COMMITTED AGAINST OR THAT PROXIMATELY CAUSES SERIOUS INJURY TO A SOCIAL WORKER IS AN AGGRAVATING FACTOR. (S.L. 2005-101)

**H.B. 658**, AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS. (S.L. 2005-102)

**S.B. 988**, AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY TO GASTON COLLEGE. (S.L. 2005-103)

**H.B. 1320**, AN ACT TO REQUIRE DISCLOSURES OF CERTAIN MONETARY TRANSMISSIONS. (S.L. 2005-104)

**S.B. 450**, AN ACT TO ENABLE THE RUTHERFORD AIRPORT AUTHORITY TO LEASE PROPERTY FOR FIFTY YEARS. (S.L. 2005-105)

**S.B. 883**, AN ACT TO AMEND THE NOTIFICATION REQUIREMENT FOR MECKLENBURG COUNTY REGARDING THE DISPOSITION OF A SEIZED FIREARM AND TO PROVIDE THAT IN MECKLENBURG COUNTY EITHER THE SHERIFF OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY WITH JURISDICTION TO ENFORCE THE LAW WHERE THE FIREARM WAS SEIZED MAY DESTROY THE FIREARM IN ACCORDANCE WITH A COURT ORDER. (S.L. 2005-106)

**H.B. 1055**, AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY. (S.L. 2005-107)

#### **REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

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By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**S.B. 388** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, AND TO ANNEX DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF BOLTON, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representatives Bell and Wilson, Chairs, for the Committee on Pensions and Retirement:

**H.B. 701**, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED SCHOOL PRINCIPALS, ASSISTANT PRINCIPALS, AND CENTRAL OFFICE ADMINISTRATIVE PERSONNEL TO RETURN TO EMPLOYMENT WITH THE PUBLIC SCHOOLS WITHOUT LOSING RETIREMENT BENEFITS, 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.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 253** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ADOPT TRANSPORTATION CORRIDOR OFFICIAL MAPS, TO INCREASE THE NUMBER OF PROJECTS THE AUTHORITY MAY UNDERTAKE FROM THREE TO NINE, AND TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, is returned for concurrence in Senate Committee Substitute Bill No. 2 and referred to the Committee on Rules, Calendar, and Operations of the House.

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Upon concurrence the Senate committee substitute bill changes the title.

**H.B. 702** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE, 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 27.

Senate Committee Substitute for **H.B. 1102**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS, AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M., 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 27.

Upon concurrence the Senate committee substitute bill changes the title.

**H.B. 1503** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES ARE TREATED AS CITIES FOR PURPOSES OF CIVIL LIABILITY, 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.

### CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 451** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF

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AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, AND TO MAKE OTHER CONFORMING CHANGES.

On motion of Representative Glazier, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (116-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

**H.B. 1063**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF KILL DEVIL HILLS TO MAKE CERTAIN ASSESSMENTS WITHOUT PETITION, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 106.

Voting in the negative: Representatives Cleveland, Frye, Gillespie, Hilton, Hollo, Holloway, Moore, Setzer, and West - 9.

Excused absences: Representatives Adams, Allred, and Sherrill - 3.

Representative Preston requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (107-9).

**S.B. 1059** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, 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; Representatives Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Blust,

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Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 116.

Voting in the negative: None.

Excused absences: Representatives Adams, Allred, and Sherrill - 3.

**S.B. 512** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF CONDITIONING THE PROVISION OF WATER OR SEWER SERVICES UPON AGREEING TO BE SUPPLIED WITH ELECTRICITY, TO PRESERVE THE CORRIDOR SERVICE RIGHTS OF ELECTRIC SUPPLIERS OUTSIDE CITIES FROM BEING LOST OR DILUTED DUE TO EXTRA-TERRITORIAL SERVICES BY CITIES, AND TO ADDRESS OTHER ELECTRIC TERRITORY ISSUES, 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.

#### **BILL PLACED ON CALENDAR**

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 388** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, AND TO ANNEX DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF BOLTON, is placed on today's Calendar for immediate consideration.

June 23, 2005

The bill passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 115.

Voting in the negative: Representative Rhodes.

Excused absences: Representatives Adams, Allred, and Sherrill - 3.

#### **RE-REFERRALS**

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 34**, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TABOR CITY, is withdrawn from the Committee on Finance and re-referred to the Committee on Agriculture.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 339** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Finance.

Representative Culpepper moves, seconded by Representative Cunningham, that the House adjourn, subject to the ratification of bills, the receipt of Messages from the Senate, and committee assignments to reconvene Monday, June 27, 2005, at 7:00 p.m.

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The motion carries.

### ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

**H.B. 451**, AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, TO EXPAND THE PERSONS WHO ARE SUBJECT TO CRIMINAL RECORD CHECKS BY DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND TO MAKE OTHER CONFORMING CHANGES.

### ADDENDA TO COMMITTEE ASSIGNMENTS

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The Speaker makes the following conference committee changes on **S.B. 622** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE

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AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE.

**SUBCOMMITTEE ON GENERAL GOVERNMENT:** Delete Representative Carney.

**SUBCOMMITTEE ON EDUCATION:** Add Representative Carney.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 580** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT 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.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

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**H.B. 1430** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING AREA, 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. 217** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN 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.

The House stands adjourned at 3:00 p.m.

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## EIGHTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES  
Monday, June 27, 2005

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Great God of Heaven:

"Out of chaos You created order. Out of darkness You created light. Out of mercy You created life and love. Fill us with care and compassion for one another, as well as for the needs of others, so that our common work together can be recognized as the efforts of those whose hearts are generous, whose desires are true and whose hopes are sincere. Amen."

The Speaker 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 June 23 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Barnhart, Brubaker, Daughtridge, Gulley, Hill, LaRoque, Starnes, and Wiley for today.

### ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

**S.B. 321**, AN ACT TO ALLOW PERSONS SEVENTY-TWO AND OLDER REQUESTING TO BE EXCUSED FROM JURY DUTY TO REQUEST AN EXEMPTION FROM JURY SERVICE.

**S.B. 689**, AN ACT TO CLARIFY THAT THE CLERK OF SUPERIOR COURT IS RESPONSIBLE FOR PROVIDING COPIES OF THE TRIAL FILE TO APPOINTED APPELLATE COUNSEL IN INDIGENT CASES.

**H.B. 371**, AN ACT DESIGNATING THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE AS NORTH CAROLINA'S HISTORICALLY AMERICAN INDIAN UNIVERSITY.

**H.B. 403**, AN ACT TO AMEND THE LAW REGARDING THE PURCHASE OF THE PRELIMINARY SCHOLASTIC APTITUDE TEST (PSAT) FOR THE PUBLIC SCHOOLS.

**H.B. 404**, AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT.

**H.B. 1482**, AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL DEPARTMENTS OF SOCIAL SERVICES AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED.

### CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

**H.B. 9**, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE. (S.L. 2005-108)

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**H.B. 131**, AN ACT TO AUTHORIZE SEVERAL ADDITIONAL COUNTIES TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES. (S.L. 2005-109)

**H.B. 345**, AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL SERVICES WITHIN THE DEPARTMENT'S JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES. (S.L. 2005-110)

**H.B. 581**, AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS. (S.L. 2005-111)

**H.B. 743**, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EAST SPENCER. (S.L. 2005-112)

**H.B. 828**, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE. (S.L. 2005-113)

#### **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. 679** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA, 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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By Representative Tucker, Chair, for the Committee on Local Government I:

**S.B. 88** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE APPLICABILITY OF CERTAIN MOTOR VEHICLE LAWS ON PROPERTIES OWNED OR UNDER THE CONTROL OF THE BENT TREE PLANTATION HOMEOWNERS ASSOCIATION IN BRUNSWICK COUNTY, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**S.B. 392** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO SELL PERSONAL UNIFORMS AND EQUIPMENT TO PUBLIC SAFETY EMPLOYEES UPON THE EMPLOYEES LEAVING THE CITY'S EMPLOYMENT, 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. 435** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE AUTHORITY OF THE COUNTY OF DURHAM TO ENTER INTO PUBLIC-PRIVATE PROJECTS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representative Michaux, Chair, for the Committee on Judiciary II:

**S.B. 776** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION, 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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**CALENDAR**

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 488** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY.

On motion of Representative Weiss, the House concurs in the Senate amendment, by electronic vote (104-0), and the bill is ordered enrolled.

**WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Saunders and without objection, **S.B. 335** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE, is withdrawn from the Calendar and re-referred to the Committee on Local Government II.

**CALENDAR (continued)**

**H.B. 702** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE.

On motion of Representative Crawford, the House concurs in the Senate committee substitute bill, by electronic vote (92-14), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute for **H.B. 1102**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS, AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M.

On motion of Representative Allred, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (105-0), and the bill is ordered enrolled and presented to the Governor.

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**S.B. 388** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, AND TO ANNEX DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF BOLTON, 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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Hackney, Haire, Harrell, Harrison, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 105.

Voting in the negative: Representative Cleveland.

Excused absences: Representatives Barnhart, Brubaker, Daughtridge, Gulley, Hill, LaRoque, Starnes, and Wiley - 8.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 138** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF ARCHDALE TO EXERCISE EXTRA-TERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS 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.

#### **INTRODUCTION OF PAGES**

Pages for the week of June 27 are introduced to the membership. They are: Wesley Bell of Moore; Tierra Butler of Sampson; Timberly Butler of

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Sampson; Antwan Bynum of Edgecombe; Nicole Carpenter of Mecklenburg; Susan Creasy of Forsyth; Davis Flory of New Hanover; Samantha Gardner of Johnston; Patrick Goodwyn of Edgecombe; Casey Hobgood of Edgecombe; Jessica James of Guilford; Kenneth Jones of Craven; Adam Lanier of Edgecombe; Sarah Lineberry of Wake; DeOndra Peterson of Sampson; Brandon Rasberry of Lenoir; Amber Rollins of Rutherford; Max Rose of Durham; Mary Squire of New Hanover; Drew Steen of Rowan; Kathryn Thompson of Mecklenburg; Thomas Thurman of Mecklenburg; Anne Tyson Vance of Iredell; and William Wadsworth of Lincoln.

### RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.R. 1787**, A HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO CONTINUE IN EFFECT THE CURRENT SAFEGUARDS LIMITING THE INCREASE IN IMPORTS OF CHINESE TEXTILES AND URGING THE CONGRESS TO EXPAND THE TRADE ADJUSTMENT ASSISTANCE PROGRAM AND RAISE THE FUNDING CAP, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Federal Relations and Trade Issues.

Representative Culpepper moves, seconded by Representative Owens, that the House adjourn, subject to committee assignments, to reconvene June 28 at 9:30 a.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 7:36 p.m.

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## EIGHTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES  
Tuesday, June 28, 2005

The House meets at 9:30 a.m. pursuant to adjournment and is called to order by the Speaker.

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The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Glorious and Gracious Lord:

"From Thee comes every good and perfect gift and all day long You are working for good in the world. It is good that we heartily greet You at the beginning of our day in the hope that we will invite You to be a part of our work. Guide our minds to see the clarity of our alternatives. Guide our conversations to provide necessary, but fair and amicable debate. Guide our hearts to do what is right and good so that we might rest our heads on our pillows and sleep peacefully each night. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 27 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Barnhart and Brubaker for today. Representative Eddins is excused for a portion of the Session.

#### **ENROLLED BILLS**

The following bills are duly ratified and presented to the Governor:

**H.B. 355**, AN ACT TO RESTRICT THE USE OF RED AND BLUE LIGHTS ON VEHICLES.

**H.B. 702**, AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE.

**H.B. 1102**, AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**S.B. 138**, AN ACT ALLOWING THE CITY OF ARCHDALE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

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**S.B. 407**, AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY.

**H.B. 488**, AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY.

#### CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

**H.B. 451**, AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, TO EXPAND THE PERSONS WHO ARE SUBJECT TO CRIMINAL RECORD CHECKS BY DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND TO MAKE OTHER CONFORMING CHANGES. (S.L. 2005-114)

#### SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

**S.B. 796** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CRIMINAL RECORD CHECKS OF APPLICANTS FOR PERMITS AND LICENSES TO CONDUCT ARCHAEOLOGICAL OPERATIONS AND INVESTIGATIONS, is read the first time and referred to the Committee on Judiciary I and, if favorable, to the Committee on Finance.

Senate Committee Substitute for **H.B. 1392** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A CLASS 1 MISDEMEANOR OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS, 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.

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Upon concurrence the Senate committee substitute bill changes the title.

#### MESSAGES FROM THE SENATE

The following are received from the Senate:

**H.B. 514**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY MOTION FILED IN A CIVIL ACTION WHEN THE ACTION IS PENDING IN A SUPERIOR COURT OF A COUNTY THAT IS IN A SUPERIOR COURT DISTRICT CONSISTING OF MORE THAN ONE COUNTY MAY BE HEARD IN ANY SUPERIOR COURT IN THAT SUPERIOR COURT DISTRICT, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the bill is placed on the Calendar of June 29.

**H.B. 1097** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO AWARD CONTRACTS FOR THE MANAGEMENT OF SLUDGE ON THE BASIS OF FACTORS OTHER THAN COST ALONE AND TO ENTER INTO CONTRACTS THAT PROVIDE FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF SLUDGE MANAGEMENT FACILITIES BY A SINGLE ENTITY, is returned for concurrence in one Senate amendment.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

**H.B. 1168** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DECEPTIVE USE OF THE NAME OR LOGO OF A BANKING ENTITY WITHOUT PERMISSION IN THE MARKETING OF FINANCIAL PRODUCTS AND 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 of June 29.

**H.B. 1319** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION ACT, 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.

**H.B. 1552** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE REGULATORY AUTHORITY OVER CAMPUS PARKING TO THE BOARD OF TRUSTEES OF NORTH CAROLINA A&T STATE UNIVERSITY, 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.

### CALENDAR

Action is taken on the following:

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 532** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED.

On motion of Representative Stam, 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.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1284** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW.

Representative Howard offers Amendment No. 1 which is adopted by electronic vote (116-0).

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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison,

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Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 116.

Voting in the negative: None.

Excused absences: Representatives Barnhart and Brubaker - 2.

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**H.B. 1429** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, TO REQUIRE THE DESIGNATION OF A PRIMARY SOURCE FOR THE IMPORTATION OF WINE INTO THE STATE, TO CLARIFY THE LAW CONCERNING SPLIT-CASE FEES, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE.

Representative Gibson offers Amendment No. 1 which is adopted by electronic vote (115-0).

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; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Bell, Blackwood, Blust, Bordsen, Brown, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield,

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Rhodes, Ross, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Wilson, Womble, Wray, Wright, and Yongue - 106.

Voting in the negative: Representatives Almond, Capps, Eddins, Frye, Gillespie, Hilton, Sauls, Setzer, West, and Williams - 10.

Excused absences: Representatives Barnhart and Brubaker - 2.

#### **WITHDRAWAL OF BILL FROM CALENDAR**

On motion of Representative Gibson and without objection, **S.B. 974** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, is withdrawn from the Calendar and placed on the Calendar of June 29.

#### **CALENDAR (continued)**

Pursuant to Rule 36(b), the following bill appears on today's Calendar.

**S.B. 461** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS, 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, by electronic vote (116-0), 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. 806**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT, MEDIATION IN DISTRICT COURT DOMESTIC CASES, AND THE REGULATION OF MEDIATORS, AS RECOMMENDED BY THE DISPUTE RESOLUTION 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.

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**SPECIAL MESSAGE FROM THE SENATE**

The following Special Message is received from the Senate:

Senate Committee Substitute for **H.B. 1630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE WITHOUT CONFORMING TO THE DEDUCTION FOR DOMESTIC PRODUCTION ACTIVITIES, STATE AND LOCAL SALES AND USE TAXES, AND CERTAIN INTERNATIONAL SHIPPING ACTIVITIES; EXTENDING THE EIGHT AND ONE-QUARTER PERCENT UPPER INDIVIDUAL INCOME TAX BRACKET AS ENACTED IN 2001 FOR THE 2006 AND 2007 TAXABLE YEARS; EXTENDING THE ESTATE TAX UNTIL JANUARY 1, 2010; EXTENDING THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX UNTIL JULY 1, 2007; MAKING SALES TAX CHANGES REQUIRED BY THE STREAMLINED SALES TAX AGREEMENT; RETAINING THE USE TAX LINE ON THE INDIVIDUAL INCOME TAX RETURN UNTIL 2010; AND APPLYING THE SALES TAX TO CANDY, WARRANTY SERVICE AGREEMENTS, CABLE SERVICES, VOICE MAIL, AND SATELLITE RADIO, 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.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

**BILL PLACED ON CALENDAR**

Representative Culpepper gives notice, pursuant to Rule 36(b), and Senate Committee Substitute for **H.B. 1630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL

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TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE WITHOUT CONFORMING TO THE DEDUCTION FOR DOMESTIC PRODUCTION ACTIVITIES, STATE AND LOCAL SALES AND USE TAXES, AND CERTAIN INTERNATIONAL SHIPPING ACTIVITIES; EXTENDING THE EIGHT AND ONE-QUARTER PERCENT UPPER INDIVIDUAL INCOME TAX BRACKET AS ENACTED IN 2001 FOR THE 2006 AND 2007 TAXABLE YEARS; EXTENDING THE ESTATE TAX UNTIL JANUARY 1, 2010; EXTENDING THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX UNTIL JULY 1, 2007; MAKING SALES TAX CHANGES REQUIRED BY THE STREAMLINED SALES TAX AGREEMENT; RETAINING THE USE TAX LINE ON THE INDIVIDUAL INCOME TAX RETURN UNTIL 2010; AND APPLYING THE SALES TAX TO CANDY, WARRANTY SERVICE AGREEMENTS, CABLE SERVICES, VOICE MAIL, AND SATELLITE RADIO, is placed on today's Calendar for immediate consideration.

On motion of Representative Luebke, 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 Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 116.

Voting in the negative: None.

Excused absences: Representatives Barnhart and Brubaker - 2.

The Speaker appoints Representatives Culpepper and Hackney, Co-Chairs; Representatives Luebke, Wainwright, Alexander, Gibson, Cunningham, and

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Holliman as conferees on the part of the House and the Senate is so notified by Special Message.

Representative Culpepper moves, seconded by Representative Sherrill, that the House adjourn, subject to the receipt of Committee Reports, the receipt of Conference Reports, the ratification of bills, the receipt of Messages from the Senate, and committee assignments, to reconvene June 29 at 1:00 p.m.

The motion carries.

#### **ADDENDA TO COMMITTEE ASSIGNMENTS**

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The Speaker makes the following conference committee change on **S.B. 622** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT

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FEEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE:

**SUBCOMMITTEE ON EDUCATION:** Add Representative McLawhorn.

### ENROLLED BILLS

The following bills are duly ratified and presented to the Governor:

**S.B. 512**, AN ACT TO PROHIBIT THE PRACTICE OF CONDITIONING THE PROVISION OF WATER OR SEWER SERVICES UPON AGREEING TO BE SUPPLIED WITH ELECTRICITY, TO PRESERVE THE CORRIDOR SERVICE RIGHTS OF ELECTRIC SUPPLIERS OUTSIDE CITIES FROM BEING LOST OR DILUTED DUE TO EXTRATERRITORIAL SERVICES BY CITIES, AND TO ADDRESS OTHER ELECTRIC TERRITORY ISSUES.

**S.B. 806**, AN ACT TO AMEND THE LAW REGARDING MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT, MEDIATION IN DISTRICT COURT DOMESTIC CASES, AND THE REGULATION OF MEDIATORS, AS RECOMMENDED BY THE DISPUTE RESOLUTION COMMISSION.

**S.B. 821**, AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC.

**H.B. 532**, AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED.

**H.B. 740**, AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED POSITIVE DRUG

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AND ALCOHOL TEST RESULT, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR OTHER PUBLIC TRANSIT VEHICLES UNTIL SUCCESSFUL COMPLETION OF TREATMENT.

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**H.B. 544**, AN ACT TO AMEND THE MADISON COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX.

**H.B. 1005**, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE.

**H.B. 1056**, AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY.

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

**H.J.R. 578**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVEREND SHERLEY W. EDWARDS OF POTECASTI, NORTH CAROLINA, A CIVIL RIGHTS ADVOCATE AND ARDENT SUPPORTER OF EDUCATION. (RESOLUTION 2005-37)

#### **CHAPTERED BILLS**

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

**S.B. 138**, AN ACT ALLOWING THE CITY OF ARCHDALE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS. (S.L. 2005-115)

**S.B. 407**, AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY. (S.L. 2005-116)

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**H.B. 488**, AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY. (S.L. 2005-117)

**REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Sutton, Chair, for the Committee on Judiciary III:

**S.B. 778** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES, 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. 1058** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF THE CRIMINAL OFFENSE OF ASSAULT ON AN ASSISTANCE ANIMAL AND TO REQUIRE RESTITUTION, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representatives Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

**H.J.R. 1582** (Senate Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF DR. ROBERT K. KOGER TO THE UTILITIES COMMISSION, with recommendation that the House concur.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of June 29.

By Representative Hackney, Chair, for the Committee on Judiciary I:

**S.B. 532** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AGGRAVATE THE PENALTY FOR THE LARCENY, POSSESSION, OR RECEIVING OF GOODS VALUED AT MORE THAN THREE

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HUNDRED DOLLARS FROM A PERMITTED CONSTRUCTION SITE, 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 Wright, Chair, for the Committee on Health:

**S.B. 3** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO REQUIRE APPLICANTS TO SUBMIT EVIDENCE OF CONTINUING COMPETENCY UPON LICENSE RENEWAL OR REINSTATEMENT, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

**S.B. 1126** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of June 29. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

#### **SPECIAL MESSAGE FROM THE SENATE**

#### **2005 GENERAL ASSEMBLY FIRST SESSION**

Senate Chamber  
June 28, 2005

Mr. Speaker:

June 28, 2005

Pursuant to your message received today, June 28, 2005, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 1630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE WITHOUT CONFORMING TO THE DEDUCTION FOR DOMESTIC PRODUCTION ACTIVITIES, STATE AND LOCAL SALES AND USE TAXES, AND CERTAIN INTERNATIONAL SHIPPING ACTIVITIES; EXTENDING THE EIGHT AND ONE-QUARTER PERCENT UPPER INDIVIDUAL INCOME TAX BRACKET AS ENACTED IN 2001 FOR THE 2006 AND 2007 TAXABLE YEARS; EXTENDING THE ESTATE TAX UNTIL JANUARY 1, 2010; EXTENDING THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX UNTIL JULY 1, 2007; MAKING SALES TAX CHANGES REQUIRED BY THE STREAMLINED SALES TAX AGREEMENT; RETAINING THE USE TAX LINE ON THE INDIVIDUAL INCOME TAX RETURN UNTIL 2010; AND APPLYING THE SALES TAX TO CANDY, WARRANTY SERVICE AGREEMENTS, CABLE SERVICES, VOICE MAIL, AND SATELLITE RADIO, and requests conferees, the President *Pro Tempore* appoints:

Senator Kerr, Co-Chair  
Senator Hoyle, Co-Chair  
Senator Clodfelter  
Senator Rand  
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**

**2005 GENERAL ASSEMBLY  
FIRST SESSION**

June 28, 2005

Senate Chamber  
June 28, 2005

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. 1059** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS.

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. 85** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: AIR MEDAL RECIPIENT, ALPHA PHI ALPHA FRATERNITY, ARC OF NORTH CAROLINA, AUTISM SOCIETY OF NORTH CAROLINA, BUDDY PELLETIER SURFING FOUNDATION, COASTAL CONSERVATION ASSOCIATION, COLD WAR VETERAN, CORVETTE CLUB, GUILFORD BATTLEGROUND COMPANY, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NORTH CAROLINA AQUARIUM, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHARE THE ROAD, AND TARHEEL CLASSIC THUNDERBIRD CLUB, 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.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

Senate Committee Substitute No. 2 for **H.B. 370**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE

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ANNEXATIONS FOR THE TOWN OF LANDIS, 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.

The Speaker rules Senate Committee Substitute Bill No. 2 to be material, thus constituting its first reading.

**H.B. 510** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY, 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. 666** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Transportation.

**H.B. 1163** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROVISIONS IN MOTOR CARRIER FREIGHT TRANSPORTATION CONTRACTS THAT HOLD HARMLESS THE SHIPPER FOR THE SHIPPER'S NEGLIGENCE OR INTENTIONAL ACTS ARE VOID, 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. 1346** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE INTERSTATE COMPACT FOR JUVENILES, 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.

No conference reports having been received, the House stands adjourned.

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