

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

FIRST
SESSION 2005

VOLUME II

This publication is printed on permanent, acid-free paper in compliance with the General Statutes of the State of North Carolina. 365 copies of this publication were printed at a cost of \$42.34 per two volume set.



EIGHTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, June 29, 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:

"Gracious Lord:

"Speak to us in our moments together and grant us Thy wisdom to see that which we are unable to make clear for ourselves. We often find ourselves in situations and circumstances that seem a bit cloudy due to our own desire for power, status, and stamps of approval. We are bold to ask Thee to remove our human lenses that cause our myopia; and, place on the bridge of our hearts heavenly glasses to help clear up our stubbornness in the hope that we may be able to see more clearly...that which is most likely right before our eyes. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 28 has been examined and found correct. Upon his motion, the Journal is approved as written.

There are no excused absences for today.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), 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A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Finance.

CHAPTERED BILLS

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

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H.B. 544, AN ACT TO AMEND THE MADISON COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX. (S.L. 2005-118)

H.B. 1005, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE. (S.L. 2005-119)

H.B. 1056, AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY. (S.L. 2005-120)

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. 566, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM, with a favorable report.

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

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, 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:

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

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CONCENTRATION OF SULFUR IN GASOLINE SHALL BE DEEMED TO COMPLY WITH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE, with a favorable report.

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

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, with a favorable report.

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

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, 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 Wright, Chair, for the Committee on Health:

S.B. 740, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS, 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:

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 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.

CALENDAR

Action is taken on the following:

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

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

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

June 29, 2005

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

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, 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 June 30. The Senate committee substitute bill is placed on the Unfavorable Calendar.

CALENDAR (continued)

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.

On motion of Representative Faison, the House concurs in the Senate amendment, by electronic vote (118-0), and the bill is ordered enrolled and presented to the Governor.

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.

On motion of Representative Church, 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.

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

H.B. 1430 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING AREA.

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On motion of Representative Stiller, the House concurs in the Senate committee substitute bill, by electronic vote (120-0), and the bill is ordered enrolled and presented to the Governor.

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE, PRESIDING.

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

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.

On motion of Representative Martin, the House concurs in the Senate committee substitute bill, by electronic vote (118-0), and the bill is ordered enrolled and presented to the Governor.

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.

On motion of Representative Adams, 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.

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.

On motion of Representative Saunders, the House concurs in the Senate committee substitute resolution, which changes the title, by electronic vote (118-0), and the resolution is ordered enrolled.

H.B. 1284 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW.

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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, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, 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, 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 absences: None.

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.

Pursuant to Rule 24.1A, Representative Daughtry requests that he be excused from voting on this bill because of a conflict of interest involving a business. This request is granted.

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

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Bell, Blackwood, Blust, Bordsen,

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Brown, Brubaker, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Dickson, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, 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, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, 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 - 104.

Voting in the negative: Representatives Almond, Barnhart, Capps, Eddins, Folwell, Frye, Gillespie, Hilton, LaRoque, McComas, Moore, Sauls, Setzer, and West - 14.

Excused absences: None.

Excused vote: Representative Daughtry.

S.B. 1126 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2005, TO REPEAL THE NATURAL BAIT EXEMPTION FROM HOOK-AND-LINE FISHING LICENSE REQUIREMENTS, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO DISPURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES

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OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS.

On motion of Representative McComas and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of June 30.

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, which was temporarily displaced, is before the Body.

On motion of Representative Harrison, the House does not concur in the Senate committee substitute bill, by electronic vote (118-1), and conferees are requested.

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.

On motion of Representative Gibson and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of July 6.

CONFEREES APPOINTED

The Chair appoints the following conferees on **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: Representatives Hackney, Harrison, Ross, Stam, and Stiller.

The Senate is so notified by Special Message.

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

June 29, 2005

Senate Committee Substitute for **H.B. 1064** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REGARDING THE PROVISION OF WATER SERVICE IN BUNCOMBE COUNTY, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

H.B. 1065 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY, is returned for concurrence in the Senate committee substitute bill.

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

BILLS PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and the following bills are placed on today's Calendar for immediate consideration:

Senate Committee Substitute for **H.B. 1064** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REGARDING THE PROVISION OF WATER SERVICE IN BUNCOMBE COUNTY.

H.B. 1065 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY.

CALENDAR (continued)

Senate Committee Substitute for **H.B. 1064** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REGARDING THE PROVISION OF WATER SERVICE IN BUNCOMBE COUNTY.

On motion of Representative Sherrill, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (112-3), and the bill is ordered enrolled.

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H.B. 1065 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY.

On motion of Representative Sherrill, the House concurs in the Senate committee substitute bill, by electronic vote (113-3), and the bill is ordered enrolled.

Representative Culpepper moves, seconded by Representative Stiller, that the House adjourn, subject to the receipt of Committee Reports, the receipt of Conference Reports, the receipt of Messages from the Senate, the appointment of conferees, committee assignments, and the ratification of bills, to reconvene June 30 at 12:00 Noon.

The motion carries.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

H.B. 288 (Senate 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, 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.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

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

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, with a favorable report.

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

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ENROLLED BILLS

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

H.B. 1064, AN ACT REGARDING THE OPERATION OF PUBLIC ENTERPRISES BY THE CITY OF ASHEVILLE.

H.B. 1065, AN ACT REGARDING WATER RATES IN BUNCOMBE 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. 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.L. 2005-121)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Jones and Walker, Chairs, for the Committee on Local Government II:

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 DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill.

June 29, 2005

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

The House stands adjourned at 4:27 p.m.

NINETIETH DAY

HOUSE OF REPRESENTATIVES
Thursday, June 30, 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:

"Almighty God:

"Come to us quickly and save us from our own quagmire. Grant unto those who have been entrusted in these last few days with magnanimous decisions...clarity of vision and the fortitude necessary to carry out their responsibilities faithfully and timely. Grant unto the rest of us a deep concern for our colleagues as they seek a just resolution to their tasks. There is no one here above another; thus, the prayers and deep concerns of all of us toward one another bring hospitality and respectability to each of us as well as to the offices which we hold. Lord, help us to always remember that we all stand desperately in need of Your grace and mercy. May it be granted unto us by Thee, O Lord and our God. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 29 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brubaker and Sauls for today. Representative Barnhart 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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H.B. 514, 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.

H.B. 1168, 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.

H.B. 1430, AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING AREA.

H.B. 1503, AN ACT TO PROVIDE THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES ARE TREATED AS CITIES FOR PURPOSES OF CIVIL LIABILITY.

H.B. 1552, AN ACT TO EXTEND THE REGULATORY AUTHORITY OVER CAMPUS PARKING TO THE BOARD OF TRUSTEES OF NORTH CAROLINA A&T STATE UNIVERSITY.

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

S.B. 388, 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.

H.B. 1063, AN ACT TO ALLOW THE TOWN OF KILL DEVIL HILLS TO MAKE CERTAIN ASSESSMENTS WITHOUT PETITION.

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

H.J.R. 1582, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF DR. ROBERT K. KOGER TO THE UTILITIES COMMISSION. (RESOLUTION 2005-38)

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CHAPTERED BILLS

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

H.B. 27, AN ACT REQUIRING THE EMPLOYMENT SECURITY COMMISSION TO CONSIDER THE ORDINARY BUSINESS ACTIVITIES OF EMPLOYERS WHEN SCHEDULING HEARINGS. (S.L. 2005-122)

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. (S.L. 2005-123)

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. (S.L. 2005-124)

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. (S.L. 2005-125)

H.B. 698, AN ACT TO EXPAND THE FINDINGS, THE PURPOSE, AND THE APPROVED PRACTICES OF THE CURRENT FOREST DEVELOPMENT ACT. (S.L. 2005-126)

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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.L. 2005-127)

H.B. 395, AN ACT TO DESIGNATE THE DIVISION OF FOREST RESOURCES AS AN EMERGENCY RESPONSE AGENCY. (S.L. 2005-128)

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. (S.L. 2005-129)

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. (S.L. 2005-130)

S.B. 178, AN ACT AMENDING CERTAIN LAWS RELATING TO LICENSURE REQUIREMENTS FOR PLUMBING AND HEATING CONTRACTORS. (S.L. 2005-131)

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. (S.L. 2005-132)

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. (S.L. 2005-133)

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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.L. 2005-134)

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. (S.L. 2005-135)

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.L. 2005-136)

H.B. 821, AN ACT RELATING TO THE ADMISSIBILITY OF THE RESULTS OF SPEED-MEASURING INSTRUMENTS. (S.L. 2005-137)

S.B. 465, AN ACT TO CLARIFY THE SERVICE AND FILING REQUIREMENTS OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE. (S.L. 2005-138)

H.B. 1064, AN ACT REGARDING THE OPERATION OF PUBLIC ENTERPRISES BY THE CITY OF ASHEVILLE. (S.L. 2005-139)

H.B. 1065, AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY. (S.L. 2005-140)

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:

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

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DECLARATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

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

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, with a favorable report.

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

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

H.B. 1400 (Senate 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, is returned for concurrence in the Senate committee substitute bill.

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

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Luebke and without objection, **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 withdrawn from the Calendar and placed on the Calendar of July 7.

On motion of Representative Gibson and without objection, **S.B. 1126** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2005, TO REPEAL THE NATURAL BAIT EXEMPTION

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FROM HOOK-AND-LINE FISHING LICENSE REQUIREMENTS, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS, is withdrawn from the Calendar and re-referred to the Committee on Environment and Natural Resources.

On motion of the Speaker, the House recesses at 12:34 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 Johnson and Womble, Chairs, for the Committee on State Government:

S.B. 128 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING OFFICIAL STATE DANCES, with a favorable report as to the House committee substitute bill, unfavorable as to the Senate committee substitute bill.

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

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S.B. 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, with a favorable report.

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

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, with a favorable report.

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

CONFERENCE REPORT

Representatives Culpepper and Hackney send forth the Conference Report on 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,

June 30, 2005

VOICE MAIL, AND SATELLITE RADIO. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar for immediate consideration.

Representative Hackney moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1630

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 1630, 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; CONFORMING THE RETIREE RETURN TO TEACHING BENEFIT TO INTERNAL REVENUE SERVICE GUIDELINES AND CLARIFYING THE DEFINITION OF RETIREMENT; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE; CONFORMING THE SUNSET OF THE ESTATE TAX TO FEDERAL LAW; AND COMPLYING WITH THE STREAMLINED SALES AND USE TAX AGREEMENT AND MAKING OTHER SALES AND USE TAX CHANGES, Senate Finance Committee Substitute Adopted 6/23/05 Fourth Edition Engrossed 6/23/05, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 6/23/05, Fourth Edition Engrossed 6/23/05, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H1630-PCCS-30338-RB-11

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

Date conferees approved report: June 28, 2005.

June 30, 2005

*Conferees for the
Senate*

S/ John H. Kerr, III, Co-Chair
S/ David W. Hoyle, Co-Chair
S/ Daniel G. Clodfelter
S/ Tony Rand
S/ Charlie Smith Dannelly

*Conferees for the
House of Representatives*

S/ Bill Culpepper, Chair
S/ Joe Hackney, Chair
S/ Paul Luebke
S/ Martha B. Alexander
S/ William L. Wainwright
S/ Pryor Gibson
S/ W. Pete Cunningham
S/ Hugh Holliman

The Conference Report, which changes the title, is adopted, by electronic vote (65-51), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

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

Senate Chamber
June 30, 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. 1630** (Conference 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; EXTENDING THE SUNSET ON RETIRED TEACHERS RETURNING TO THE CLASSROOM UNTIL JULY 31, 2007; CONFORMING THE STATE ESTATE TAX TO THE FEDERAL ESTATE TAX SUNSET; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX FROM JULY 1, 2005, UNTIL THE 2005

June 30, 2005

APPROPRIATIONS ACT BECOMES LAW, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor by Special Message.

CALENDAR

Action is taken on the following:

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

H.B. 510 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY.

On motion of Representative Stam, the House concurs in the Senate committee substitute bill, by electronic vote (116-0), 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. 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.

On motion of Representative L. Allen, the House concurs in the Senate amendment, by electronic vote (116-0), 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. 1163 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROVISIONS IN MOTOR CARRIER

June 30, 2005

FREIGHT TRANSPORTATION CONTRACTS THAT HOLD HARMLESS THE SHIPPER FOR THE SHIPPER'S NEGLIGENCE OR INTENTIONAL ACTS ARE VOID.

On motion of Representative Cole, 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.

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

H.B. 1319 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION ACT.

On motion of Representative Hackney, the House concurs in the Senate committee substitute bill, by electronic vote (116-0), and the bill is ordered enrolled and presented to the Governor.

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

Senate Committee Substitute for **H.B. 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.

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.

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

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, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

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

S.B. 392 (House 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 AND AS IT RELATES TO CERTAIN PURCHASES AND LEASES OF REAL PROPERTY BY CITY 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 for concurrence in the House committee substitute bill by Special Message.

S.B. 463 (House 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 AND TO MAKE THE AUTHORITY APPLY TO ADDITIONAL 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 for concurrence in the House committee substitute bill by Special Message.

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

S.B. 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, 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 enrolled and presented to the Governor.

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

S.B. 532 (House 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

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THREE HUNDRED DOLLARS FROM A PERMITTED CONSTRUCTION SITE, passes its second reading by electronic vote (113-1).

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.

S.B. 679 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA, passes its second reading, by electronic vote (113-0), and there being no objection is read a third time.

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

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

S.B. 776 (House 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, passes its second reading, by electronic vote (113-0), and there being no objection is read a third time.

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

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

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

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S.B. 778 (House 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, AND TO PROVIDE THAT A PERSON LICENSED BY THE PRIVATE PROTECTIVE SERVICES BOARD AS AN ARMED SECURITY GUARD WHO ALSO HAS AN ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT IS DEEMED TO HAVE SATISFIED THE APPROVED FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT, passes its second reading, by electronic vote (113-0), and there being no objection is read a third time.

Representative Yongue requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (114-0).

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

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Culpepper:

H.R. 1788, A HOUSE RESOLUTION ELECTING BRADLEY ADCOCK, DUDLEY FLOOD, FRANK GRAINGER, CHARLES MERCER, JR., CRAIG SOUZA, FRED MILLS, IRVIN ROSEMAN, DAVID YOUNG, AND CHARLES HAYES TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Pursuant to Rule 32(a) and without objection, the resolution is placed on today's Calendar for immediate consideration.

Pursuant to Rule 24.1A, Representative Luebke requests that he be excused from voting on this resolution because of a conflict of interest. This request is granted.

The resolution is adopted by electronic vote (96-16).

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Representative Parmon requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (97-15).

Pursuant to Article VI, Section 5 of the North Carolina Constitution, the adoption of the resolution is confirmed by *viva voce* vote and ordered printed.

PROTEST

Pursuant to Article II, Section 18 of the North Carolina Constitution, Representative Blust offers the following protest to House Resolution 1788.

"North Carolina General Statute Section 116-6(c) says the following:

"In electing members to the Board of Governors, the Senate and the House of Representatives shall select from a slate of candidates made in each house. The slate shall be prepared as provided by resolution of each house. If a sufficient number of nominees who are legally qualified are submitted, then the slate of candidates shall list at least twice the number of candidates for the total seats open. All qualified candidates shall compete against all other qualified candidates. In 1993 and biennially thereafter, each house shall hold their elections within 30 legislative days after appointments to their education committees are complete.'

"The 2005 Long Session of the North Carolina House of Representatives violated the above statute in enacting House Resolution 1788 which elected eight candidates to the University of North Carolina Board of Governors. No resolution as required by Sec. 116-6(c) providing for the preparation of a slate of candidates was ever passed by the House. No slate of candidates was ever given out to Members. The election was not held within 30 legislative days after the appointment of the House Education Committee. There were not twice the number of candidates for the total seats open.

"This resolution electing eight candidates to the Board of Governors was handed out during the House Session of June 30, 2005, the 90th Legislative Day of the 2005 Session. The Education Committee was appointed on Tuesday, February 15, the 12th Legislative Day. House Members were given no notice this business would come before the House this day and the resolution never appeared on any House Calendar and was never taken up by the House Education Committee.

June 30, 2005

"In past years, with the exception of the 2003 Long Session, House Members were presented a slate of candidates and a ballot which afforded Members with a choice of candidates for the Board of Governors. Members in previous years received copious amounts of information about the candidates and or appointments to speak with their candidates."

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. 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, 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. 1084 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

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

S.B. 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, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill.

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

ENROLLED BILLS

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

H.B. 635, 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.

H.B. 800, AN ACT REQUIRING VENDORS BIDDING ON STATE CONTRACTS TO DISCLOSE WHETHER SERVICES WILL BE PERFORMED OUTSIDE THE UNITED STATES.

H.B. 1630, 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; EXTENDING THE SUNSET ON RETIRED TEACHERS RETURNING TO THE CLASSROOM UNTIL JULY 31, 2007; CONFORMING THE STATE ESTATE TAX TO THE FEDERAL ESTATE TAX SUNSET; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX FROM JULY 1, 2005, UNTIL THE 2005 APPROPRIATIONS ACT BECOMES LAW.

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

H.B. 1020, AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 529** (Committee Substitute), A BILL TO BE

June 30, 2005

ENTITLED AN ACT TO SUSPEND EXECUTIONS FOR TWO YEARS WHILE CONDUCTING A STUDY ON ISSUES RELATING TO THE DEATH SENTENCE, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Judiciary I.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **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 withdrawn from the Committee on Finance and re-referred to the Committee on Judiciary I.

Representative Culpepper moves, seconded by Representative Alexander, that the House adjourn, subject to the receipt of Messages from the Senate, the ratification of bills, and committee assignments, to reconvene July 1 at 9:00 a.m.

The motion carries.

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
June 30, 2005

Mr. Speaker:

Pursuant to the message from the Senate on June 28, 2005, informing the House of Representatives that the Senate failed 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, it is ordered that a message be sent your Honorable Body with the information that the Senate requests conferees. The President *Pro Tempore* appoints:

Senator Purcell, Chair
Senator Bingham
Senator Cowell
Senator Dorsett

June 30, 2005

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

Senate Committee Substitute for **H.B. 563** (Committee Substitute No. 2), 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 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. 660 (Senate 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, 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. 733 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE, 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 bills having been ratified and no committee assignments having been received, the House stands adjourned at 3:50 p.m.

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NINETY-FIRST DAY

HOUSE OF REPRESENTATIVES
Friday, July 1, 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:

"Merciful God:

"Over this extended weekend, people across our Nation will join in the celebration of the birth of our country. It is, for us, a source of pride and joy. In doing so, we will be recognizing heaven's gifts of life, liberty and the pursuit of happiness. So, as we prepare to celebrate, let us do so by offering You our deepest thanks for freely bestowing upon us, and all people of the earth, these precious gifts. And, as we go about our work and play, may those for whom love may happen to be a stranger find in us...kind and generous friends. Amen."

Representative Ross, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 30 has been examined and found correct. Upon her 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:

S.B. 388, 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. (S.L. 2005-141)

H.B. 1063, AN ACT TO ALLOW THE TOWN OF KILL DEVIL HILLS TO MAKE CERTAIN ASSESSMENTS WITHOUT PETITION. (S.L. 2005-142)

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H.B. 1020, AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS. (S.L. 2005-143)

H.B. 1630, 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; EXTENDING THE SUNSET ON RETIRED TEACHERS RETURNING TO THE CLASSROOM UNTIL JULY 31, 2007; CONFORMING THE STATE ESTATE TAX TO THE FEDERAL ESTATE TAX SUNSET; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX FROM JULY 1, 2005, UNTIL THE 2005 APPROPRIATIONS ACT BECOMES LAW. (S.L. 2005-144)

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. (S.L. 2005-145)

H.B. 97, AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO MURDERS THE OTHER PARENT OF THE CHILD. (S.L. 2005-146)

On motion of Representative Ross, seconded by Representative Luebke, the House adjourns at 9:03 a.m. to reconvene Tuesday, July 5, 2005, at 2:00 p.m.

NINETY-SECOND DAY

HOUSE OF REPRESENTATIVES
Tuesday, July 5, 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:

"We offer You prayers of thanksgiving for giving to our Nation's ancestors the fortitude and determination to make a new way of life become the reality we all enjoy today. We recognize that the pride we have for our United States is the result of others whose sacrifices paved the way for the many celebrations that took place across this great country. Keep true in the hearts of these men and women, the pursuits of life and liberty, as this Body has been given a special dispensation of power to mete out Your free gifts of mercy and justice. May we be willing to make our record become a part of our great Nation's heritage in ways that will bring honor to the people You have graciously called us to serve. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

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

Leaves of absence are granted Representatives Sherrill, Walend, and West for today.

ENROLLED BILLS

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

S.B. 3, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO REQUIRE APPLICANTS TO SUBMIT EVIDENCE OF CONTINUING COMPETENCY UPON LICENSE RENEWAL OR REINSTATEMENT.

S.B. 1058, AN ACT TO EXPAND THE SCOPE OF THE CRIMINAL OFFENSE OF ASSAULT ON AN ASSISTANCE ANIMAL AND TO REQUIRE RESTITUTION.

H.B. 510, AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY.

H.B. 1097, AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO AWARD CONTRACTS FOR THE MANAGEMENT OF SLUDGE ON THE BASIS OF FACTORS OTHER THAN

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COST ALONE AND TO ENTER INTO CONTRACTS THAT PROVIDE FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF SLUDGE MANAGEMENT FACILITIES BY A SINGLE ENTITY.

H.B. 1163, 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.

H.B. 1319, AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION ACT.

H.B. 1392, AN ACT TO CREATE A CLASS H FELONY OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS.

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

S.B. 88, AN ACT REPEALING THE APPLICABILITY OF CERTAIN MOTOR VEHICLE LAWS ON PROPERTIES OWNED OR UNDER THE CONTROL OF THE BENT TREE PLANTATION HOME-OWNERS ASSOCIATION IN BRUNSWICK COUNTY.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 740** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS, 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 PAGES

Pages for the week of July 5 are introduced to the membership. They are: Hugh Absher of Wake; Shannon Allen of Vance; Lauren Bambrick of Wake; Ashley Daniels of Wake; Britt Eller of Wilkes; David Epps of Wake; Anna Folwell of Forsyth; Jessica Herndon of Nash; Sara Herring of Duplin; Brittany Hill of Buncombe; Sarah Kaiser of Wake; D'Arby LaMont of Forsyth; Russell Lewis of Carteret; Stephen Litsas of Wake; Michael Madrey of Forsyth; Keith Nance of Wake; Cameron Parrish of Wilkes; Cole Phillips of Wake; Christina Preddy of Wake; Dante Rossi of Wake;

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Rebecca Searles of Buncombe; Brooke Shaffer of Cleveland; Meghan Spears of Wake; Jennah Starr of Wake; Banks Summers of Wake; Ryan Whitmore of Wake; and Ashley Yohman of Wake.

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following reports from standing committees are presented:

By Representative Wright, Chair, for the Committee on Health:

S.B. 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, with a favorable report.

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

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, with a favorable report.

Pursuant to Rule 32(a), the bill is re-referred to the Committee on Finance.

By Representative Holliman, Chair, for the Committee on Insurance:

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, with a favorable report.

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

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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, with a favorable report.

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

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

S.B. 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, with a favorable report.

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

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, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill.

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

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

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

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CAMPUS POLICE ACT, 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. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

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, with a favorable report as to the House committee substitute bill, unfavorable as to the Senate committee substitute bill.

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

By Representatives Harrell and Justice, Chairs, for the Committee on Environment and Natural Resources:

S.B. 1126 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2005, TO REPEAL THE NATURAL BAIT EXEMPTION FROM HOOK-AND-LINE FISHING LICENSE REQUIREMENTS, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES

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COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar of July 6. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

Representative Culpepper moves, seconded by Representative Fisher, that the House adjourn, subject to committee assignments, to reconvene July 6 at 2:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 2:27 p.m.

NINETY-THIRD DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 6, 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 of our hearts:

"We are in constant warfare trying to absorb and compartmentalize the innumerable stimuli that bombard us. We confess to You that it is easy for us to become confused and lose our way. Send down Your Holy Spirit and rid us of our impure motives. Cleanse our hearts so that our thoughts can

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rightly be focused upon Thee, and then out of Your pure mercy toward us, we ask that You will grant us the clarity of vision we need to do our work well. This prayer we humbly ask of Thee. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 5 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives McComas, Walend, and West for today.

ENROLLED BILLS

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

H.B. 11, AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS.

H.B. 673, 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.

H.B. 804, AN ACT TO AMEND THE ORDER OF PAYMENT OF A CLAIM FOR EQUITABLE DISTRIBUTION UNDER THE LAWS RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES.

H.B. 923, AN ACT AMENDING THE LAWS REGULATING POSTSEPARATION SUPPORT.

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

S.B. 392, 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 AND AS IT RELATES TO CERTAIN PURCHASES AND LEASES OF REAL PROPERTY BY CITY EMPLOYEES.

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S.B. 463, AN ACT REPEALING THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE AND TO MAKE THE AUTHORITY APPLY TO ADDITIONAL PROPERTY.

CHAPTERED BILLS

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

S.B. 88, 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. (S.L. 2005-147)

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. (S.L. 2005-148)

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.L. 2005-149)

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.L. 2005-150)

S.B. 821, AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC. (S.L. 2005-151)

H.B. 355, AN ACT TO RESTRICT THE USE OF RED AND BLUE LIGHTS ON VEHICLES. (S.L. 2005-152)

H.B. 371, AN ACT DESIGNATING THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE AS NORTH CAROLINA'S HISTORICALLY AMERICAN INDIAN UNIVERSITY. (S.L. 2005-153)

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H.B. 403, AN ACT TO AMEND THE LAW REGARDING THE PURCHASE OF THE PRELIMINARY SCHOLASTIC APTITUDE TEST (PSAT) FOR THE PUBLIC SCHOOLS. (S.L. 2005-154)

H.B. 404, AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT. (S.L. 2005-155)

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 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. (S.L. 2005-156)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

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

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, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill.

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

CALENDAR

Action is taken on the following:

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

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

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AND SANITATION REQUIREMENTS FOR ANIMAL EXHIBITIONS, passes its second reading, by electronic vote (115-0), and there being no objection is read a third time.

Representative Harrell 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 enrolled and presented to the Governor.

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

H.B. 288 (Senate 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.

On motion of Representative Rapp, 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.

Representative Harrell requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (116-0).

S.B. 532 (House 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, passes its third reading, by electronic vote (115-1), 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.

Senate Committee Substitute No. 2 for **H.B. 370**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF LANDIS.

On motion of Representative Steen, the House concurs in the material Senate Committee Substitute Bill No. 2, on its second roll call reading, by the following vote, and the bill remains on the Calendar.

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Those voting in the affirmative are: Speaker Black; 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, 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, 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, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, and Wright - 115.

Voting in the negative: Representative Folwell.

Excused absences: Representatives McComas, Walend, and West - 3.

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

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.

On motion of Representative Womble, 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,

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Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hilton, Holliman, Hollo, Holloway, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, 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, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 108.

Voting in the negative: Representatives Daughtry, Folwell, Hill, Holmes, Ed Jones, Kiser, Rhodes, and Sutton - 8.

Excused absences: Representatives McComas, Walend, and West - 3.

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

H.B. 1346 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE INTERSTATE COMPACT FOR JUVENILES.

On motion of Representative Haire, the House concurs in the Senate committee substitute bill, by electronic vote (116-0), and the bill is ordered enrolled and presented to the Governor.

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

S.B. 335 (House 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, passes its second reading.

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. 340 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE; TO

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AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION; AND TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF ROANOKE RAPIDS IN THE CONSTRUCTION OF THEATER PROJECTS IN ITS MUSIC THEATER AND ENTERTAINMENT DISTRICT, passes its second reading and there being no objection is read a third time.

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

H.B. 1084 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES.

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

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

S.B. 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, passes its second reading, by electronic vote (106-8), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative 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 July 13.

CALENDAR (continued)

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

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S.B. 566, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM.

Representative Daughtridge offers Amendment No. 1.

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE PRESIDING.

Amendment No. 1 fails of adoption by electronic vote (51-64).

Representative Harrison requests and is granted permission to change her vote from "aye" to "no". The adjusted vote total is (50-65).

The bill passes its second reading, by electronic vote (112-2), 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 (113-2).

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. 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, 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.

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

S.B. 981 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION:

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(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, passes its second reading, by electronic vote (113-2), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

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

S.B. 1134 (House 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.

Representative Haire offers Amendment No. 1 which is adopted by electronic vote (111-4).

The bill, as amended, passes its second reading by electronic vote (78-37).

Representative Stam 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 McAllister, Chair, for the Committee on Children, Youth and Families:

S.B. 189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES, with a favorable report as to the House committee substitute bill, unfavorable as to the Senate committee substitute bill.

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

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

Senate Chamber
July 6, 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. 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, and requests conferees. The President *Pro Tempore* appoints:

Senator Snow, Chair
Senator Hartsell
Senator Nesbitt
Senator Thomas

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Chair appoints Representative Harrell, Chair; Representatives Ross, Stiller, and Hackney as conferees on the part of the House and the Senate is so notified by Special Message.

CALENDAR (continued)

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

S.B. 1126 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2007, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS.

SPEAKER BLACK PRESIDING.

July 6, 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, L. Allen, Almond, Bell, Blust, Bordsen, Brubaker, Carney, Church, Cole, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Insko, Jeffus, Justice, LaRoque, Lewis, Lucas, Luebke, Martin, McGee, McLawhorn, McMahan, Miller, Morgan, Nye, Owens, Parmon, Pierce, Rapp, Ross, Sauls, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wiley, Wilkins, Williams, Womble, Wray, and Yongue - 74.

Voting in the negative: Representatives Adams, B. Allen, Allred, Barnhart, Blackwood, Brown, Capps, Clary, Cleveland, Coates, Coleman, Dockham, Dollar, Eddins, Frye, Gillespie, Grady, Hilton, Hollo, Holloway, Holmes, Hunter, Johnson, Jones, Ed Jones, Justus, Kiser, Langdon, McAllister, Michaux, Moore, Pate, Preston, Ray, Rayfield, Rhodes, Saunders, Setzer, Starnes, Vinson, Walker, Wilson, and Wright - 43.

Excused absences: Representatives McComas, Walend, and West - 3.

H.B. 1084 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES, 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, Bell, Bordsen, Carney, Church, Coates, Coleman, Crawford, Culpepper, Cunningham, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Harrison, Holliman, Hunter, Insko, Jeffus, Jones, Ed Jones, Lucas, Luebke, McAllister, McLawhorn, Michaux, Miller, Morgan, Parmon, Pierce, Rapp, Ross, Saunders, Sherrill, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Weiss, Wilkins, Womble, Wray, Wright, and Yongue - 61.

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Voting in the negative: Representatives Allred, Almond, Barnhart, Blackwood, Blust, Brown, Brubaker, Capps, Clary, Cleveland, Culp, Current, Daughtridge, Daughtry, Dockham, Dollar, Eddins, Folwell, Frye, Gillespie, Grady, Hill, Hilton, Hollo, Holloway, Holmes, Johnson, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Martin, McGee, McMahan, Moore, Nye, Owens, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Stam, Starnes, Steen, Vinson, Wiley, Williams, and Wilson - 53.

Excused absences: Representatives McComas, Walend, and West - 3.

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. 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, 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. 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, 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.

CONFEREES APPOINTED

The Speaker appoints the following conferees on **S.B. 1059** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING

July 6, 2005

THE LICENSURE OF PERFUSIONISTS: Representative England, Chair; Representatives Wright, Nye, Gibson, Brubaker, Hollo, and Alexander.

The Senate is so notified by Special Message.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **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 withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Public Utilities.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **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 withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Insurance.

PROTEST

Pursuant to Article II, Section 18 of the North Carolina Constitution, Representative Rhodes offers the following protest:

"Protest to be spread across the House Journal of the North Carolina House of Representatives for proceedings of July 6, 2005 submitted by Rep. John W. Rhodes of Mecklenburg of the North Carolina 98th House District.

"The practice of not allowing members of the North Carolina House of Representatives to speak and have input on the issues that affect North Carolinians is injurious to the public's interest and offensive to our form of government and to our Democracy.

"On this day, July 6, 2005, upon repeated attempts to be recognized to speak on a bill directly effecting the citizens of the North Carolina 98th district, Rep. Rhodes repeatedly made attempts to be recognized by the Speaker of the House in order to speak on the bill.

July 6, 2005

"The Speaker repeatedly refused to recognize the Representative. This repeated act on today's date and on previous dates is injurious to our Democracy and our representative form of government.

"This dissent is entered upon the Journal of the North Carolina House of Representatives for all North Carolinians to see on this July 6th, 2005."

Representative Culpepper moves, seconded by Representative B. Allen, that the House adjourn, subject to committee assignments, to reconvene July 7 at 12:00 Noon.

The motion carries.

No committee assignments having been received, the House stands adjourned at 4:58 p.m.

NINETY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Thursday, July 7, 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 Honorable Wanda Hunt, former State Senator, Moore County, North Carolina:

"Magnificent One, our deliverer, our provider, you will find in this House of Representatives, Representatives who quietly meditate and pray to You. As they ask for guidance, may the House Members be strengthened by Your presence in their lives, today. Together, we pray and praise You as with people of the whole universe of every time have praised You. We now call upon You to help this Body of elected persons to remain focused and to make laws on values that people of all faith, or peoples of no faith hold dear...justice, truth, kindness, peace, mercy, and compassion. As these legislators yearn for better understandings of legislative matters, help them to know Your will for them and the peoples of our State. When they are anxious about the consequences of the legislative actions taken, remind them that with You there is no confusion. Be their wisdom.

July 7, 2005

"Give each of them clear perspectives in order that they may know where to stand and what to stand for, and to represent their districts well. Harassed, tired, and troubled by the uncertainties and insecurities of our days, be their strength; let them rest their minds on You, for You do not change.

"We call on You today, Magnificent One, to ask for a clean and sober House of Representatives, diligent in their work. Help all who serve in the House to be encouraged, enlightened, embraced, and empowered in their service and to walk humbly with You.

"In the name of all that is holy, may Your rule come as a blessing to each Member of the House of Representatives and others present. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 6 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Clary, McComas, McLawhorn, Vinson, Walend, and West for today. Representative Culp is excused for a portion of the Session.

ENROLLED BILLS

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

S.B. 268, AN ACT TO ENACT "AEDIN'S LAW" TO DIRECT THE COMMISSIONER OF AGRICULTURE TO ADOPT RULES ESTABLISHING PERMITTING AND SANITATION REQUIREMENTS FOR ANIMAL EXHIBITIONS.

S.B. 316, 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.

S.B. 566, AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM.

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S.B. 630, 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.

S.B. 679, AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA.

S.B. 981, 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.

H.B. 288, AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A MOTOR VEHICLE SHALL DO UPON APPROACH OF AN EMERGENCY VEHICLE.

H.B. 653, 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

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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.

H.B. 1346, AN ACT TO ENACT THE INTERSTATE COMPACT FOR JUVENILES.

CHAPTERED BILLS

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

S.B. 392, 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 AND AS IT RELATES TO CERTAIN PURCHASES AND LEASES OF REAL PROPERTY BY CITY EMPLOYEES. (S.L. 2005-157)

S.B. 463, AN ACT REPEALING THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE AND TO MAKE THE AUTHORITY APPLY TO ADDITIONAL PROPERTY. (S.L. 2005-158)

FISCAL NOTE ATTACHED

The fiscal note requested by Representative Earle on June 1 is attached to **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 July 7, 2005

VERIFYING LAWFUL PRESENCE IN THE UNITED STATES, and the bill is placed on the Calendar.

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

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

H.B. 254 (Committee Substitute), 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 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. 688, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS, 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 Environment and Natural Resources.

The committee substitute bill is re-referred to the Committee on Environment and Natural Resources. The original bill is placed on the Unfavorable Calendar.

H.B. 1327 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT

July 7, 2005

CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE, 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. 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, 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. 170, 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.

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, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of July 11. The Senate committee substitute bill is placed on the Unfavorable Calendar.

S.B. 443 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS, with a favorable report.

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

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

S.B. 887, A BILL TO BE ENTITLED AN ACT TO REVISE THE STATUTES THAT ADDRESS STATUTORY LIENS ON REAL PROPERTY, 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. 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, 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.

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

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, 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:

S.B. 626 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE 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

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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, 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. 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, with a favorable report as to the House committee substitute bill, unfavorable as to the Senate committee substitute bill.

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

By Representatives Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

S.J.R. 1172 (Committee Substitute), A JOINT RESOLUTION FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. TO THE UTILITIES COMMISSION, with a favorable report.

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

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

S.B. 338 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO GIVE ANNUAL

July 7, 2005

NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE, with a favorable report.

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

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
July 7, 2005

Mr. Speaker:

Pursuant to your message received on June 29, 2005, that the House of Representatives fails to concur in the Senate Committee Substitute to **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, and requests conferees, the President *Pro Tempore* appoints:

Senator Hagan, Chair
Senator Cowell
Senator Berger of Rockingham
Senator Graham

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

July 7, 2005

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **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 returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on the Calendar of July 11.

Upon concurrence the Senate committee substitute bill changes the title.

H.B. 654 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES, 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. 1032 (Senate 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, 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 No. 2 for **H.B. 370**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF LANDIS.

July 7, 2005

On motion of Representative Steen, the House concurs in the material Senate Committee Substitute Bill No. 2, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Brown, Brubaker, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, 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, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McMahan, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Wray, Wright, and Yongue - 105.

Voting in the negative: None.

Excused absences: Representatives Clary, Culp, McComas, McLawhorn, Vinson, Walend, and West - 7.

Speaker Black votes "aye". Representative Rayfield requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (107-0).

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.

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REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE
PRESIDING.

On motion of Representative Womble, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Brown, Brubaker, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridg, 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, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McMahan, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 101.

Voting in the negative: Representatives Daughtry, Folwell, Holmes, Kiser, McGee, Rhodes, Sutton, and Wilson - 8.

Excused absences: Representatives Clary, Culp, McComas, McLawhorn, Vinson, Walend, and West - 7.

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

Senate Committee Substitute for **H.B. 563** (Committee Substitute No. 2),
A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY
COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS
ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

On motion of Representative Tolson, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (111-0), and the bill is ordered enrolled and presented to the Governor.

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

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H.B. 660 (Senate 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.

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

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

H.B. 733 (Senate 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 Holliman, the House concurs in the Senate committee substitute bill, by electronic vote (109-0), and the bill is ordered enrolled and presented to the Governor.

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

H.B. 1400 (Senate 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.

On motion of Representative Folwell, the House concurs in the Senate committee substitute bill, by electronic vote (111-0), and the bill is ordered enrolled and presented to the Governor.

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

H.B. 1051 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE CREATION OF A MACON-JACKSON REGIONAL AIRPORT AUTHORITY; TO LIMIT OPERATIONS OF SOME FIXED AND ROTARY WING AIRCRAFT; AND TO CHANGE THE MEMBERSHIP OF THE JACKSON COUNTY AIRPORT AUTHORITY, 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, 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,

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Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, 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, Wainwright, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 94.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, LaRoque, Moore, Rhodes, and Setzer - 17.

Excused absences: Representatives Clary, McComas, McLawhorn, Vinson, Walend, and West - 6.

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

S.B. 92 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATAUGA COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY AND TO INCREASE THE FORCE ACCOUNT LIMIT FOR WATAUGA COUNTY AND THE TOWN OF BOONE FOR DEVELOPMENT OF ANNE MARIE DRIVE PARK, 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, 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, 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, Wainwright, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 94.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, LaRoque, Moore, Rhodes, and Setzer - 17.

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Excused absences: Representatives Clary, McComas, McLawhorn, Vinson, Walend, and West - 6.

S.B. 335 (House 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, passes its third reading, by electronic vote (89-23), 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. 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, passes its second reading, by electronic vote (108-2), and there being no objection is read a third time.

Representatives Justice, Rapp, and Sherrill state that their voting equipment malfunctioned and they request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (111-2).

The bill passes its third reading and is ordered enrolled.

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, passes its second reading, by electronic vote (108-2), and there being no objection is read a third time.

Representatives Justice, Rapp, and Sherrill state that their voting equipment malfunctioned and they request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (111-2).

The bill passes its third reading and is ordered enrolled.

H.B. 1084 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES.

Representative Ray offers Amendment No. 1.

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SPEAKER BLACK PRESIDING.

Amendment No. 1 is adopted by electronic vote (112-0).

Representative Stiller offers Amendment No. 2 which is adopted by electronic vote (114-0).

Representative Stam offers Amendment No. 3 which is adopted by electronic vote (112-1).

Representative Stiller offers Amendment No. 4 which is adopted by electronic vote (98-10).

Representative Pierce requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (99-9).

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

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Bell, Bordsen, Carney, Coates, Coleman, Crawford, Culpepper, Cunningham, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Hackney, Haire, Harrell, Harrison, Holliman, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Lucas, Luebke, McAllister, Michaux, Miller, Morgan, Owens, Parmon, Pierce, Rapp, Ross, Saunders, Sherrill, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Womble, Wray, Wright, and Yongue - 60.

Voting in the negative: Representatives Allred, Almond, Barnhart, Blackwood, Blust, Brown, Brubaker, Capps, Cleveland, Culp, Current, Daughtridge, Daughtry, Dockham, Dollar, Eddins, Folwell, Frye, Gillespie, Grady, Gulley, Hill, Hilton, Hollo, Holloway, Holmes, Howard, Johnson, Justus, Kiser, Langdon, LaRoque, Lewis, McGee, McMahan, Moore, Nye, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Stam, Starnes, Steen, Walker, Wiley, Williams, and Wilson - 51.

Excused absences: Representatives Clary, McComas, McLawhorn, Vinson, Walend, and West - 6.

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Representative Harrell requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (59-52).

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE PRESIDING.

S.B. 1126 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2007, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Almond, Blust, Bordsen, Carney, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Insko, Jeffus, Jones, Ed Jones, Justice, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McMahan, Miller, Morgan, Nye, Owens, Parmon, Pierce, Rapp, Ross, Saunders, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wiley, Wilkins, Williams, Womble, Wray, and Yongue - 73.

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Voting in the negative: Representatives Allred, Barnhart, Blackwood, Brown, Capps, Cleveland, Coates, Dockham, Dollar, Eddins, Frye, Gillespie, Grady, Hilton, Hollo, Holloway, Holmes, Howard, Johnson, Justus, Kiser, Langdon, Moore, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Starnes, Walker, Wilson, and Wright - 34.

Excused absences: Representatives Clary, McComas, McLawhorn, Vinson, Walend, and West - 6.

S.B. 1134 (House 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.

The bill, as amended, passes its third reading, by electronic vote (78-29), and is ordered engrossed and sent to the Senate for concurrence in the House committee substitute bill.

Representatives Folwell and McGee request and are granted permission to change their votes from "aye" to "no". The adjusted vote total is (76-31).

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

S.B. 128 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING OFFICIAL STATE DANCES, passes its second reading, by electronic vote (100-7), and there being no objection is read a third time.

Representative Harrell requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (101-7).

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.

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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, passes its second reading, by electronic vote (110-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

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

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, passes its second reading, by electronic vote (110-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

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

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, 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 enrolled and presented to the Governor.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **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 placed on today's Calendar for immediate consideration.

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The resolution passes its second reading, by electronic vote (104-1), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

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 Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary IV.

PROTEST

Pursuant to Article II, Section 18 of the North Carolina Constitution, Representative Rhodes offers the following protest:

"Protest to be spread across the House Journal of the North Carolina House of Representatives for proceedings of July 7, 2005 submitted by Rep. John W. Rhodes of Mecklenburg of the North Carolina 98th House District.

"The practice of not allowing members of the North Carolina House of Representatives to speak and have input on the issues that affect North Carolinians is injurious to the public's interest and offensive to our form of government and to our Democracy.

"Once again, on this day, July 7, 2005, upon repeated attempts to be recognized to speak on a bill directly affecting the citizens of the North Carolina 98th district, Rep. Rhodes repeatedly made attempts to be recognized by the Speaker Pro-Tempore, who was presiding at the time in the House of Representatives in order to speak on the bill.

"The Speaker-Pro-Tempore, repeatedly refused to recognize the Representative. This repeated act on today's date and on previous dates is injurious to our Democracy and our representative form of government. Representatives have the duty to act and speak against such offenses.

"This dissent is entered upon the Journal of the North Carolina House of Representatives for all North Carolinians to see on this July 7th, 2005."

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Representative Culpepper moves, seconded by Representative Daughtridge, that the House adjourn, subject to committee assignments, to reconvene Monday, July 11, 2005, at 7:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 2:08 p.m.

NINETY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Monday, July 11, 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:

"Sometimes life comes at us so fast and furiously we barely have enough time to dodge the potholes yet alone yield to You for strength in order to respond to its challenges with thoughtfulness. We confess to You that there are indeed times when our faith seems weak and our responses even weaker. O Lord, save us from our times of trial and teach us how to lean on You, so that when we do find ourselves in times of weakness, we can rest in the assurance of Your mercy and grace...and find our way. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 7 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Allred, Barnhart, Clary, Hill, LaRoque, Lewis, McAllister, McComas, Moore, Rayfield, Starnes, Stiller, Underhill, Wray, and Wright for today.

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ENROLLED BILLS

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

S.B. 666, 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.

S.B. 667, 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.

S.B. 778, AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES, AND TO PROVIDE THAT A PERSON LICENSED BY THE PRIVATE PROTECTIVE SERVICES BOARD AS AN ARMED SECURITY GUARD WHO ALSO HAS AN ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT IS DEEMED TO HAVE SATISFIED THE APPROVED FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT.

S.B. 879, 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.

H.B. 85, 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, MARINE CORPS LEAGUE, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL

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WILD TURKEY FEDERATION, NC TROUT UNLIMITED, NORTH CAROLINA AQUARIUMS, NORTH CAROLINA LIBRARIES, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, NORTH CAROLINA WILDLIFE HABITAT FOUNDATION, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHAG DANCING, SHARE THE ROAD, TARHEEL CLASSIC THUNDERBIRD CLUB, AND WATERMELON.

H.B. 563, AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, AND TO REDUCE FROM FIVE YEARS TO THREE YEARS THE LENGTH OF A PROVISIONAL TEACHING CERTIFICATE ISSUED TO A LATERAL ENTRY TEACHER.

H.B. 660, AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE FINANCIAL LAWS UNDER CHAPTER 58 OF THE GENERAL STATUTES.

H.B. 733, AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE.

H.B. 1400, AN ACT TO INCREASE THE PENALTY FOR PASSING A STOPPED SCHOOL BUS AND TO MAKE SCHOOL BUS STOPS SAFER.

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

S.B. 278, 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.

S.B. 435, AN ACT CLARIFYING THE AUTHORITY OF THE COUNTY OF DURHAM TO ENTER INTO PUBLIC-PRIVATE PROJECTS.

H.B. 370, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS AND THE TOWNS OF LANDIS, SHALLOTTE, AND SPENCER.

July 11, 2005

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

S.J.R. 1172, A JOINT RESOLUTION FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. TO THE UTILITIES COMMISSION. (RESOLUTION 2005-39)

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of 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. (S.L. 2005-159)

H.B. 1503, AN ACT TO PROVIDE THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES ARE TREATED AS CITIES FOR PURPOSES OF CIVIL LIABILITY. (S.L. 2005-160)

H.B. 702, AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE. (S.L. 2005-161)

H.B. 1168, 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. (S.L. 2005-162)

H.B. 514, 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. (S.L. 2005-163)

H.B. 1430, AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING AREA. (S.L. 2005-164)

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H.B. 1552, AN ACT TO EXTEND THE REGULATORY AUTHORITY OVER CAMPUS PARKING TO THE BOARD OF TRUSTEES OF NORTH CAROLINA A&T STATE UNIVERSITY. (S.L. 2005-165)

H.B. 532, AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED. (S.L. 2005-166)

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.L. 2005-167)

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. (S.L. 2005-168)

H.B. 800, AN ACT REQUIRING VENDORS BIDDING ON STATE CONTRACTS TO DISCLOSE WHETHER SERVICES WILL BE PERFORMED OUTSIDE THE UNITED STATES. (S.L. 2005-169)

H.B. 635, 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. (S.L. 2005-170)

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Weiss, Alexander, Fisher, Luebke, McLawhorn, and Warren:

H.J.R. 1789, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES BRANTLEY LAMBETH, JR., FORMER CHAPLAIN OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES, 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:

Senate Committee Substitute for **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 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 PRE-EXISTING 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, 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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H.B. 1236 (Senate 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 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, 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. 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.

On motion of Representative Crawford, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (99-0), and the bill is ordered enrolled.

Representative Gibson requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (100-0).

H.B. 1051 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE CREATION OF A MACON-JACKSON REGIONAL AIRPORT AUTHORITY; TO LIMIT OPERATIONS OF SOME FIXED AND ROTARY WING AIRCRAFT; AND TO CHANGE THE MEMBERSHIP OF THE JACKSON COUNTY AIRPORT AUTHORITY.

Representative Haire offers Amendment No. 1 which is adopted by electronic vote (98-0).

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

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Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Almond, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Dickson, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lucas, Luebke, Martin, McGee, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Steen, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, and Yongue - 100.

Voting in the negative: None.

Excused absences: Representatives Allred, Barnhart, Clary, Hill, LaRoque, Lewis, McAllister, McComas, Moore, Rayfield, Starnes, Stiller, Underhill, Wray, and Wright - 15.

S.B. 92 (House 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 AND TO INCREASE THE FORCE ACCOUNT LIMIT FOR WATAUGA COUNTY AND THE TOWN OF BOONE FOR DEVELOPMENT OF ANNE MARIE DRIVE PARK, 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 Adams, Alexander, B. Allen, L. Allen, Bell, Bordsen, Brubaker, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lucas, Luebke, Martin, McGee, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Steen, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, and Yongue - 81.

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Voting in the negative: Representatives Almond, Blackwood, Blust, Brown, Capps, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Hunter, Kiser, Setzer, Vinson, and Wiley - 19.

Excused absences: Representatives Allred, Barnhart, Clary, Hill, LaRoque, Lewis, McAllister, McComas, Moore, Rayfield, Starnes, Stiller, Underhill, Wray, and Wright - 15.

S.B. 369 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM OCCUPANCY 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, Bell, Bordsen, Brubaker, Carney, Church, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridg, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Holliman, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lucas, Luebke, Martin, McGee, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Steen, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, and Yongue - 80.

Voting in the negative: Representatives Almond, Blackwood, Blust, Brown, Capps, Cleveland, Culp, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Kiser, Setzer, Vinson, and Wiley - 19.

Excused absences: Representatives Allred, Barnhart, Clary, Hill, LaRoque, Lewis, McAllister, McComas, Moore, Rayfield, Starnes, Stiller, Underhill, Wray, and Wright - 15.

INTRODUCTION OF PAGES

Pages for the week of July 11 are introduced to the membership. They are: Helen Baddour of Wayne; Martez Barnes of Wake; Eleanor Beerbower of Catawba; Brooke Blackman of Harnett; Hunter Boyd of Beaufort; Donovan Bradley of Cumberland; Taylor Bundy of Gates; Elizabeth Campbell of Gates; Caroline Curtis of Wake; Cameron Decker of Buncombe; Jeffrey Drake of Edgecombe; Ean Faison of Orange; Megan

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Flanagan of Mecklenburg; Megan Gantt of Alexander; Molly Herlong of Mecklenburg; Jacob Hill of Buncombe; Alyssa Jaklitsch of Mecklenburg; Daniel Leyva of Buncombe; Emma Masquil of Duplin; Wiley Narron of Johnston; Kirstin Petersen of Wake; Charles Radford of Buncombe; Aaron Reaves of Edgecombe; Ebony Reaves of Edgecombe; Thomas Rhodes of Nash; Sarah Ritter of Moore; Kelsey Schmidt of Mecklenburg; Brandon Smith of Wake; Julia Taylor of Orange; and Cory Webb of Edgecombe.

Representative Culpepper moves, seconded by Representative Sherrill, that the House adjourn, subject to committee assignments, to reconvene July 12 at 2:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 7:30 p.m.

NINETY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, July 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:

"Glorious and Gracious God:

"As we gather together to carry on with the work before us, we appropriately pause to acknowledge You as Ruler over us. We appropriately stop long enough to invite You into our midst and to be an active part of our constant deliberations. We appropriately implore You to take even our best efforts and make them better. O Lord Most Holy, leave us not to our own devices or desires, lest we fall; but by Your presence and power keep us steadfast and true. Amen."

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

Leaves of absence are granted Representatives Lewis, Martin, Rayfield, and Wray for today.

ENROLLED BILLS

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

S.B. 532, 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.

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

S.B. 340, AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE; TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION; AND TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF ROANOKE RAPIDS IN THE CONSTRUCTION OF THEATER PROJECTS IN ITS MUSIC THEATER AND ENTERTAINMENT DISTRICT.

H.B. 196, AN ACT AUTHORIZING THE CITIES OF OXFORD AND MOREHEAD CITY AND THE TOWNS OF ATLANTIC BEACH AND NEWPORT TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE MUNICIPALITIES WEEDED LOT ORDINANCES.

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

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. (RESOLUTION 2005-40)

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CHAPTERED BILLS

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

S.B. 278, 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. (S.L. 2005-171)

S.B. 435, AN ACT CLARIFYING THE AUTHORITY OF THE COUNTY OF DURHAM TO ENTER INTO PUBLIC-PRIVATE PROJECTS. (S.L. 2005-172)

H.B. 370, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS AND THE TOWNS OF LANDIS, SHALLOTTE, AND SPENCER. (S.L. 2005-173)

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. 1786, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF GODWIN ON THE OCCASION OF 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. The original resolution is placed on the Unfavorable Calendar.

S.B. 740 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS, 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.

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Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar of July 13. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Weiss, Chair, for the Committee on Judiciary IV:

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, with a favorable report.

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

By Representatives Haire and Kiser, Chairs, for the Appropriations Subcommittee on Justice and Public Safety:

H.B. 687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 13.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Miller, Michaux, Luebke, and Wilkins (Primary Sponsors); Adams, Alexander, B. Allen, Bell, Coleman, Cunningham, Dickson, Earle, Faison, Farmer-Butterfield, Fisher, Glazier, Hackney, Harrison, Holliman, Hunter, Insko, Ed Jones, Jones, Lucas, Martin, McAllister, Parmon, Pierce, Rapp, Underhill, Wainwright, Warren, Weiss, and Womble:

H.R. 1790, A HOUSE RESOLUTION CONDEMNING THE RECENT CROSS BURNINGS IN THE CITY OF DURHAM, 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. 329** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY FOR THOSE

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WHO PARTICIPATE IN AGRITOURISM ACTIVITIES, 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. 1221 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN DOMESTIC CHILD CUSTODY ACTIONS, 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. 1280 (Senate 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, 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. 1332 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING 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.

Senate Committee Substitute for **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

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PROCEDURE, CERTAIN ELECTRONIC SIGNATURE CONFIRMATION, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 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, 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.

CALENDAR

Action is taken on the following:

S.B. 369 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM OCCUPANCY TAX, 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, Barnhart, Bell, Blust, Bordsen, Brubaker, Carney, Church, Coates, Cole, Crawford, Culpepper, Current, Daughtridg, 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, Langdon, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross,

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Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wright, and Yongue - 90.

Voting in the negative: Representatives Allred, Almond, Blackwood, Brown, Capps, Clary, Cleveland, Culp, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Kiser, LaRoque, Moore, Rhodes, Setzer, Vinson, and Wiley - 23.

Excused absences: Representatives Lewis, Martin, Rayfield, and Wray - 4.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Adams and without objection, **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 withdrawn from the Calendar and placed on the Calendar of July 19.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.J.R. 1786** (Committee Substitute), A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF GODWIN ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY, is placed on today's Calendar for immediate consideration.

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.

CALENDAR (continued)

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

H.B. 254 (Committee Substitute No. 2), 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

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AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, 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, 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, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Pate, Pierce, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wright, and Yongue - 111.

Voting in the negative: Representatives Allred and Starnes - 2.

Excused absences: Representatives Lewis, Martin, Rayfield, and Wray - 4.

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

H.B. 1327 (Committee Substitute No. 2), 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, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, 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,

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Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lucas, Luebke, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, 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, Wright, and Yongue - 114.

Voting in the negative: None.

Excused absences: Representatives Lewis, Martin, Rayfield, and Wray - 4.

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

S.B. 527 (House Committee Substitute), 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, passes its second reading, by electronic vote (114-0), and there being no objection is read a third time.

Representative Brubaker 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 for concurrence in the House committee substitute bill.

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

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, 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 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. 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, 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 enrolled and presented to the Governor.

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

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, passes its second reading, by electronic vote (114-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

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

S.B. 929 (House 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, AND TO INCREASE THE PENALTY FOR ESCAPE FROM COUNTY OR CITY JAILS, passes its second reading, by electronic vote (113-1), and there being no objection is read a third time.

Representative Culp requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (114-0).

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

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

S.B. 1118 (House 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.

Pursuant to Rule 24.1A, Representative Glazier requests that he be excused from voting on this bill because he was previously involved in the case that is the subject of this bill. Representative Ed Jones requests that he be excused from voting on this bill because he was a member of the Highway Patrol at the time of the offense or act. These requests are granted.

The bill passes its second reading, by electronic vote (99-11), and there being no objection is read a third time.

Representative Sherrill requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (100-11).

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

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
July 12, 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 No. 2 to **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

July 12, 2005

A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
July 12, 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. 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.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following report from standing committee is presented:

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

July 12, 2005

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, 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.

Representative Culpepper moves, seconded by Representative Jeffus, that the House adjourn, subject to committee assignments, to reconvene July 13 at 3:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 3:15 p.m.

NINETY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 13, 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:

"O God our Creator:

"As the morning dew falls fresh upon the lush green grass of the earth, let Your Spirit fall afresh on us. As the birds of the air sing creation's story, let our mouths sing Your praise. As the flowers in their abundant colors tell of Your splendor and beauty, let our works be pleasing and acceptable in Your sight. O God of heaven and earth, fill us with a renewed sense of awe for Your created order so that we may find our place in it and come to

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understand that our primary aim in this life is to worship You and to glorify You forever. Amen."

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

Leaves of absence are granted Representatives Church, Coleman, Martin, Rayfield, Walker, and Wray for today.

ENROLLED BILLS

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

S.B. 128, AN ACT ADOPTING OFFICIAL STATE DANCES.

S.B. 552, 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.

S.B. 577, 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.

S.B. 748, 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.

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

S.B. 335, AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE.

July 13, 2005

CHAPTERED BILLS

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

S.B. 340, AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE; TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION; AND TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF ROANOKE RAPIDS IN THE CONSTRUCTION OF THEATER PROJECTS IN ITS MUSIC THEATER AND ENTERTAINMENT DISTRICT. (S.L. 2005-174)

H.B. 196, AN ACT AUTHORIZING THE CITIES OF OXFORD AND MOREHEAD CITY AND THE TOWNS OF ATLANTIC BEACH AND NEWPORT TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE MUNICIPALITIES WEEDED LOT ORDINANCES. (S.L. 2005-175)

CONFERENCE REPORT

Representative Warren sends forth the Conference Report on **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.

Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 14.

The Speaker rules the Conference Report to be material, thus constituting its first reading.

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:

July 13, 2005

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", 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 Bell and Wilson, Chairs, for the Committee on Pensions and Retirement:

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, 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.

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, with a favorable report.

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

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, with a favorable report as to the House committee substitute bill, unfavorable as

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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.

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

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, with a favorable report.

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

H.J.R. 1615, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN D. HALL, FORMER MEMBER OF THE GENERAL ASSEMBLY, 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.

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, reported without prejudice as to the House committee substitute bill, which changes the title, unfavorable as to the original bill, and with 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.

The House committee substitute changes the bill from public to local.

S.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT, with a favorable

July 13, 2005

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:

H.B. 896 (Senate Committee Substitute), 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 returned for concurrence in the Senate committee substitute bill.

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

S.B. 185, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGISTERED BUSINESSES THAT REPLACE WINDSHIELDS MAY OBTAIN REPLACEMENT INSPECTION STICKERS WITHOUT PAYING THE STICKER FEES, is read the first time and referred to the Committee on Finance.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

S.J.R. 1164, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TABOR CITY ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH 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 (113-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

July 13, 2005

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative McAllister and without objection, **S.B. 189** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES, is withdrawn from the Calendar and re-referred to the Committee on Judiciary IV.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

S.J.R. 305 (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF SIGMA GAMMA RHO SORORITY, INC., 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 (114-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

CALENDAR

Action is taken on the following:

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

H.B. 654 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES.

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

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

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H.B. 1032 (Senate 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.

On motion of Representative Glazier, the House concurs in the Senate committee substitute bill, by electronic vote (112-1), and the bill is ordered enrolled and presented to the Governor.

H.B. 254 (Committee Substitute No. 2), 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, 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, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Cleveland, Coates, Cole, 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, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wright, and Yongue - 112.

Voting in the negative: Representatives Allred and Starnes - 2.

Excused absences: Representatives Church, Coleman, Martin, Rayfield, Walker, and Wray - 6.

July 13, 2005

H.B. 1327 (Committee Substitute No. 2), 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, 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, Clary, Cleveland, Coates, Cole, 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, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Church, Coleman, Martin, Rayfield, Walker, and Wray - 6.

Representative Miller requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (114-0).

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 644** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER CERTAIN CLASSIFICATION AND COMPENSATION RELATED PROVISIONS OF THE STATE PERSONNEL ACT, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

July 13, 2005

CALENDAR (continued)

H.B. 687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE PRESIDING.

The bill passes its second reading by electronic vote (111-0).

Representative Dollar requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (112-0).

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.

S.B. 428 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT, passes its second reading, by electronic vote (112-1), and there being no objection is read a third time.

Representative Daughtridge requests and is granted permission to change his 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 for concurrence in the House committee substitute bill.

S.B. 740 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR

July 13, 2005

SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES, passes its second reading, by electronic vote (108-4), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

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, passes its second reading, by electronic vote (71-43), and there being no objection is read a third time.

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

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
July 13, 2005

Mr. Speaker:

Pursuant to the message from the Senate on July 12, 2005, informing the House of Representatives that the Senate failed to concur in the House Committee Substitute to **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, it is ordered that a message be sent your Honorable Body with the information that the Senate requests conferees. The President *Pro Tempore* appoints:

Senator Albertson, Chair
Senator Brown
Senator Holloman

July 13, 2005

Senator Jenkins
Senator Swindell
Senator Thomas
Senator Weinstein

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Chair appoints Representative Gibson, Chair; Representatives McComas, Stiller, Hackney, Wainwright, Stam, and Harrison as conferees on the part of the House and the Senate is so notified by Special Message.

CONFERENCE REPORT

Representative Harrell sends forth the Conference Report on **S.B. 776** (House 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. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 14.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 344**, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX DEDUCTION FOR LAW ENFORCEMENT WORKERS, is withdrawn from the Committee on Finance and re-referred to the Committee on Agriculture.

Representative Culpepper moves, seconded by Representative West, that the House adjourn, subject to the receipt of Messages from the Senate and committee assignments, to reconvene July 14 at 12:00 Noon.

The motion carries.

July 13, 2005

No Messages from the Senate having been received and no committee assignments having been received, the House stands adjourned at 5:03 p.m.

NINETY-EIGHTH DAY

HOUSE OF REPRESENTATIVES

Thursday, July 14, 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:

"In the midst of the hustle and bustle of our intensely busy schedules, we can sometimes forget about the fragility of life itself. As we burden ourselves with scheduling meetings and what-not, it only takes one uncomfortable search for breath or one irregular doctor's report to tilt the ebb and flow of what we thought was a normal way of living. Gracious God, grant unto us a renewed spirit of gratitude and appreciation for the gift of life. Like a beautiful diamond reflecting its multi-dimensional facets, may our lives reflect the many karats of life's gloriousness and inner beauty, for we know that in so doing, our efforts in both work and play will be pleasing to Thee, O God our Strength and our Shield. Amen."

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

Leaves of absence are granted Representatives Church, Coleman, Goodwin, Martin, Ray, Rayfield, Walker, and Wray for today.

CHAPTERED BILLS

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

July 14, 2005

H.B. 1097, 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. (S.L. 2005-176)

H.B. 923, AN ACT AMENDING THE LAWS REGULATING POSTSEPARATION SUPPORT. (S.L. 2005-177)

H.B. 510, AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY. (S.L. 2005-178)

H.B. 11, AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS. (S.L. 2005-179)

H.B. 804, AN ACT TO AMEND THE ORDER OF PAYMENT OF A CLAIM FOR EQUITABLE DISTRIBUTION UNDER THE LAWS RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES. (S.L. 2005-180)

H.B. 653, 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. (S.L. 2005-181)

July 14, 2005

H.B. 1392, AN ACT TO CREATE A CLASS H FELONY OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS. (S.L. 2005-182)

H.B. 673, 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. (S.L. 2005-183)

S.B. 1058, AN ACT TO EXPAND THE SCOPE OF THE CRIMINAL OFFENSE OF ASSAULT ON AN ASSISTANCE ANIMAL AND TO REQUIRE RESTITUTION. (S.L. 2005-184)

H.B. 1163, 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. (S.L. 2005-185)

S.B. 3, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO REQUIRE APPLICANTS TO SUBMIT EVIDENCE OF CONTINUING COMPETENCY UPON LICENSE RENEWAL OR REINSTATEMENT. (S.L. 2005-186)

H.B. 1319, AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION ACT. (S.L. 2005-187)

S.B. 335, AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE. (S.L. 2005-188)

WITHDRAWAL OF BILLS FROM CALENDAR

Pursuant to Rule 36(b)(2), **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 withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

July 14, 2005

Pursuant to Rule 36(b)(2), **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 withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Insurance.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Frye and Hilton, Chairs, for the Committee on Federal Relations and Trade Issues:

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, with recommendation that it be adopted.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of July 18.

MESSAGES FROM THE SENATE

The following are received from the Senate:

H.B. 1469 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, is returned for concurrence in the Senate amendment.

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

S.B. 327 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK, is read the first time and referred to the Committee on Finance.

July 14, 2005

CONFERENCE REPORT

Representative Warren moves the adoption of the following Conference Report.

Senate Committee Substitute for S.B. 474

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 474, 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, State and Local Government Committee Substitute Adopted 3/24/05, submit the following report:

The Senate concurs in House Amendment #1 and House Amendment #2.

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

Date conferees approved report: July 13, 2005.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ John H. Kerr, III, Chair
S/ Katie G. Dorsett
S/ Richard Stevens

S/ Edith D. Warren, Chair
S/ Russell E. Tucker

The Conference Report, which changes the title, is adopted, by electronic vote (105-3), and the Senate is so notified by Special Message.

Representative Williams requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (106-3).

ENROLLED BILLS

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

July 14, 2005

H.B. 654, AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES.

H.B. 1032, AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR.

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

S.J.R. 305, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF SIGMA GAMMA RHO SORORITY, INC. (RESOLUTION 2005-41)

S.J.R. 1164, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TABOR CITY ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY. (RESOLUTION 2005-42)

CONFERENCE REPORT

Representative Harrell moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 776

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 776, 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, House Committee Substitute Favorable 6/27/05, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 6/27/05, and the Senate concurs in the House Committee Substitute as amended:

July 14, 2005

On page 1, line 14, by deleting the word "necessary" and substituting the word "permitted".

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

Date conferees approved report: July 13, 2005.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ John Snow, Jr., Chair
S/ Fletcher L. Hartsell, Jr.
S/ Martin L. Nesbitt
S/ Scott Thomas

S/ Jim Harrell, III, Chair
S/ Deborah K. Ross
S/ Bonner L. Stiller
S/ Joe Hackney

The Conference Report is adopted, by electronic vote (110-0), and the Senate is so notified by Special Message.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Gibson and without objection, **H.B. 687** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE, is withdrawn from the Calendar and placed on the Calendar of July 18.

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. 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

July 14, 2005

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 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.

On motion of Representative Holliman, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (111-0), and the bill is ordered enrolled and presented to the Governor.

H.B. 1236 (Senate 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 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.

On motion of Representative Holliman, the House concurs in the Senate committee substitute bill, by electronic vote (110-0), and the bill is ordered enrolled and presented to the Governor.

July 14, 2005

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

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, 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, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, 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, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Rhodes, Ross, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Church, Coleman, Goodwin, Martin, Ray, Rayfield, Walker, and Wray - 8.

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

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.

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

The bill, as amended, passes its second reading and there being no objection is read a third time.

July 14, 2005

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

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Hill and without objection, **S.B. 443** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS, is withdrawn from the Calendar and placed on the Calendar of July 21.

CALENDAR (continued)

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

S.B. 109 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT TO DEPLOYED MILITARY PERSONNEL AN EXTENSION OF TIME WITHIN WHICH TO RENEW A CONCEALED HANDGUN PERMIT, passes its second reading, by electronic vote (109-1), and there being no objection is read a third time.

Representative Farmer-Butterfield requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (110-1).

The bill passes its third reading, by electronic vote (106-1), and is ordered enrolled and presented to the Governor.

Representatives Goforth and Wright request and are granted permission to be recorded as voting "aye". The adjusted vote total is (108-1).

Pursuant to Rule 36(b), the following bill appears on today's 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, 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 enrolled and presented to the Governor.

July 14, 2005

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

S.B. 626 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE 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, passes its second reading, by electronic vote (111-0), and there being no objection is read a third time.

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

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

S.B. 707 (House 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, passes its second reading, by electronic vote (110-0), and there being no objection is read a third time.

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

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

S.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE STATUTES THAT ADDRESS STATUTORY

July 14, 2005

LIENS ON REAL PROPERTY, passes its second reading, by electronic vote (110-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

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

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.

Representative Michaux moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Judiciary II.

Representative Michaux withdraws his motion.

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

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

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

Senate Committee Substitute for **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, is returned for concurrence in the Senate committee substitute bill.

Pursuant to Rule 36(b), the Senate committee substitute bill is placed on today's Calendar for immediate consideration.

Upon concurrence the Senate committee substitute bill changes the title.

July 14, 2005

Representative Stam inquires of the Chair if the bill is properly before the Body pursuant to Rule 43 on germaneness. The Speaker rules that the bill is properly before the Body.

On motion of Representative Gibson, the House does not concur in the Senate committee substitute bill, by electronic vote (110-0), and conferees are requested.

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
July 14, 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. 369** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, and requests conferees. The President *Pro Tempore* appoints:

Senator Berger of Franklin, Chair
Senator Holloman
Senator Berger of Rockingham
Senator Kerr
Senator Swindell

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative L. Allen, Chair; Representatives Cole, Luebke, Michaux, and Miller as conferees on the part of the House and the Senate is so notified by Special Message.

July 14, 2005

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

Senate Chamber
July 14, 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. 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, and requests conferees. The President *Pro Tempore* appoints:

Senator Clodfelter, Chair
Senator Lucas
Senator Nesbitt
Senator Berger of Rockingham
Senator Malone

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representatives Hackney, Goodwin, and Stiller as conferees on the part of the House and the Senate is so notified by Special Message.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1610**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ROXBORO UPTOWN DEVELOPMENT

July 14, 2005

CORPORATION, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Finance.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 1631** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS AND IN UNIVERSITY AND COMMUNITY COLLEGE ENROLLMENT; DIRECTING THE STATE CONTROLLER TO TRANSFER OVERREALIZED DISPROPORTIONATE SHARE PAYMENTS TO NONTAX REVENUE; AND EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 31, 2005, UNTIL AUGUST 31, 2005, is withdrawn from the Committee on Finance and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Culpepper moves, seconded by Representative B. Allen, that the House adjourn, subject to the ratification of bills, the receipt of Committee Reports, the receipt of Conference Reports, the receipt of Messages from the Senate, committee assignments, and appointment of conferees, to reconvene Monday, July 18, 2005, at 7:00 p.m.

The motion carries.

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
July 14, 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. 474** (Conference Report), 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.

July 14, 2005

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
July 14, 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. 776** (Conference Report), 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.

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CONFEREES APPOINTED

The Speaker appoints the following conferees on Senate Committee Substitute for **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

July 14, 2005

EQUIPMENT: Representatives Gibson, Luebke, Wainwright and Alexander, Chairs; Representatives Owens, Tolson, England, Farmer-Butterfield, and Cunningham.

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

H.B. 1631, 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.

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

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
July 14, 2005

Mr. Speaker:

Pursuant to the message from the Senate on July 12, 2005, informing the House of Representatives that the Senate failed to concur in the House Committee Substitute to **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

July 14, 2005

A GOAL IS APPROPRIATE AND DESIRABLE, TO DEVELOP A RECOMMENDED GOAL, it is ordered that a message be sent your Honorable Body with the information that the Senate requests conferees. The President *Pro Tempore* appoints:

Senator Albertson, Chair
Senator Cowell
Senator Clodfelter
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

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
July 14, 2005

Mr. Speaker:

Pursuant to your message received today, July 14, 2005, that the House of Representatives fails to concur in the Senate Committee Substitute to **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, and requests conferees, the President *Pro Tempore* appoints:

Senator Hoyle, Chair
Senator Kerr
Senator Forrester
Senator Hartsell
Senator Jenkins
Senator Swindell

July 14, 2005

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

Senate Committee Substitute for **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, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence the Senate committee substitute bill changes the title.

MESSAGES FROM THE SENATE

The following are received from the Senate:

H.B. 655 (Senate 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, 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.

July 14, 2005

Senate Committee Substitute for **H.B. 1117** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE 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.

Upon concurrence the Senate committee substitute bill changes the title.

No bills having been ratified, no conference reports having been received, and no committee assignments having been received, the House stands adjourned at 4:40 p.m.

NINETY-NINTH DAY

HOUSE OF REPRESENTATIVES
Monday, July 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:

"Almighty God:

"Our souls are restless until they find their rest in You. Yet, as we journey through life, we have to travel down so many highways and byways. And, as we are all so acutely aware, there are always forks in the road that seek to draw us off a purer path and lead us down darker avenues. When these choices present themselves, grant us the inner strength to turn in the direction toward the light of Your mercy and grace; and keep us traveling on the right path with You as our final destination. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 14 has been examined and found correct. Upon his motion, the Journal is approved as written.

July 18, 2005

Leaves of absence are granted Representatives Alexander, Current, Farmer-Butterfield, Insko, Preston, and Rayfield for today. Representative Wray is excused for a portion of the Session.

ENROLLED BILLS

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

S.B. 109, AN ACT TO GRANT TO DEPLOYED MILITARY PERSONNEL AN EXTENSION OF TIME WITHIN WHICH TO RENEW A CONCEALED HANDGUN PERMIT.

S.B. 421, AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE SOLICITATION OF CONTRIBUTIONS.

S.B. 527, 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.

S.B. 887, AN ACT TO REVISE THE STATUTES THAT ADDRESS STATUTORY LIENS ON REAL PROPERTY.

S.B. 1118, 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.

H.B. 737, 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 REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S

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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; AMEND THE UTILIZATION REVIEW LAWS TO CLARIFY THAT SUCH LAWS PLAINLY APPLY TO INDIVIDUAL INSURANCE COVERAGE AS WELL AS GROUP COVERAGE; 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.

H.B. 1236, AN ACT TO REPLACE THE ALLIANCE OF AMERICAN INSURERS AND NATIONAL ASSOCIATION OF INDEPENDENT INSURERS WITH THE PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA 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.

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

S.B. 92, AN ACT TO AUTHORIZE WATAUGA COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY AND TO INCREASE THE FORCE ACCOUNT LIMIT FOR WATAUGA COUNTY AND THE TOWN OF BOONE FOR DEVELOPMENT OF ANNE MARIE DRIVE PARK.

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CHAPTERED BILLS

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

H.B. 288, AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A MOTOR VEHICLE SHALL DO UPON APPROACH OF AN EMERGENCY VEHICLE. (S.L. 2005-189)

S.B. 981, 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. (S.L. 2005-190)

S.B. 268, AN ACT TO ENACT "AEDIN'S LAW" TO DIRECT THE COMMISSIONER OF AGRICULTURE TO ADOPT RULES ESTABLISHING PERMITTING AND SANITATION REQUIREMENTS FOR ANIMAL EXHIBITIONS. (S.L. 2005-191)

S.B. 679, AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA. (S.L. 2005-192)

S.B. 566, AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM. (S.L. 2005-193)

H.B. 1346, AN ACT TO ENACT THE INTERSTATE COMPACT FOR JUVENILES. (S.L. 2005-194)

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S.B. 630, 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. (S.L. 2005-195)

S.B. 316, 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. (S.L. 2005-196)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

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:

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 INSTRUCTIONAL EQUIPMENT TO THE COLLEGE, 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.

INTRODUCTION OF PAGES

Pages for the week of July 18 are introduced to the membership. They are: Lauren Adams of Fairfax Station, Virginia; Eric Baker of Forsyth; Rebecca Bender of Jones; Clayton Bennett of Wake; Jonah Blanks of Harnett; LeeAnn Bradley of Harnett; Dustin Briggs of Gates; Lyndal Brown of Northampton; Caitlin Compton of Orange; Tucker Craig of Cleveland; Hannah Diggs of Alamance; Stephen Dunn of Wake; Lorna Fink of Forsyth; Carli Gibson of Anson; Kirby Grady of Duplin; Jewel Harrington of Cumberland; Christie Ray Harrison of Wake; Caitlin Hodges of Wake;

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Casey Humphries of Person; Jamie Keener of Wake; Shaday King of Wake; Chris Morgan of Davidson; Heather Parrish of Alamance; Deanna Riley of Wake; Jana Rust of Wake; Bria Sledge of Wake; Kenneth Smith of Cumberland; Lauren Smith of New Hanover; and Drew Sullivan of Wake.

WITHDRAWAL OF BILL FROM COMMITTEE

On motion of the Chair and without objection, Senate Committee Substitute for **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, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar pursuant to Rule 36(b) for July 19.

CONFEREES APPOINTED

The Speaker appoints the following conferees on **S.B. 1134** (House 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: Representative Underhill, Chair; Representatives Haire, Hackney, Harrell, Carney, and Stiller.

The Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

H.B. 1631 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; APPROPRIATING July 18, 2005

FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS AND IN UNIVERSITY AND COMMUNITY COLLEGE ENROLLMENT; DIRECTING THE STATE CONTROLLER TO TRANSFER OVERREALIZED DISPROPORTIONATE SHARE PAYMENTS TO NONTAX REVENUE; AND EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 31, 2005, UNTIL AUGUST 31, 2005.

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

Representative Stam offers Amendment No. 2 which fails of adoption by electronic vote (45-66).

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.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.

The resolution is adopted, by electronic vote (107-0), and ordered printed.

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, 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, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Daughtridge, Daughtry, 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, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser,

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Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Rapp, Ray, 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, Wright, and Yongue - 108.

Voting in the negative: None.

Excused absences: Representatives Alexander, Current, Farmer-Butterfield, Insko, Preston, Rayfield, and Wray - 7.

Representative Morgan requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (109-0).

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

S.B. 98 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS.

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

H.B. 687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

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

The bill, as amended, passes its third reading, by electronic vote (110-0), and is ordered engrossed and sent to the Senate.

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.

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Representative Michaux offers Amendment No. 1 which is adopted by electronic vote (103-7).

The bill, as amended, passes its third reading, by electronic vote (110-1), and is ordered sent to the Senate for concurrence in the House amendment.

Representative Sauls requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (111-0).

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

H.J.R. 1615 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN D. HALL, FORMER MEMBER OF THE GENERAL ASSEMBLY, passes its second reading, by electronic vote (110-1), and there being no objection is read a third time.

Representative Rhodes requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (111-0).

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

Representative Culpepper moves, seconded by Representative Howard, that the House adjourn, subject to committee assignments, to reconvene July 19 at 2:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 8:06 p.m.

ONE HUNDREDTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, July 19, 2005

The House meets at 2:00 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:

"Almighty God:

"You know our hearts. You know our wants and desires. You know our needs and You know our ignorance in asking You to meet them. Indeed, You know us better than we know ourselves. Still, we come to You in humility seeking Your divine authority as the central point of reference for our lives; and fully understanding that all that we are and all that we have is a gift from You. May our continued efforts in our daily living seek to be steps leading out from You, the center and core of our being. Amen."

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

A leave of absence is granted Representative Rayfield for today. Representative Wray is excused for a portion of the Session.

ENROLLED BILLS

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

S.B. 776, 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.

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

S.B. 170, AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN.

S.B. 474, 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.

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CHAPTERED BILLS

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

S.B. 92, AN ACT TO AUTHORIZE WATAUGA COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY AND TO INCREASE THE FORCE ACCOUNT LIMIT FOR WATAUGA COUNTY AND THE TOWN OF BOONE FOR DEVELOPMENT OF ANNE MARIE DRIVE PARK. (S.L. 2005-197)

GUEST

Representatives Nye, Lucas, McAllister, Dickson, Glazier, and Lewis escort Brooke McLaurin, Miss North Carolina, 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 Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

H.B. 580 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT AND THE TOWN OF TROUTMAN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with recommendation that the House concur.

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

H.B. 1515 (Committee Substitute), 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 Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

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

S.B. 32 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT FIRE PROTECTION DISTRICT TAX RATES FOR CERTAIN PROPERTY IN ROCKINGHAM COUNTY, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), House Committee Substitute Bill No. 2 is placed on the Calendar of July 20. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

The committee substitute changes the bill from local to public.

S.B. 185, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGISTERED BUSINESSES THAT REPLACE WINDSHIELDS MAY OBTAIN REPLACEMENT INSPECTION STICKERS WITHOUT PAYING THE STICKER FEES, 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. 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, with a favorable report.

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

S.B. 420 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA AND TO ALLOW THE TOWN OF RED CROSS TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 FISCAL YEAR 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.

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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.

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

S.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATTORNEYS APPOINTED TO REPRESENT INDIGENT CLIENTS FROM THE FEE CHARGED BY THE CLERK OF COURT FOR PREPARING COPIES, with a favorable report.

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

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.

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

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, with a favorable report.

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

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, with a favorable report.

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

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

H.B. 1048 (Committee Substitute), 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.

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

H.B. 1775 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report as to 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.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Allred and Bordsen (Primary Sponsors):

H.R. 1791, A HOUSE RESOLUTION HONORING THE MEMORY OF PERSONS WITH DISABILITIES AND RECOGNIZING THE ALAMANCE COUNTY MAYORS' COMMITTEE FOR PERSONS WITH DISABILITIES ON THE FIFTEENTH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT.

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

The resolution is adopted, by electronic vote (117-0), and ordered printed.

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CALENDAR

Action is taken on the following:

Senate Committee Substitute for **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.

On motion of Representative Haire, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (117-0), and the bill is ordered enrolled.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Hackney and without objection, **H.B. 529** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STUDY THE ADMINISTRATION OF THE DEATH PENALTY AND TO PERMIT EXECUTIONS DURING THE STUDY ABSENT A STAY, is withdrawn from the Calendar and placed on the Calendar of July 25.

CALENDAR (continued)

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

Senate Committee Substitute for **H.B. 1117** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS.

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

Those voting in the affirmative are: Speaker Black; 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, Hollo, Holloway, Holmes, Howard, Hunter,

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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, 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, Wright, and Yongue - 117.

Voting in the negative: None.

Excused absences: Representatives Rayfield and Wray - 2.

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

Senate Committee Substitute for **H.B. 329** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY FOR THOSE WHO PARTICIPATE IN AGRITOURISM ACTIVITIES.

On motion of Representative Faison, 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.

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE PRESIDING.

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

H.B. 1221 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN DOMESTIC CHILD CUSTODY ACTIONS.

On motion of Representative Hackney, the House concurs in the Senate committee substitute bill, by electronic vote (116-0), 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. 1280 (Senate 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

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CAROLINA AND RESTORATION OF THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR.

On motion of Representative Pate, the House concurs in the Senate committee substitute bill, by electronic vote (116-1), 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. 1332 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES.

On motion of Representative Saunders, the House concurs in the Senate committee substitute bill, by electronic vote (115-1), and the bill is ordered enrolled and presented to the Governor.

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

Senate Committee Substitute for **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.

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.

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

Senate Committee Substitute for **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.

On motion of Representative Gibson, the House does not concur in the Senate committee substitute bill, by electronic vote (117-0), and conferees are requested.

July 19, 2005

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, 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 enrolled and presented to the Governor.

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

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, 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 enrolled and presented to the Governor.

CONFERENCE REPORT

Representative Gibson sends forth the Conference Report on Senate Committee Substitute for **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.

The Chair rules the Conference Report to be material, thus constituting its first reading.

Without objection, the Conference Report is placed on today's Calendar.

Representative Gibson moves the adoption of the following Conference Report.

July 19, 2005

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 1004, A BILL TO BE ENTITLED AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; AND TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, Senate Finance Committee Substitute Adopted 7/12/05, Fourth Edition Engrossed 7/13/05, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 7/12/05, Fourth Edition Engrossed 7/13/05, and the House concurs in the Senate Finance Committee Substitute as amended:

Delete the entire Senate Finance Committee Substitute Adopted 7/12/05, Fourth Edition Engrossed 7/13/05, and substitute the attached Proposed Conference Committee Substitute H1004-PCCS70539-LYf-1

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

Date conferees approved report: July 19, 2005.

*Conferees for the
Senate*

S/ David W. Hoyle, Chair
S/ John H. Kerr, III
S/ James Forrester
S/ Fletcher L. Hartsell, Jr.
S/ Clark Jenkins
S/ A. B. Swindell

*Conferees for the
House of Representatives*

S/ Pryor Gibson, Chair
S/ William L. Wainwright, Chair
S/ Martha B. Alexander, Chair
S/ Bill Owens
S/ Joe P. Tolson
S/ Bob England, M.D.
S/ Jean Farmer-Butterfield
S/ W. Pete Cunningham

The material Conference Report, is adopted, on its second roll call reading, by the following vote.

July 19, 2005

Those voting in the affirmative are: Speaker Black; Representatives Alexander, L. Allen, Barnhart, Bell, Brubaker, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Earle, England, Faison, Farmer-Butterfield, Frye, Gibson, Gillespie, Goforth, Gully, Hackney, Haire, Harrell, Hill, Holliman, Hollo, Holloway, Holmes, Hunter, Jeffus, Johnson, Ed Jones, Langdon, Lewis, Lucas, Martin, McGee, McLawhorn, McMahan, Moore, Morgan, Nye, Owens, Parmon, Preston, Rapp, Ray, Sauls, Saunders, Sherrill, Starnes, Steen, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Warren, West, Wiley, Wilkins, Williams, Wright, and Yongue - 73.

Voting in the negative: Representatives Adams, B. Allen, Allred, Almond, Blackwood, Blust, Bordsen, Brown, Capps, Cleveland, Coleman, Dockham, Dollar, Eddins, Fisher, Folwell, Glazier, Goodwin, Grady, Harrison, Hilton, Howard, Insko, Jones, Justice, Justus, Kiser, LaRoque, Luebke, McAllister, McComas, Michaux, Miller, Pate, Rhodes, Ross, Setzer, Stam, Stiller, Sutton, Walker, Weiss, Wilson, and Womble - 44.

Excused absences: Representatives Rayfield and Wray - 2.

Representative Pierce requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (74-44).

Representative Luebke objects to the third reading. The Conference Report remains on the Calendar.

SPEAKER BLACK PRESIDING.

ENROLLED BILLS

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

H.B. 1631, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS AND IN UNIVERSITY AND COMMUNITY COLLEGE ENROLLMENT; DIRECTING THE STATE CONTROLLER TO TRANSFER OVERREALIZED DISPROPORTIONATE SHARE PAYMENTS TO NONTAX REVENUE;

July 19, 2005

AND EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 31, 2005, UNTIL AUGUST 31, 2005.

CHAPTERED BILLS

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

H.B. 563, AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, AND TO REDUCE FROM FIVE YEARS TO THREE YEARS THE LENGTH OF A PROVISIONAL TEACHING CERTIFICATE ISSUED TO A LATERAL ENTRY TEACHER. (S.L. 2005-198)

CONFEREES APPOINTED

The Speaker appoints the following conferees on Senate Committee Substitute for **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: Representatives Gibson and Harrell.

The Senate is so notified by Special Message.

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
July 19, 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. 1004** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; AND TO CREATE AN

July 19, 2005

ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE TO PERFORM A COMPREHENSIVE STUDY OF THE ECONOMIC DEVELOPMENT INCENTIVES, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

PROTEST

Pursuant to Article II, Section 18 of the North Carolina Constitution, Representative Rhodes offers the following protest:

"Protest to be spread across the House Journal of the North Carolina House of Representatives for proceedings of July 7, 2005 submitted by Rep. John W. Rhodes of Mecklenburg of the North Carolina 98th House District.

"The practice of not allowing members of the North Carolina House of Representatives to speak and have input on the issues that affect North Carolinians is injurious to the public's interest and offensive to our form of government and to our Democracy.

"Once again, on this day, July 19, 2005, upon repeated attempts to be recognized to speak on a bill effecting an amount equal or exceeding \$280,000,000 tax payer dollars and directly effecting the citizens of the North Carolina 98th district, Rep. Rhodes repeatedly made attempts to be recognized by the Speaker Pro-Tempore Richard Morgan of the House in order to speak on the bill.

"The Speaker-Pro-Tempore, repeatedly refused to recognize the Representative. This repeated act on today's date and on previous dates is injurious to our Democracy and our representative form of government. Representatives have the duty to act and speak against such offenses.

"This dissent is entered upon the Journal of the North Carolina House of Representatives for all North Carolinians to see on this July 19th, 2005."

Representative Culpepper moves, seconded by Representative B. Allen, that the House adjourn, subject to the ratification of bills, the receipt of Conference Reports, committee assignments, and the receipt of Messages from the Senate, to reconvene July 20 at 2:00 p.m.

July 19, 2005

The motion carries.

CONFERENCE REPORT

Representative England sends forth the Conference Report on **S.B. 1059** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 20.

The Speaker rules the Conference Report to be material, thus constituting its first reading.

No bills having been ratified, no committee assignments having been received, and no messages having been received from the Senate, the House stands adjourned at 5:05 p.m.

ONE HUNDRED FIRST DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 20, 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:

"Merciful God:

"Look with pity upon Your servants as we continue to labor and toil in our efforts to create positive and effective legislation and work diligently toward the completion of the budget. Remind us that as the elected leaders of this great State, though we are many, we are, indeed, one Body...one North Carolina House of Representatives. And, though many of us may find this a difficult concept to grasp given the words, 'the other side of the aisle', it is true nonetheless. So, we ask You to shower us with mercy and remind us of the beauty of our diversity and the goodness of our unity. Amen."

July 20, 2005

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

Leaves of absence are granted Representatives Glazier, Harrell, Rayfield, and Wainwright for today. Representatives Barnhart, Gibson, and LaRoque are excused for a portion of the Session.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 185** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Appropriations Subcommittee on Transportation.

ENROLLED BILLS

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

S.B. 482, 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.

S.B. 533, AN ACT TO REVISE AND CLARIFY THE LAW PROVIDING FOR A CHILD'S ALLOWANCE FROM A DECEDENT'S ESTATE.

S.B. 626, AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE 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

July 20, 2005

INDIVIDUAL MARKET, AND WHOSE INSURER DISCONTINUES WRITING A CERTAIN TYPE OF HEALTH INSURANCE COVERAGE THROUGHOUT THE ENTIRE INDIVIDUAL MARKET.

S.B. 707, 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.

H.B. 329, AN ACT TO LIMIT LIABILITY ARISING FROM CERTAIN AGRITOURISM ACTIVITIES.

H.B. 1221, AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN DOMESTIC CHILD CUSTODY ACTIONS.

H.B. 1280, 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 SOUTH-EASTERN NORTH CAROLINA AND RESTORATION OF THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR.

H.B. 1332, AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES.

H.B. 1434, AN ACT TO AUTHORIZE SERVICE OF PROCESS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE BY SIGNATURE CONFIRMATION.

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

S.B. 338, AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE.

H.B. 1776, AN ACT TO PUT A MORATORIUM ON THE JACKSON COUNTY AIRPORT AUTHORITY ENTERING INTO CONTRACTS RELATING TO THE HANGAR CONSTRUCTION PROJECT.

July 20, 2005

CHAPTERED BILLS

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

S.B. 170, AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN. (S.L. 2005-199)

S.B. 474, 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. (S.L. 2005-200)

H.B. 1631, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS AND IN UNIVERSITY AND COMMUNITY COLLEGE ENROLLMENT; DIRECTING THE STATE CONTROLLER TO TRANSFER OVERREALIZED DISPROPORTIONATE SHARE PAYMENTS TO NONTAX REVENUE; AND EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 31, 2005, UNTIL AUGUST 31, 2005. (S.L. 2005-201)

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. 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, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to Senate

July 20, 2005

Committee Substitute Bill No. 2, and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

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

By Representatives L. Allen, Allred, Carney and Stiller, Chairs, for the Committee on Transportation:

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, with recommendation that the House do not concur and request conferees.

Pursuant to Rule 36(b), the bill is placed on the Calendar of July 21.

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

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, with a favorable report.

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

S.B. 486 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES, 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 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.

By Representative Weiss, Chair, for the Committee on Judiciary IV:

S.B. 189 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES, with a favorable report as to House Committee

July 20, 2005

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 Bell, Lucas, and McLawhorn, Chairs, for the Committee on Education:

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, 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. 961 (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, with a favorable report.

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

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
July 19, 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

July 20, 2005

Substitute to **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.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
July 19, 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 No. 2 to **S.B. 740**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
July 19, 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. 974**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE

July 20, 2005

THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CONFERENCE REPORT

The material Conference Report for Senate Committee Substitute for **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, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Those voting in the affirmative are: Speaker Black; Representatives Alexander, L. Allen, Brubaker, Carney, Church, Clary, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, England, Faison, Farmer-Butterfield, Frye, Gibson, Gillespie, Goforth, Gulley, Hackney, Haire, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Hunter, Jeffus, Johnson, Ed Jones, Justice, Langdon, LaRoque, Lewis, Lucas, Martin, McComas, McGee, McLawhorn, McMahan, Michaux, Moore, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Sauls, Saunders, Setzer, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Walend, Warren, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 80.

Voting in the negative: Representatives Adams, B. Allen, Allred, Almond, Blackwood, Blust, Bordsen, Brown, Capps, Cleveland, Coleman, Dockham, Dollar, Eddins, Fisher, Folwell, Goodwin, Grady, Harrison, Howard, Insko, Jones, Justus, Kiser, Luebke, McAllister, Miller, Pate, Rhodes, Ross, Stam, Walker, and Weiss - 33.

Excused absences: Representatives Glazier, Harrell, Rayfield, and Wainwright - 4.

Representative McComas requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (79-34).

July 20, 2005

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor by Special Message.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1117** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS.

On motion of Representative Ross, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, 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, 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, and Wright - 111.

Voting in the negative: None.

Excused absences: Representatives Glazier, Harrell, Rayfield, and Wainwright - 4.

Representative Yongue requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (112-0).

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

July 20, 2005

H.B. 655 (Senate 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.

On motion of Representative Holliman, the House concurs in the Senate committee substitute bill, by electronic vote (112-0), and the bill is ordered enrolled and presented to the Governor.

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

H.B. 896 (Senate Committee Substitute), 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.

On motion of Representative Haire, the House concurs in the Senate committee substitute bill, by electronic vote (96-16), 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. 1469 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY.

On motion of Representative Saunders, the House does not concur in the Senate amendment, by electronic vote (111-1), and conferees are requested.

Representative Current requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (112-0).

July 20, 2005

The Speaker appoints Representative Saunders, Chair; Representatives Brubaker and Cole as conferees on the part of the House and the Senate is so notified by Special Message.

S.B. 32 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING, 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, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, 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, 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 - 113.

Voting in the negative: None.

Excused absences: Representatives Glazier, Harrell, Rayfield, and Wainwright - 4.

H.B. 1048 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED.

Representative Haire offers Amendment No. 1 which fails of adoption by electronic vote (38-73).

Representative Ray requests and is granted permission to change her vote from "aye" to "no". The adjusted vote total is (37-74).

July 20, 2005

Representative Sutton offers Amendment No. 2 which fails of adoption by electronic vote (30-83).

Representative Ed Jones offers Amendment No. 3.

The Speaker stops debate and attends to the following business.

ENROLLED BILLS

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

H.B. 1004, AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; AND TO CREATE AN ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE TO PERFORM A COMPREHENSIVE STUDY OF THE ECONOMIC DEVELOPMENT INCENTIVES.

CALENDAR (continued)

H.B. 1048 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED, with Amendment No. 3 pending, is before the Body.

Amendment No. 3 is adopted by electronic vote (74-36).

The bill, as amended, passes its second reading, by electronic vote (111-1), and there being no objection is read a third time.

Representative Daughtridge requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (112-0).

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, **S.B. 443** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC

July 20, 2005

HOSPITAL INVESTMENTS, is withdrawn from the Calendar of July 21 and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Culpepper moves, seconded by Representative Kiser, that the House adjourn, subject to committee assignments, to reconvene July 21 at 11:00 a.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 4:12 p.m.

ONE HUNDRED SECOND DAY

HOUSE OF REPRESENTATIVES
Thursday, July 21, 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:

"Glorious and Redeeming God, Eternal Source of all that is good and pleasing in this world and the next, we begin our gathering on this day with words of deep gratitude and thanksgiving for Your steadfastness in our lives. Indeed, though more often than not, we confess unto Thee that we seek our own ways and desires over the ways of God, Thou simply wilt not let us go. Like the loving Parent that You are, Your love and grace remind us that no matter how far we have strayed and erred like lost sheep, Your arms of mercy and forgiveness extend as far as the east is removed from the west. Lord of us all, lover of our souls; grant that we may find our rest in Thee. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 20 has been examined and found correct. Upon his motion, the Journal is approved as written.

July 21, 2005

Leaves of absence are granted Representatives Adams, Barnhart, Bell, Clary, Earle, Hollo, Langdon, LaRoque, Rayfield, Wainwright, and Walker for today.

WITHDRAWAL OF BILL FROM COMMITTEE

On motion of the Chair and without objection, **H.J.R. 1789**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES BRANTLEY LAMBETH, JR., FORMER CHAPLAIN OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar pursuant to Rule 36(b).

ENROLLED BILLS

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

S.B. 461, AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS.

S.B. 972, AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF RELIGIOUS WORSHIP.

H.B. 655, 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.

H.B. 896, 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.

H.B. 1117, AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS AND TO AUTHORIZE

July 21, 2005

PUBLIC HOSPITAL AUTHORITIES TO GRANT MORTGAGES TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT.

CHAPTERED BILLS

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

S.B. 338, AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE. (S.L. 2005-202)

H.B. 1776, AN ACT TO PUT A MORATORIUM ON THE JACKSON COUNTY AIRPORT AUTHORITY ENTERING INTO CONTRACTS RELATING TO THE HANGAR CONSTRUCTION PROJECT. (S.L. 2005-203)

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. 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.

On motion of Representative Ray, 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 Alexander, B. Allen, L. Allen, Blust, Bordsen, Brown, Brubaker, Carney, Church, Coates, Cole, Coleman, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, 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, Kiser, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes,

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Steen, Sutton, Tolson, Tucker, Underhill, Walend, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, and Yongue - 89.

Voting in the negative: Representatives Allred, Almond, Blackwood, Capps, Cleveland, Dollar, Frye, Gillespie, Hilton, Holloway, Moore, Rhodes, Setzer, Stiller, Vinson, and Wiley - 16.

Excused absences: Representatives Adams, Barnhart, Bell, Clary, Earle, Hollo, Langdon, LaRoque, Rayfield, Wainwright, and Walker - 11.

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.

On motion of Representative Cole, the House does not concur in the Senate committee substitute bill, by electronic vote (106-0), and conferees are requested.

The Speaker appoints Representative Cole, Chair; Representatives Carney, Saunders, Daughtridge, Stiller, and Sutton as conferees on the part of the House and the Senate is so notified by Special Message.

S.B. 32 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Allred, Almond, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rhodes, Ross, Sauls,

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Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Walend, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, and Yongue - 107.

Voting in the negative: None.

Excused absences: Representatives Adams, Barnhart, Bell, Clary, Earle, Hollo, Langdon, LaRoque, Rayfield, Wainwright, and Walker - 11.

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

S.B. 692 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT.

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

The bill, as amended, passes its second reading, by electronic vote (105-1), and there being no objection is read a third time.

Representative Current requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (106-1).

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

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. 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, with a favorable report.

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

S.B. 796 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CRIMINAL RECORD CHECKS OF

July 21, 2005

APPLICANTS FOR PERMITS AND LICENSES TO CONDUCT ARCHAEOLOGICAL OPERATIONS AND INVESTIGATIONS, with a favorable report.

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

Representative Culpepper moves, seconded by Representative Cunningham, that the House adjourn, subject to the ratification of bills, the receipt of Committee Reports, the receipt of Conference Reports, the receipt of Messages from the Senate, committee assignments, the appointment of conferees, and in honor of Denise Gale Weeks, Principal Clerk of the House of Representatives, to reconvene Monday, July 25, 2005, at 7:00 p.m.

The motion carries.

CONFERENCE REPORT

Representative L. Allen sends forth the Conference Report on **S.B. 369** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM OCCUPANCY TAX. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 25.

The Speaker rules the Conference Report to be material, thus constituting its first reading.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Moore and Ross, Chairs, for the Committee on Election Law and Campaign Finance Reform:

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,

July 21, 2005

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.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

Senate Committee Substitute for **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, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence the Senate committee substitute bill changes the title.

MESSAGES FROM THE SENATE

The following is received from the Senate:

H.B. 1297 (Senate 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, 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 bills having been ratified, no conferees having been appointed, and no committee assignments having been received, the House stands adjourned at 2:30 p.m.

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ONE HUNDRED THIRD DAY

HOUSE OF REPRESENTATIVES
Monday, July 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:

"Gracious God, Giver of every good and perfect gift:

"In a time when people worry more about themselves than they do for others; and in our case, in a place where political parties can sometimes matter more than they should, we give You thanks for the precious gift of friendship. We pause to celebrate those special people with whom You have graced our lives. For the gift of those whose care for us often surpasses care for themselves; and for the gift of those who dare to speak the truth to us even when it is difficult for us to hear it, we are grateful; and we thank You. Help each of us to live as those whose concerns for others are greater than for ourselves. Finally, we would pray that for all to whom love is a stranger, they may find in us...kind and generous friends. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 21 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Bordsen, Eddins, Harrell, Howard, Parmon, Rayfield, and Underhill for today. Representative Lewis is excused for a portion of the Session.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **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

July 25, 2005

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 withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Judiciary I.

ENROLLED BILLS

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

H.B. 1051, AN ACT TO ENABLE THE CREATION OF A MACON-JACKSON REGIONAL AIRPORT AUTHORITY; TO LIMIT OPERATIONS OF SOME FIXED AND ROTARY WING AIRCRAFT; AND TO CHANGE THE MEMBERSHIP OF THE JACKSON COUNTY AIRPORT AUTHORITY.

CHAPTERED BILLS

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

H.B. 1400, AN ACT TO INCREASE THE PENALTY FOR PASSING A STOPPED SCHOOL BUS AND TO MAKE SCHOOL BUS STOPS SAFER. (S.L. 2005-204)

H.B. 1032, AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR. (S.L. 2005-205)

H.B. 654, AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES. (S.L. 2005-206)

S.B. 748, 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

July 25, 2005

WHICH THE ELECTRONIC SURVEILLANCE IN AN UNDISCLOSED LOCATION MAY BEGIN. (S.L. 2005-207)

S.B. 532, 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. (S.L. 2005-208)

S.B. 577, 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. (S.L. 2005-209)

H.B. 733, AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE. (S.L. 2005-210)

S.B. 778, AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES, AND TO PROVIDE THAT A PERSON LICENSED BY THE PRIVATE PROTECTIVE SERVICES BOARD AS AN ARMED SECURITY GUARD WHO ALSO HAS AN ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT IS DEEMED TO HAVE SATISFIED THE APPROVED FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT. (S.L. 2005-211)

S.B. 667, 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. (S.L. 2005-212)

S.B. 879, 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. (S.L. 2005-213)

S.B. 666, AN ACT TO ALLOW ATTORNEYS' FEES TO BE AWARDED TO THE PREVAILING PARTY IN AN ACTION TO ENFORCE PROVISIONS OF THE ARTICLES OF INCORPORATION,

July 25, 2005

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. (S.L. 2005-214)

H.B. 660, AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE FINANCIAL LAWS UNDER CHAPTER 58 OF THE GENERAL STATUTES. (S.L. 2005-215)

H.B. 85, 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, MARINE CORPS LEAGUE, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NC TROUT UNLIMITED, NORTH CAROLINA AQUARIUMS, NORTH CAROLINA LIBRARIES, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, NORTH CAROLINA WILDLIFE HABITAT FOUNDATION, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHAG DANCING, SHARE THE ROAD, TARHEEL CLASSIC THUNDERBIRD CLUB, AND WATERMELON. (S.L. 2005-216)

S.B. 552, 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. (S.L. 2005-217)

S.B. 128, AN ACT ADOPTING OFFICIAL STATE DANCES. (S.L. 2005-218)

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Hackney and without objection, **H.B. 529** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STUDY THE ADMINISTRATION OF THE DEATH PENALTY AND TO PERMIT EXECUTIONS DURING THE STUDY ABSENT A STAY, is withdrawn from the Calendar and placed on the Calendar of August 1.

July 25, 2005

**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:

S.B. 247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT HELIPORT LOCATIONS AND DECLARE CERTAIN HELIPORTS A NUISANCE, 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 Judiciary III.

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

S.B. 757 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, 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.

By Representative Weiss, Chair, for the Committee on Judiciary IV:

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

July 25, 2005

MAKE TECHNICAL CHANGES, 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.

CONFERENCE REPORT

Representative L. Allen moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 369

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 369, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM OCCUPANCY TAX, House Committee Substitute Favorable 7/7/05, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/7/05, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 7/7/05, and substitute the attached Proposed Conference Committee Substitute S369-PCCS55264-MBx-2.

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

Date conferees approved report: July 21, 2005.

*Conferees for the
Senate*

S/ Doug Berger, Chair
S/ Phil Berger

*Conferees for the
House of Representatives*

S/ Lucy T. Allen, Chair
S/ Nelson Cole

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S/ John H. Kerr, III
S/ A. B. Swindell

S/ Paul Luebke
S/ Henry M. Michaux, Jr.
S/ Paul Miller

The material Conference Report is adopted, on its second roll call reading, by the following vote, and the bill remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Brown, Carney, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Holliman, Holmes, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Pierce, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, and Wright - 87.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brubaker, Capps, Clary, Cleveland, Culp, Dollar, Frye, Gillespie, Hilton, Hollo, Holloway, Moore, Pate, Rhodes, Setzer, Steen, Vinson, and Wiley - 22.

Excused absences: Representatives Bordsen, Eddins, Harrell, Howard, Lewis, Parmon, Rayfield, and Underhill - 8.

CALENDAR

Action is taken on the following:

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

H.J.R. 1789, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES BRANTLEY LAMBETH, JR., FORMER CHAPLAIN OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES, passes its second reading, by electronic vote (112-0), and there being no objection is read a third time.

July 25, 2005

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

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.

On motion of Representative Ray, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Brown, Carney, 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, Harrison, Hill, Holliman, Holmes, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Martin, McAllister, McComas, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 89.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brubaker, Capps, Clary, Cleveland, Dollar, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, LaRoque, McGee, Moore, Rhodes, Setzer, Vinson, and Wiley - 22.

Excused absences: Representatives Bordsen, Eddins, Harrell, Howard, Parmon, Rayfield, and Underhill - 7.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Hackney and without objection, **S.B. 98** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL

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TO BE KNOWN AS VOTING CENTERS, is withdrawn from the Calendar and placed on the Calendar of July 26.

CALENDAR (continued)

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

S.B. 565 (House 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.

Representative Yongue offers Amendment No. 1 which is adopted by electronic vote (111-0).

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

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

INTRODUCTION OF PAGES

Pages for the week of July 25 are introduced to the membership. They are: Elizabeth Alford of Wake; Christopher Archer of Wake; Lejeana Black of Mecklenburg; Holt Broadhurst of Wake; Kelsey Cameron of Onslow; Khristina Cunningham of Mecklenburg; Jessica Currin of Vance; Adam Everett of Catawba; Marketa Floyd of Mecklenburg; Emily Harper of Vance; Elizabeth Hill of Catawba; David Hopkins of Rockingham; Kelly Kilburn of Wake; Koneisha Macon of Forsyth; Adam Moore of Gates; Suzanne Oakley of Pitt; Lindsey Richardson of Pitt; James Rose of Cleveland; Reeva Sawhney of Gaston; Daryl Storey of Harnett; Robert Story of Guilford; Megan Toms of Forsyth; Turner Vaughn of Gaston; Daryl Vereen of Mecklenburg; Nancy Warren of Person; Tyler White of Catawba; and Amanda Williams of Wilkes.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 257**, A BILL TO BE ENTITLED AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL

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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 withdrawn from the Committee on Election Law and Campaign Finance Reform and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Culpepper moves, seconded by Representative Wray, that the House adjourn, subject to committee assignments, to reconvene July 26 at 2:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 7:45 p.m.

ONE HUNDRED FOURTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, July 26, 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:

"Enduring God:

"In the midst of our lives...You are. In the center of our own created chaos...You are. In the mundane and in the minutia...You are. Remind us Great God of Heaven that wherever we may find ourselves and in whatever shape we are in...You are there. Like a Loving Parent, You are there to chasten. Like a Merciful Redeemer, You are there to forgive. As the Lover of our souls...we need only to ask for Your enduring presence to find that...You are. Amen."

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

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Leaves of absence are granted Representatives Hunter and Rayfield for today.

CHAPTERED BILLS

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

H.B. 1051, AN ACT TO ENABLE THE CREATION OF A MACON-JACKSON REGIONAL AIRPORT AUTHORITY; TO LIMIT OPERATIONS OF SOME FIXED AND ROTARY WING AIRCRAFT; AND TO CHANGE THE MEMBERSHIP OF THE JACKSON COUNTY AIRPORT AUTHORITY. (S.L. 2005-219)

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. 1779, A BILL TO BE ENTITLED AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION 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 Hackney, Chair, for the Committee on Judiciary I:

S.B. 1048 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005, 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.

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ENROLLED BILLS

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

H.B. 580, AN ACT TO AUTHORIZE THE CITY OF BELMONT AND THE TOWN OF TROUTMAN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Holliman and McMahan (Primary Sponsors); L. Allen, Barnhart, Brubaker, Carney, Daughtride, Dollar, Farmer-Butterfield, Fisher, Folwell, Frye, Gillespie, Glazier, Goforth, Harrison, Hilton, Insko, Justice, Kiser, LaRoque, McComas, Pate, Ross, Sauls, Steen, Underhill, and Wiley:

H.R. 1792, A HOUSE RESOLUTION URGING CONGRESS TO ENACT LEGISLATION PERTAINING TO SMALL BUSINESS HEALTH PLANS, is referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

The material Conference Report for **S.B. 369** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM OCCUPANCY TAX, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Barnhart, Bell, Bordsen, Brown, Carney, Church, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus,

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Kiser, 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, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 96.

Voting in the negative: Representatives Almond, Blackwood, Blust, Brubaker, Capps, Clary, Cleveland, Culp, Dollar, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, LaRoque, Moore, Rhodes, Setzer, Vinson, and Wiley - 21.

Excused absences: Representatives Hunter and Rayfield - 2.

Representative Allred requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (95-22).

CALENDAR

Action is taken on the following:

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

S.B. 420 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA AND TO ALLOW THE TOWN OF RED CROSS TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2, 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, 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, McMahan, Michaux, Miller, Moore, Morgan, Nye,

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Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, 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 Hunter and Rayfield - 2.

S.B. 98 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS.

Representative Moore offers Amendment No. 1 which fails of adoption by electronic vote (57-60).

The bill passes its second reading by electronic vote (61-56).

Representative Moore 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. 1515 (Committee Substitute No. 2), 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, 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, 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,

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McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, 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 Hunter and Rayfield - 2.

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

H.B. 1775 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, 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, 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, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, 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 Capps, Dollar, and Stam - 3.

Excused absences: Representatives Hunter and Rayfield - 2.

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Pursuant to Rule 36(b), the following bill appears on today's 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, 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, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, 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, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, 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 - 114.

Voting in the negative: None.

Excused absences: Representatives Hunter and Rayfield - 2.

Speaker Black votes "aye". Representative Folwell requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (116-0).

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

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, 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, Church, Clary,

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Cleveland, Coates, Cole, Coleman, Crawford, Culp, 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, 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, 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: Representative Brubaker.

Excused absences: Representatives Hunter and Rayfield - 2.

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

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, 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 enrolled and presented to the Governor.

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

S.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATTORNEYS APPOINTED TO REPRESENT INDIGENT CLIENTS FROM THE FEE CHARGED BY THE CLERK OF COURT FOR PREPARING COPIES, 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 enrolled and presented to the Governor.

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

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, 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.

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. 688 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTE-WATER CONTRACTORS AND INSPECTORS, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

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

S.B. 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, 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 Rules, Calendar, and Operations of the House.

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The House committee substitute bill is re-referred to the Committee on Rules, Calendar, and Operations of the House. The Senate committee substitute bill is placed on the Unfavorable Calendar.

Representative Culpepper moves, seconded by Representative Earle, that the House adjourn, subject to committee assignments, to reconvene July 27 at 3:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 3:24 p.m.

ONE HUNDRED FIFTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 27, 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:

"Almighty God:

"You alone reign supreme over heaven and earth. Despite our respective places of prominence and positions of power, our self-created realms are quite tiny compared to the vastness of Your sovereignty. Lord, we ask that You enable us to understand our temporary places of status and privilege as gracious gifts to be used for the betterment of society lest they be taken away from us. Remind us of our roles as servant representatives and not those of princes and potentates. Keep the spirit of humility ever before our eyes we humbly pray. Amen."

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

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Leaves of absence are granted Representatives Clary, Daughtridge, Eddins, Rayfield, Stiller, and Underhill for today. Representative Wray is excused for a portion of the Session.

ENROLLED BILLS

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

S.B. 341, 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.

S.B. 593, AN ACT TO EXEMPT ATTORNEYS APPOINTED TO REPRESENT INDIGENT CLIENTS FROM THE FEE CHARGED BY THE CLERK OF COURT FOR PREPARING COPIES.

S.B. 692, AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT.

S.B. 1011, 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.

CHAPTERED BILLS

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

H.B. 580, AN ACT TO AUTHORIZE THE CITY OF BELMONT AND THE TOWN OF TROUTMAN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (S.L. 2005-220)

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:

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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, 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. 1130 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS, 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 Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

S.B. 612 (House Committee Substitute), 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 REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1, and recommendation that House Committee Substitute Bill No. 2 be re-referred to the Committee on Appropriations.

House Committee Substitute Bill No. 2 is re-referred to the Committee on Appropriations. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Holliman, Chair, for the Committee on Insurance:

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S.B. 687, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE VOLUNTEER RESCUE/EMS FUND, 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 Church and Grady, Chairs, for the Committee on Financial Institutions:

S.B. 517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ACCOUNT TRANSFERS AND AGENCY APPOINTMENTS BETWEEN AFFILIATED TRUST INSTITUTIONS, 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 July 28. The Senate committee substitute bill is placed on the Unfavorable Calendar.

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, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the House committee substitute bill is placed on the Calendar of July 28. The original bill is placed on the Unfavorable Calendar.

By Representatives Johnson and Womble, Chairs, for the Committee on State Government:

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 UNDERUTILIZED BUSINESSES AND TO MAINTAIN A DATABASE OF THE BUSINESSES CERTIFIED, with a favorable report.

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

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

H.R. 1790, A HOUSE RESOLUTION CONDEMNING THE RECENT CROSS BURNINGS IN THE CITY OF DURHAM, with recommendation that it be adopted.

Pursuant to Rule 36(b), the resolution is placed on the Calendar of July 28.

S.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, reported without prejudice 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.

WITHDRAWAL OF BILL FROM COMMITTEE

On motion of the Chair and without objection, 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 withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar pursuant to Rule 36(b).

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

S.J.R. 1178, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANK HOWE MCDUFFIE, SR., AND SAMMIE SELLERS MCDUFFIE, NORTH CAROLINA EDUCATORS, HUMANITARIANS, COACHES, CIVIL RIGHTS LEADERS, AND RECOGNIZING THE

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ESTABLISHMENT AND WORK OF THE LAURINBURG NORMAL AND INDUSTRIAL INSTITUTE, INC., 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 (114-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

CALENDAR

Action is taken on the following:

S.B. 420 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA AND TO ALLOW THE TOWN OF RED CROSS TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2, 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 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, 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, 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, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, 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.

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Excused absences: Representatives Clary, Daughtride, Eddins, Rayfield, Stiller, and Underhill - 6.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Hackney and without objection, **S.B. 98** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS, is withdrawn from the Calendar and placed on the Calendar of July 28.

CALENDAR (continued)

H.B. 1515 (Committee Substitute No. 2), 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, 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, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, 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, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: None.

July 27, 2005

Excused absences: Representatives Clary, Daughtride, Eddins, Rayfield, Stiller, and Underhill - 6.

H.B. 1775 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, 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, Rhodes, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 108.

Voting in the negative: Representatives Allred, Capps, Cleveland, Dollar, Setzer, and West - 6.

Excused absences: Representatives Clary, Daughtride, Eddins, Rayfield, Stiller, and Underhill - 6.

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, 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, 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,

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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, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, 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 Clary, Daughtridge, Eddins, Rayfield, Stiller, and Underhill - 6.

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, 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, Almond, Barnhart, Bell, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, 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, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Vinson, Wainwright, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 109.

Voting in the negative: None.

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Excused absences: Representatives Clary, Daughtridge, Eddins, Rayfield, Stiller, and Underhill - 6.

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

S.B. 189 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS,

Representative Weiss offers Amendment No. 1 which is adopted by electronic vote (107-7).

Representative Allred offers Amendment No. 2 which fails of adoption by electronic vote (53-59).

The bill, as amended, passes its second reading by electronic vote (69-41).

Representative Cunningham requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (70-41).

Representative Holloway 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. 408 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROP-OUT RATE AND THE NUMBER OF SUSPENDED STUDENTS, passes its second reading, by electronic vote (110-0), and there being no objection is read a third time.

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

July 27, 2005

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

Senate Chamber
July 27, 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. 369** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM AND ROCKINGHAM OCCUPANCY TAXES.

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CALENDAR (continued)

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

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.

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

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

S.B. 961 (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 (99-11), 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 by Special Message.

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, which was temporarily displaced, is before the Body.

The bill 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 enrolled and presented to the Governor.

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
July 27, 2005

Mr. Speaker:

Pursuant to the message from the Senate on July 19, 2005, informing the House of Representatives that the Senate fails to concur in the House Committee Substitute to **S.B. 974**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES, it is ordered that a message be sent your Honorable Body with the information that the Senate requests conferees. The President *Pro Tempore* appoints:

Senator Dannelly, Chair
Senator Clodfelter
Senator Graham
Senator Apodaca

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

July 27, 2005

The Chair appoints Representatives Gibson, Cunningham, Owens, and Tucker as conferees on the part of the House and the Senate is so notified by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 629** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (109-2), and there being no objection is read a third time.

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

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Johnson and Womble, Chairs, for the Committee on State Government:

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, 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.

CALENDAR (continued)

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

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S.B. 686 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF- SERVICE SALES, BUT SHALL BE: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY ON THE PREMISES, AND (2) STORED AND SOLD BEHIND A PHARMACY COUNTER IN RETAIL ESTABLISHMENTS WITH A PHARMACY ON THE PREMISES; TO PROVIDE THAT RETAILERS OF PSEUDOEPHEDRINE PRODUCTS MAINTAIN CONTINUOUS SURVEILLANCE OF AREAS INVOLVING PSEUDOEPHEDRINE TRANSACTIONS IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO ESTABLISH THE NORTH CAROLINA METHAMPHETAMINE ABUSE TASK FORCE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO PROVIDE THAT STEALING A PRODUCT THAT CONTAINS PSEUDOEPHEDRINE IS FELONY LARCENY; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS, passes its second reading, by electronic vote (110-0), and there being no objection is read a third time.

Representative Faison requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (111-0).

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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.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 1124**, 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 withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary IV.

Representative Culpepper moves, seconded by Representative Justice, that the House adjourn, subject to committee assignments, to reconvene July 28 at 11:00 a.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 5:54 p.m.

ONE HUNDRED SIXTH DAY

HOUSE OF REPRESENTATIVES
Thursday, July 28, 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 Dr. William T. Medlin, III, First United Methodist Church, Gastonia, North Carolina.

"O God, You come to us fresh every morning. From You we receive the gifts of rest and strength that enable us to fulfill our responsibilities. As the Representatives of our State House have gathered for business today, remind them that they are not Republicans or Democrats - rather they are the ones who represent all the residents of North Carolina. Give them

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clarity of thought to choose wisely, and give them the willingness to be silent and listen for Your counsel when decisions are difficult.

"We ask these things in Your holy name. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 27 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives L. Allen, Church, Clary, Daughtridge, Eddins, Rayfield and Wray for today. Speaker Black and Representative Wilkins are excused for a portion of the Session.

ENROLLED BILLS

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

S.B. 565, AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE.

S.B. 592, AN ACT TO MAKE TECHNICAL REVISIONS TO THE LAW GOVERNING INDIGENT DEFENSE AND ENTITLEMENT TO COUNSEL.

S.B. 594, 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.

S.B. 832, AN ACT TO ALLOW WRECKERS TO TAKE DISABLED VEHICLES UP TO FIFTY MILES FOR REPAIR, PARKING, OR STORAGE.

S.B. 961, 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.

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

S.B. 369, AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM AND ROCKINGHAM OCCUPANCY TAXES.

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

S.J.R. 1178, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANK HOWE MCDUFFIE, SR., AND SAMMIE SELLERS MCDUFFIE, NORTH CAROLINA EDUCATORS, HUMANITARIANS, COACHES, CIVIL RIGHTS LEADERS, AND RECOGNIZING THE ESTABLISHMENT AND WORK OF THE LAURINBURG NORMAL AND INDUSTRIAL INSTITUTE, INC. (RESOLUTION 2005-43)

CHAPTERED BILLS

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

H.B. 1434, AN ACT TO AUTHORIZE SERVICE OF PROCESS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE BY SIGNATURE CONFIRMATION. (S.L. 2005-221)

H.B. 1280, 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 SOUTH-EASTERN NORTH CAROLINA AND RESTORATION OF THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR. (S.L. 2005-222)

H.B. 737, 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

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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 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; AMEND THE UTILIZATION REVIEW LAWS TO CLARIFY THAT SUCH LAWS PLAINLY APPLY TO INDIVIDUAL INSURANCE COVERAGE AS WELL AS GROUP COVERAGE; 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. (S.L. 2005-223)

S.B. 626, AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE 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. (S.L. 2005-224)

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S.B. 533, AN ACT TO REVISE AND CLARIFY THE LAW PROVIDING FOR A CHILD'S ALLOWANCE FROM A DECEDENT'S ESTATE. (S.L. 2005-225)

S.B. 776, 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. (S.L. 2005-226)

H.B. 1332, AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES. (S.L. 2005-227)

H.B. 1221, AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN DOMESTIC CHILD CUSTODY ACTIONS. (S.L. 2005-228)

S.B. 887, AN ACT TO REVISE THE STATUTES THAT ADDRESS STATUTORY LIENS ON REAL PROPERTY. (S.L. 2005-229)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

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

S.B. 644 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER CERTAIN CLASSIFICATION AND COMPENSATION RELATED PROVISIONS OF THE STATE PERSONNEL ACT, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

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

July 28, 2005

By Representatives Brubaker and Saunders, Chairs, for the Committee on Public Utilities:

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, 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 Finance. The original bill is placed on the Unfavorable Calendar.

CALENDAR

Action is taken on the following:

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

H.B. 1297 (Senate 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.

On motion of Representative Hackney, the House concurs in the Senate committee substitute bill, by electronic vote (101-0), and the bill is ordered enrolled and presented to the Governor.

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

MESSAGE FROM THE SENATE

The following is received from the Senate:

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, is returned for concurrence in Senate amendment.

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

CALENDAR (continued)

H.R. 1790, A HOUSE RESOLUTION CONDEMNING THE RECENT CROSS BURNINGS IN THE CITY OF DURHAM.

The resolution is adopted, by electronic vote (111-0), and ordered printed.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Hackney and without objection, **S.B. 98** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS, is withdrawn from the Calendar and placed on the Calendar of August 2.

CALENDAR (continued)

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

H.B. 1779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM.

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

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

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

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.

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On motion of Representative Haire and without objection, the bill is withdrawn from the Calendar and re-referred to the Committee on Finance.

S.B. 189 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS.

Representative Lewis offers Amendment No. 3 which is adopted by electronic vote (95-14).

Representative Owens offers Amendment No. 4.

Representative Allred moves that the bill be withdrawn from the Calendar and placed on the Calendar of August 2.

The motion fails by electronic vote (49-62).

Amendment No. 4 is adopted by electronic vote (67-44).

Representative Allred offers Amendment No. 5 which fails of adoption by electronic vote (45-66).

The bill, as amended, passes its third reading, by electronic vote (77-33), and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Weiss, Chair, for the Committee on Judiciary IV:

S.B. 61, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY INCREASING THE

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PUNISHMENT FOR FELONY DEATH BY VEHICLE AND CREATING THE OFFENSE OF FELONY SERIOUS INJURY BY VEHICLE, 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.

CALENDAR (continued)

H.B. 1779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM, which was temporarily displaced with a motion pending to withdraw the bill from the Calendar, is before the Body.

Representative Crawford withdraws his motion.

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, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Dollar, Earle, 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, McMahan, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Stam, Steen, Stiller, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Williams, Wilson, Womble, Wright, and Yongue - 103.

Voting in the negative: Representative Michaux.

Excused absences: Speaker Black; Representatives L. Allen, Church, Clary, Daughtridge, Eddins, Rayfield, Wilkins, and Wray - 9.

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Representative Sherrill requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (104-1).

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. 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, reported without prejudice as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and with 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. 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, 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. 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

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CHANGES TO THE OTHER ENTITY ACTS, passes its second reading, by electronic vote (108-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

S.B. 517 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ACCOUNT TRANSFERS AND AGENCY APPOINTMENTS BETWEEN AFFILIATED TRUST INSTITUTIONS, passes its second reading, by electronic vote (108-0), and there being no objection is read a third time.

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

S.B. 519 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INTERSTATE SERVICES ON A RECIPROCAL BASIS AND TO MAKE TECHNICAL CORRECTIONS TO ARTICLE 24 AND ARTICLE 13 OF CHAPTER 53 OF THE GENERAL STATUTES, 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 for concurrence in the House committee substitute bill.

Representative Culpepper moves, seconded by Representative Grady, that the House adjourn, subject to committee assignments and the receipt of Committee Reports, to reconvene Monday, August 1, 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 Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

H.B. 237 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY ALLOWING REGISTRATION OF LIMITED LOAN OFFICERS OF DEFINED

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AFFILIATED MORTGAGE BANKERS AND TO ESTABLISH ADDITIONAL SUPERVISION AND ENFORCEMENT AUTHORITY FOR THE COMMISSIONER OF BANKS, 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. 1283, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL 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, 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. 339 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, 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 Daughtridge, Goforth, LaRoque, and Rapp, Chairs, for the Committee on Commerce:

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, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.

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

No committee assignments having been received, the House stands adjourned at 2:55 p.m.

ONE HUNDRED SEVENTH DAY

HOUSE OF REPRESENTATIVES
Monday, August 1, 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:

"You are the Alpha and the Omega, the Beginning and the End. From Your gracious hand comes every good and perfect gift. We pause in this moment to say, 'Thank you,' for Your gifts of mercy and grace so freely sprinkled upon our lives. Certainly the joy of life itself that springs eternal gives us reason to be thankful and to rest our weary souls in Thee. God, grant each one of us the inner voice of Your Spirit to guide our paths and to govern our ways. Remind us that above all else, You know who we are, what we do and why we do it. Indeed, O Lord, You know and see our hearts. Have mercy on us; and guide us in Thy ways. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 28 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Allred, Brubaker, Clary, Daughtridge, Haire, Hill, Howard, Luebke, McLawhorn, Miller, Morgan, Parmon, Stiller, Underhill, and Womble for today.

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WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 61** (House Committee Substitute), 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 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:

S.B. 324, AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT AND TO MAKE CONFORMING CHANGES TO THE OTHER ENTITY ACTS.

H.B. 1297, 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.

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

S.B. 420, AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA AND TO ALLOW THE TOWN OF RED CROSS TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2.

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

H.J.R. 933, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CAROLYN AND DOROTHY MCNAIRY, FORMER EDUCATORS. (RESOLUTION 2005-44)

H.J.R. 1789, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES BRANTLEY LAMBETH, JR., FORMER CHAPLAIN

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OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.
(RESOLUTION 2005-45)

CHAPTERED BILLS

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

S.B. 421, AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE SOLICITATION OF CONTRIBUTIONS. (S.L. 2005-230)

S.B. 527, 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. (S.L. 2005-231)

S.B. 109, AN ACT TO GRANT TO DEPLOYED MILITARY PERSONNEL AN EXTENSION OF TIME WITHIN WHICH TO RENEW A CONCEALED HANDGUN PERMIT. (S.L. 2005-232)

S.B. 369, AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM AND ROCKINGHAM OCCUPANCY TAXES. (S.L. 2005-233)

H.B. 655, 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. (S.L. 2005-234)

S.B. 972, AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF RELIGIOUS WORSHIP. (S.L. 2005-235)

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H.B. 329, AN ACT TO LIMIT LIABILITY ARISING FROM CERTAIN AGRITOURISM ACTIVITIES. (S.L. 2005-236)

H.B. 896, 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. (S.L. 2005-237)

H.B. 1117, AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS AND TO AUTHORIZE PUBLIC HOSPITAL AUTHORITIES TO GRANT MORTGAGES TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT. (S.L. 2005-238)

S.B. 482, 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. (S.L. 2005-239)

S.B. 707, 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. (S.L. 2005-240)

H.B. 1004, AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; AND TO CREATE AN ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE TO PERFORM A COMPREHENSIVE STUDY OF THE ECONOMIC DEVELOPMENT INCENTIVES. (S.L. 2005-241)

H.B. 1236, AN ACT TO REPLACE THE ALLIANCE OF AMERICAN INSURERS AND NATIONAL ASSOCIATION OF INDEPENDENT INSURERS WITH THE PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA AND ONE INSURER FROM THE INDUSTRY AT LARGE SELECTED BY THE INSURER COMPANY MEMBERS OF THE BOARD AS TRADE ASSOCIATION MEMBERS WHICH MUST

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BE REPRESENTED ON THE BOARD OF GOVERNORS OF THE NORTH CAROLINA REINSURANCE FACILITY. (S.L. 2005-242)

S.B. 1118, 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. (S.L. 2005-243)

S.B. 461, AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS. (S.L. 2005-244)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

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

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, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill.

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

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
July 28, 2005

August 1, 2005

Mr. Speaker:

Pursuant to your message received on July 20, 2005, that the House of Representatives fails to concur in the Senate Committee Substitute to **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, and requests conferees, the President *Pro Tempore* appoints:

Senator Rand, Chair
Senator Hoyle
Senator Hagan
Senator Stevens

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
July 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 House Committee Substitute No. 2 to **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, and requests conferees. The President *Pro Tempore* appoints:

Senator Hoyle, Chair
Senator Swindell
Senator Berger of Rockingham

August 1, 2005

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**

Senate Chamber
July 28, 2005

Mr. Speaker:

Pursuant to the message from the Senate on July 19, 2005, informing the House of Representatives that the Senate fails to concur in the House Committee Substitute to **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, it is ordered that a message be sent your Honorable Body with the information that the Senate requests conferees. The President *Pro Tempore* appoints:

Senator Rand, Chair
Senator Boseman
Senator Bingham

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Hackney, Chair; Representatives Ross and Stam as conferees on the part of the House and the Senate is so notified by Special Message.

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

Senate Chamber
July 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. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, and requests conferees. The President *Pro Tempore* appoints:

Senator Snow, Chair
Senator Nesbitt
Senator Dalton
Senator Hartsell

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Goforth, Chair; Representatives Rapp, Walend, and Carney as conferees on the part of the House and the Senate is so notified by Special Message.

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

Senate Chamber
July 28, 2005

Mr. Speaker:

August 1, 2005

Pursuant to the message from the Senate on July 19, 2005, informing the House of Representatives that the Senate fails to concur in House Committee Substitute No. 2 to **S.B. 740**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS, it is ordered that a message be sent your Honorable Body with the information that the Senate requests conferees. The President *Pro Tempore* appoints:

Senator Rand, Chair
Senator Purcell
Senator Hartsell

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Culpepper, Chair; Representatives Wright, England, Brubaker, and McComas as conferees on the part of the House and the Senate is so notified by Special Message.

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

S.B. 194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE EXPENDITURE OF MEDICAID FUNDS FOR THE PURCHASE OR PROVISION OF MEDICATIONS FOR THE TREATMENT OF ERECTILE DYSFUNCTION, is read the first time and referred to the Committee on Health.

S.B. 223 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING

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SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING 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; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 1039 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN PENALTIES FOR COMMITTING SECOND-DEGREE RAPE OR SECOND-DEGREE SEXUAL OFFENSE AND TO MAKE FIRST-DEGREE RAPE AND FIRST-DEGREE SEX OFFENSES APPLICABLE WHERE THE VICTIM IS MENTALLY DISABLED, MENTALLY INCAPACITATED, OR PHYSICALLY HELPLESS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 1117 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 1156 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA DAIRY STABILIZATION AND GROWTH FUND TO PROVIDE CRITICAL SUPPORT FOR THE NORTH CAROLINA DAIRY INDUSTRY, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 1161 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL LISTING OF MENTAL HEALTH FACILITIES DESIGNATED TO ASSIST IN THE PLACEMENT OF INDIVIDUALS TO BE INVOLUNTARILY COMMITTED AND REQUIRE AREA AUTHORITIES TO MAINTAIN A CRISIS RESPONSE SERVICE, is read the first time and referred to the Committee on Health.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Hackney and without objection, **H.B. 529** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STUDY THE ADMINISTRATION OF THE DEATH PENALTY AND

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TO PERMIT EXECUTIONS DURING THE STUDY ABSENT A STAY,
is withdrawn from the Calendar and placed on the Calendar of August 2.

CALENDAR

Action is taken on the following:

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.

On motion of Representative Hackney, the House concurs in the Senate amendment, by electronic vote (98-0), and the bill is ordered enrolled and presented to the Governor.

CONFERENCE REPORT

Representative England moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1059

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 1059, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, House Committee Substitute Favorable 6/21/05, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 6/21/05, as amended:

On page 1, by inserting after line 26:

"(5) Medical Board. – The North Carolina Medical Board, as established under Article 1 of this Chapter.";

and on page 2, lines 1 and 5, by renumbering the subdivisions accordingly;

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and on page 2, lines 34 and 35, by inserting between those lines a new section to read:

"§ 90-682.1. Medical Board approval required.

The Committee shall report to the Medical Board all actions taken by the Committee pursuant to this Article, except for actions taken by the Committee pursuant to G.S. 90-684. No action by the Committee is effective unless the action is approved by the Medical Board. The Medical Board may also rescind or supercede, in whole or in part, any action taken by the Committee in carrying out the provisions of this Article, except for actions taken by the Committee pursuant to G.S. 90-684."

and on page 4, lines 22 through 23, by deleting those lines;

and on page 5, lines 36 through 44, and page 6, lines 1 through 7, by rewriting those lines to read:

"(a) All fees shall be payable to the Medical Board and deposited in the name of the Medical Board in financial institutions designated by the Medical Board as official depositories. These fees shall be used to carry out the purposes of this Article.

(b) All salaries, compensation, and expenses incurred or allowed to carry out the purposes of this Article shall be paid by the Medical Board exclusively out of the fees received by the Medical Board as authorized by this Article or funds received from other sources. In no case shall any salary, expense, or other obligation authorized by this Article be charged against the State treasury.

(c) The Committee, upon the approval of the Medical Board, shall establish fees not exceeding the following amounts:

<u>(1)</u>	<u>License application</u>	<u>\$350.00</u>
<u>(2)</u>	<u>Biennial renewal of license</u>	<u>\$350.00</u>
<u>(3)</u>	<u>Late renewal of license</u>	<u>\$100.00</u>
<u>(4)</u>	<u>Provisional license</u>	<u>\$175.00</u>
<u>(5)</u>	<u>Copies of rules</u>	<u>Cost."</u>

and on page 7, lines 37 through 39, by rewriting those lines to read:

"SECTION 3. Notwithstanding G.S. 90-684(a)(1), as enacted by Section 1 of this act, the initial perfusionists appointed to the North Carolina Perfusion Advisory Committee by the North Carolina Medical Board do not have to meet the licensure requirements established under G.S. 90-686, as enacted by Section 1 of this act. The appointees must be certified clinical perfusionists and must apply for and obtain a license from the Committee within 90 days after the Committee begins issuing licenses."

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

Date conferees approved report: July 19, 2005.

*Conferees for the
Senate*

S/ William R. Purcell, Chair
S/ Stan Bingham
S/ Janet Cowell
S/ Katie G. Dorsett

*Conferees for the
House of Representatives*

S/ Bob England, M.D., Chair
S/ Thomas E. Wright
S/ Edd Nye
S/ Pryor Gibson
S/ Harold J. Brubaker
S/ Mark W. Hollo
S/ Martha B. Alexander

The material Conference Report is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Harrell, Harrison, Hilton, Holliman, Hollo, Holloway, Holmes, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McComas, McGee, Michaux, Moore, Nye, Owens, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Wray, Wright, and Yongue - 97.

Voting in the negative: Representative Cleveland.

Excused absences: Representatives Adams, Allred, Brubaker, Clary, Daughtridge, Haire, Hill, Howard, Luebke, McLawhorn, Miller, Morgan, Parmon, Stiller, Underhill, and Womble - 16.

CALENDAR (continued)

H.B. 1779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM.

August 1, 2005

Representative Folwell offers Amendment No. 1 which is adopted by electronic vote (98-0).

Representative Cole offers Amendment No. 2 which is adopted by electronic vote (96-1).

Representative Blackwood requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (97-1).

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 Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Harrell, Harrison, Hilton, Holliman, Hollo, Holloway, Holmes, Insko, Jeffus, Johnson, Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McComas, McGee, Moore, Nye, Owens, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Wray, Wright, and Yongue - 97.

Voting in the negative: None.

Excused absences: Representatives Adams, Allred, Brubaker, Clary, Daughtridge, Haire, Hill, Howard, Luebke, McLawhorn, Miller, Morgan, Parmon, Stiller, Underhill, and Womble - 16.

INTRODUCTION OF PAGES

Pages for the week of August 1 are introduced to the membership. They are: Andrew Argentieri of Cumberland; Kelley Brackett of Rutherford; Erin Brawley of Forsyth; Jay Brown of Forsyth; Candice Clark of Hoke; Justin Cox of Cumberland; Kevin Eure of Gates; Grant Fitzgerald of Wake; Kimmy Halsey of Halifax; Deion Hurst of Wake; Mason Jones of Wake; Fiana Lu of Catawba; Duncan Miller of Forsyth; Jessica Newman of Guilford; Trey Newman of Guilford; Tesia Oakley of Wake; David Parham of Catawba; Mary Miles Rogers of Guilford; Thomas Rusher of Wake; Emily Smith of Hoke; Etta Stewart of Wake; William Stoudt of

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Cumberland; Eric Till of Wake; April Vang of Montgomery; Amanda Wujcik of Wake; and Ivy Ziccarelli of Montgomery.

Representative Culpepper moves, seconded by Representative Eddins, that the House adjourn, subject to committee assignments, to reconvene August 2 at 3:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 7:34 p.m.

ONE HUNDRED EIGHTH DAY

HOUSE OF REPRESENTATIVES

Tuesday, August 2, 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:

Governing Lord:

"Though we may labor and toil into the wee hours of the morning, remind us that the world, indeed, this State, does not belong to us. Though we may exercise our respective powers and feel the need to flex our political muscle, teach us to be mindful of how our work is but a small part of Your sovereign government over heaven and earth. Grant unto those who now find themselves in positions of great responsibility the wisdom to do what is right and good; and remind us all to search for truth as we seek to act justly, to love mercy, and to walk humbly with You, our God and our King. Amen."

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

August 2, 2005

Leaves of absence are granted Representatives Brubaker, Clary, Daughtridge, Haire, Howard, LaRoque, Luebke, Morgan, and Walend for today.

ENROLLED BILLS

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

H.B. 1466, AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE.

CHAPTERED BILLS

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

S.B. 420, AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA AND TO ALLOW THE TOWN OF RED CROSS TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2. (S.L. 2005-245)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

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

S.B. 590 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS, 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. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

CONFEREES APPOINTED

The Speaker appoints the following conferees on **S.B. 32** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO

August 2, 2005

ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING: Representative Cole, Chair; Representatives L. Allen and Goforth.

The Senate is so notified by Special Message.

CONFERENCE REPORT

Representative Goforth sends forth the Conference Report on **S.B. 629** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS. Pursuant to Rule 44(d), the Conference Report is referred to the Committee on Rules, Calendar, and Operations of the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Womble, Brown, Folwell, McGee, and Parmon:

H.J.R. 1793, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. BARBARA KINARD PHILLIPS, DISTINGUISHED NORTH CAROLINIAN, is referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

The material Conference Report for **S.B. 1059** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Farmer-Butterfield,

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Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Hackney, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Rayfield, Ross, Sauls, Saunders, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wright, and Yongue - 100.

Voting in the negative: Representatives Cleveland, Gulley, Lewis, and Rhodes - 4.

Excused absences: Representatives Brubaker, Clary, Daughtridge, Haire, Howard, LaRoque, Luebke, Morgan, and Walend - 9.

Representatives Ray, Sherrill, and Wainwright request and are granted permission to be recorded as voting "aye". The adjusted vote total is (103-4).

CALENDAR

Action is taken on the following:

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

Senate Committee Substitute No. 2 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.

On motion of Representative Crawford, the House concurs in Senate Committee Substitute Bill No. 2, which changes the title, by electronic vote (92-16), and the bill is ordered enrolled and presented to the Governor.

S.B. 98 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS.

August 2, 2005

On motion of Representative Hackney and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of August 4.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **H.B. 530**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HISTORIC OAK GROVE SCHOOL IN FORSYTH COUNTY, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Finance.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 1117** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Appropriations.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 223** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING 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; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Election Law and Campaign Finance Reform.

August 2, 2005

Representative Culpepper moves, seconded by Representative Carney, that the House adjourn, subject to committee assignments, to reconvene August 3 at 3:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 3:30 p.m.

ONE HUNDRED NINTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, August 3, 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:

"Grant, O eternal God,
That we may lie down in peace,
and raise us up, O Sovereign, to life renewed.
"Spread over us the shelter of your peace;
guide us with your good counsel;
And for your name's sake, be our Help.
"Shield us from hatred and plague;
keep us from war and famine and anguish;
subdue our inclination to evil.
"O God our Guardian and Helper,
our gracious and merciful Ruler,
give us refuge in the shadow of your wings.
"O guard our coming and our going,
that now and always we may have life and peace. Amen."

(Jewish Prayer for Providence
USA, 20th CENT.)

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 2 has been examined and found correct. Upon his motion, the Journal is approved as written.

August 3, 2005

Leaves of absence are granted Representatives Brubaker, Church, Clary, Howard, LaRoque, Luebke, Morgan, Rayfield, and Walend for today.

ENROLLED BILLS

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

S.B. 408, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE AND THE NUMBER OF SUSPENDED STUDENTS.

S.B. 517, AN ACT TO PROVIDE FOR ACCOUNT TRANSFERS AND AGENCY APPOINTMENTS BETWEEN AFFILIATED TRUST INSTITUTIONS.

S.B. 519, AN ACT TO PROVIDE FOR INTERSTATE SERVICES ON A RECIPROCAL BASIS AND TO MAKE TECHNICAL CORRECTIONS TO ARTICLE 24 AND ARTICLE 13 OF CHAPTER 53 OF THE GENERAL STATUTES.

H.B. 253, 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, TO AUTHORIZE USE OF INCENTIVES IN TURNPIKE CONTRACTS, TO REQUIRE THE AUTHORITY TO CONTRACT WITH A SINGLE FIRM TO DESIGN, ACQUIRE PERMITS FOR, AND CONSTRUCT A DESCRIBED BRIDGE, TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, TO REQUIRE AN EIGHTEEN-HOUR HURRICANE EVACUATION STANDARD TO BE USED FOR BRIDGE OR HIGHWAY CONSTRUCTION, AND TO EXPEDITE CONSTRUCTION OF A REPLACEMENT FOR THE HERBERT C. BONNER BRIDGE.

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

H.J.R. 841, A JOINT RESOLUTION HONORING THE MEMORY OF THADDEUS LOVE ON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF WARSAW. (RESOLUTION 2005-46)

August 3, 2005

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

Senate Chamber
August 2, 2005

Mr. Speaker:

Pursuant to your message received on July 20, 2005, that the House of Representatives fails to concur in Senate Amendment No. 1 to **H.B. 1469** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, and requests conferees, the President *Pro Tempore* appoints:

Senator Hoyle, Chair
Senator Jenkins
Senator Forrester

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

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

Senate Chamber
August 2, 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 Committee Substitute No. 2 to **S.B. 189** (Committee Substitute), A BILL TO BE

August 3, 2005

ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES, and requests conferees. The President *Pro Tempore* appoints:

Senator Purcell, Chair
Senator Boseman
Senator Atwater
Senator Allran

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representatives Weiss, Glazier, McAllister, Martin, and Parmon as conferees on the part of the House and the Senate is so notified by Special Message.

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 2, 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. 629** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

August 3, 2005

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

Senate Chamber
August 2, 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. 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, and requests conferees. The President *Pro Tempore* appoints:

Senator Dalton, Chair
Senator Snow
Senator Rand
Senator Hartsell

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representatives Culpepper, Ray, Coates, Haire, Parmon, Martin, and Weiss as conferees on the part of the House and the Senate is so notified by Special Message.

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

August 3, 2005

Senate Chamber
August 3, 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. 1059** (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS.

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CALENDAR

Action is taken on the following:

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

H.B. 688 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS, 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, Blust, Bordsen, Brown, Capps, Carney, 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, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Martin, McAllister, McGee, McLawhorn, McMahan, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 104.

August 3, 2005

Voting in the negative: Representatives Blackwood and Rhodes - 2.

Excused absences: Representatives Brubaker, Church, Clary, Howard, LaRoque, Luebke, Morgan, Rayfield, and Walend - 9.

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

S.B. 669 (House Committee Substitute), 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, passes its second reading, by electronic vote (88-22), 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. 687 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE VOLUNTEER RESCUE/EMS FUND, passes its second reading, by electronic vote (110-0), and there being no objection is read a third time.

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

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

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 UNDERUTILIZED BUSINESSES AND TO MAINTAIN A DATABASE OF THE BUSINESSES CERTIFIED, passes its second reading, by electronic vote (107-1), and there being no objection is read a third time.

Representative Pierce requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (108-1).

The bill passes its third reading and is ordered enrolled and presented to the Governor.

August 3, 2005

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

S.B. 1130 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL INSTITUTIONS.

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

The bill, as amended, passes its second reading by electronic vote (57-52).

Speaker Black votes "aye". The adjusted vote total is (58-52).

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

CONFERENCE REPORT

Representative Cole sends forth the Conference Report on **S.B. 32** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of August 4.

RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **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 withdrawn from the Committee on Appropriations and re-referred to the Committee on Finance.

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **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

August 3, 2005

THOSE CERTIFICATIONS, is withdrawn from the Committee on Finance and re-referred to the Committee on Health.

Representative Culpepper moves, seconded by Representative Williams, that the House adjourn, subject to committee assignments, to reconvene August 4 at 1:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 4:20 p.m.

ONE HUNDRED TENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, August 4, 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:

"Eternal God:

"Grant unto the men and women of this Honorable Body the patience to endure the legislative dog days of summer. Provide our esteemed colleagues who find themselves in key leadership positions, especially in regards to the budget, the necessary wisdom to differentiate between personal needs to assert power and the courage to stand the ground of personal convictions. To all of the Members of the House, let Your perpetual light of grace fall fresh upon them; and allow us, despite political and ideological differences, to cheer one another on toward a common goal. Remove from us feelings of anger and posturing that might diminish the high standards expected of men and women of esteemed leadership. Lord God, accept our efforts. May they be pleasing and acceptable in Thy sight. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 3 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 Brubaker, Church, Holmes, Howard, LaRoque, Luebke, Rayfield, and Walend for today.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 1029** (House 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, TO CLARIFY THAT THE FAILURE TO FILE A COUNTERCLAIM IN A SMALL CLAIMS ACTION DOES NOT BAR THE CLAIM IN A SEPARATE ACTION AND TO MAKE CHANGES TO LANDLORD TENANT LAW, 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:

S.B. 907, AN ACT REQUIRING THE SECRETARY OF ADMINISTRATION TO ADOPT RULES AND PROCEDURES TO CERTIFY HISTORICALLY UNDERUTILIZED BUSINESSES AND TO MAINTAIN A DATABASE OF THE BUSINESSES CERTIFIED.

S.B. 1059, AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS.

H.B. 392, AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS.

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. 20, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SMALL BUSINESSES THAT PROVIDE EMPLOYEE

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HEALTH INSURANCE, 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. 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, 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. 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, 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. 327 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK, with a favorable report.

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

S.B. 757 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

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

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, 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:

S.B. 1124, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.

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

CONFERENCE REPORT

Representative Weiss sends forth the Conference Report on **S.B. 189** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS. Without objection, the Conference Report is placed on today's Calendar.

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CONFERENCE REPORT

Representative Cole moves the adoption of the following Conference Report.

House Committee Substitute No. 2 for S.B. 32

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 32, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING, House Committee Substitute #2 Favorable 7/19/05, submit the following report:

The Senate concurs in the House committee substitute with an amendment, and the House agrees to the same:

1) Amend the bill on page 1, line 5, by adding the following immediately before the period: "AND 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"

2) Further moves to amend the bill on page 2, line 16, by inserting the following between lines 16 and 17:

"SECTION 1.1. G.S. 58-86-85 is repealed.

SECTION 1.2. G.S. 58-86-35 reads as rewritten:

"§ 58-86-35. Firemen's application for membership in fund; monthly payments by members; payments credited to separate accounts of ~~members.~~members; termination of membership.

Those firemen who are eligible pursuant to G.S. 58-86-25 may make application for membership to the board. Each fireman upon becoming a member of the fund shall pay the director of the fund the sum of ten dollars (\$10.00) per month. The monthly payments shall be credited to the separate account of the member and shall be kept by the custodian so it is available for payment on withdrawal from membership or retirement.

A member may elect to terminate membership in the fund at anytime and request the refund of payments previously made to the fund. However,

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a member's delinquency in making the monthly payments required by this section does not result in the termination of membership without such an election by the member."

SECTION 1.3. G.S. 58-86-40 reads as rewritten:

"§ 58-86-40. Rescue squad worker's application for membership in funds; monthly payments by members; payments credited to separate accounts of ~~members~~ members; termination of membership.

Those rescue squad workers eligible pursuant to G.S. 58-86-30 may apply to the board for membership. Each eligible rescue squad worker upon becoming a member shall pay the director of the fund the sum of ten dollars (\$10.00) per month. The monthly payments shall be credited to the separate account of the member and shall be kept by the custodian so it is available for payment on withdrawal from membership or retirement.

A member may elect to terminate membership in the fund at anytime and request the refund of payments previously made to the fund. However, a member's delinquency in making the monthly payments required by this section does not result in the termination of membership without such an election by the member."

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

Date conferees approved report: August 3, 2005.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ David W. Hoyle, Chair
S/ A. B. Swindell
S/ Phil Berger

S/ Nelson Cole, Chair
S/ Lucy T. Allen
S/ Bruce Goforth

The Conference Report, which changes the title, is adopted, by electronic vote (110-0), and the Senate is so notified by Special Message.

Representatives Gibson and Rapp request and are granted permission to be recorded as voting "aye". The adjusted vote total is (112-0).

CALENDAR

Action is taken on the following:

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

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S.B. 339 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF AHOSKIE AND ELKIN TO LEVY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES, CREATING A TAXING DISTRICT IN OCRACOCKE TOWNSHIP FOR THE PURPOSES OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, AMENDING THE ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES FOR THE COUNTIES OF CHOWAN AND MARTIN, AND REENACTING THE OCCUPANCY TAX AMENDMENTS IN CARTERET COUNTY.

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (106-6).

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, Carney, Coates, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Guley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 91.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Capps, Clary, Cleveland, Dollar, Eddins, Frye, Gillespie, Hilton, Hollo, Holloway, Moore, Pate, Rhodes, Setzer, Vinson, and Wiley - 20.

Excused absences: Representatives Brubaker, Church, Holmes, Howard, LaRoque, Luebke, Rayfield, and Walend - 8.

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Culpepper and without objection, **H.B. 1283** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND

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NATURAL 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 withdrawn from the Calendar and placed on the Calendar of August 11.

On motion of Representative McLawhorn and without objection, **S.B. 606** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION, is withdrawn from the Calendar and placed on the Calendar of August 10.

CALENDAR (continued)

S.B. 98 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS.

Representative Moore offers Amendment No. 2 which fails of adoption by electronic vote (54-58).

The bill passes its third reading, by electronic vote (61-51), and is ordered sent to the Senate for concurrence in the House committee substitute bill by Special Message.

H.B. 688 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS, 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, Bordsen, Brown, 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,

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Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 109.

Voting in the negative: Representatives Blackwood, Capps, and Dockham - 3.

Excused absences: Representatives Brubaker, Church, Holmes, Howard, LaRoque, Luebke, Rayfield, and Walend - 8.

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

H.B. 237 (Committee Substitute No. 2), 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, 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, 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, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 112.

Voting in the negative: None.

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Excused absences: Representatives Brubaker, Church, Holmes, Howard, LaRoque, Luebke, Rayfield, and Walend - 8.

S.B. 1130 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL INSTITUTIONS.

Representative Moore offers Amendment No. 2 which is adopted by electronic vote (101-8).

Representative Wainwright offers Amendment No. 3 which is adopted by electronic vote (110-1).

The bill, as amended, passes its third reading, by electronic vote (61-51), 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.

H.B. 1723 (Committee Substitute), 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.

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

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

The bill, as amended, passes its second reading by electronic vote (107-4).

Representative Dickson requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (108-4).

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.

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S.B. 644 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER CERTAIN CLASSIFICATION AND COMPENSATION RELATED PROVISIONS OF THE STATE PERSONNEL ACT, 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 for concurrence in House Committee Substitute Bill No. 2.

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 4, 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. 32** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING AND 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, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

August 4, 2005

S.B. 191 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL AUGUST 11, 2005, AT THE LEVEL IN EFFECT ON JUNE 30, 2005, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

Representative Weiss moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 189

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 189, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS, House Committee Substitute #2 Favorable 7/20/05, Sixth Edition Engrossed 7/28/05, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute #2 Favorable 7/20/05, Sixth Edition Engrossed 7/28/05, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute #2 Favorable 7/20/05, Sixth Edition Engrossed 7/28/05, and substitute the attached Proposed Conference Committee Substitute S189-PCCS15262-SU-1.

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

August 4, 2005

Date conferees approved report: August 4, 2005.

*Conferees for the
Senate*

S/ William R. Purcell, Chair
S/ Austin M. Allran
S/ Robert C. Atwater
S/ Julia Boseman

*Conferees for the
House of Representatives*

S/ Jennifer Weiss, Chair
S/ Rick Glazier
S/ Grier Martin
S/ Mary E. McAllister
S/ Earline W. Parmon

Pursuant to Rule 24.1A, Representative Allred requests that he be excused from voting on this bill because he does not wish to be subjected to any further hypocrisy, misconception or false accusations. This request is granted.

The Conference Report is adopted, by electronic vote (80-30), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

On motion of the Speaker, the House recesses at 2:54 p.m.

RECESS

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

**REPORTS OF STANDING COMMITTEES AND PERMANENT
SUBCOMMITTEES**

The following report from standing committee is presented:

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

S.B. 191 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL AUGUST 11, 2005, AT THE LEVEL IN EFFECT ON JUNE 30, 2005, 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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BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 191** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL AUGUST 11, 2005, AT THE LEVEL IN EFFECT ON JUNE 30, 2005, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (74-38), and there being no objection is read a third time.

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

Representative Culpepper moves, seconded by Representative Sherrill, that the House adjourn, subject to the ratification of bills and committee assignments, to reconvene Monday, August 8, 2005, at 7:00 p.m.

The motion carries.

ENROLLED BILLS

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

S.B. 191, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL AUGUST 11, 2005, AT THE LEVEL IN EFFECT ON JUNE 30, 2005.

No committee assignments having been received, the House stands adjourned at 5:00 p.m.

ONE HUNDRED ELEVENTH DAY

HOUSE OF REPRESENTATIVES
Monday, August 8, 2005

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

August 8, 2005

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

"Merciful God:

"Greater are You than anything in heaven or on earth. No earthly eyes have beheld Your magnificence nor have ears heard the mighty power of Your voice. Only the angels in heaven and Your gracious gift of our creative and wonderful imaginations can fathom the awesomeness of Your majesty. In the midst of Your wonder and splendor, O God, we bow in humility with confessional hearts and ask for a clearer understanding of our personal shortcomings as well as our sins of commission and omission. Grant all of us a purer desire to serve Thee and to use the gifts You have bestowed upon us for only that which brings something better into the lives of others. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 4 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Alexander, Clary, Dockham, LaRoque, Luebke, and Underhill for today.

ENROLLED BILLS

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

S.B. 32, AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING AND 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.

CHAPTERED BILLS

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

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S.B. 191, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL AUGUST 11, 2005, AT THE LEVEL IN EFFECT ON JUNE 30, 2005. (S.L. 2005-246)

S.B. 565, AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE. (S.L. 2005-247)

S.B. 832, AN ACT TO ALLOW WRECKERS TO TAKE DISABLED VEHICLES UP TO FIFTY MILES FOR REPAIR, PARKING, OR STORAGE. (S.L. 2005-248)

S.B. 1011, 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. (S.L. 2005-249)

S.B. 592, AN ACT TO MAKE TECHNICAL REVISIONS TO THE LAW GOVERNING INDIGENT DEFENSE AND ENTITLEMENT TO COUNSEL. (S.L. 2005-250)

S.B. 593, AN ACT TO EXEMPT ATTORNEYS APPOINTED TO REPRESENT INDIGENT CLIENTS FROM THE FEE CHARGED BY THE CLERK OF COURT FOR PREPARING COPIES. (S.L. 2005-251)

S.B. 341, 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. (S.L. 2005-252)

S.B. 961, 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. (S.L. 2005-253)

S.B. 594, AN ACT TO AMEND THE LAW GOVERNING RECOUPMENT FOR LEGAL SERVICES PROVIDED TO INDIGENT

August 8, 2005

PERSONS WHO ARE FINANCIALLY ABLE TO PAY A PORTION OF THE VALUE OF THOSE SERVICES. (S.L. 2005-254)

S.B. 692, AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT. (S.L. 2005-255)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

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

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, 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.

CONFERENCE REPORT

Representative Crawford sends forth the Conference Report 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

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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. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of August 9.

The Speaker rules the Conference Report to be material, thus constituting its first reading.

INTRODUCTION OF PAGES

Pages for the week of August 8 are introduced to the membership. They are: Nathan Ashcraft of Union; Chuckie Bass of Iredell; Joyce Booth of Beaufort; Jasmine Bullard of Robeson; Kendrick Cooper of Washington;

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Citara Daniel of Onslow; Rebecca Ellis of Beaufort; Natasha Gumber of Wake; Amber Hayes of Guilford; Caroline Hazelman of Guilford; Tyler Horne of Cumberland; Evan Leadem of Orange; Jordan Little of Mecklenburg; John Lyon of Wake; Eli Oakley of Person; Kayla Pearson of Onslow; Hope Peddle of Stokes; Christina Poulter of Mecklenburg; Lateffa Ramsey of Onslow; Rebecca Simpson of Wake; Jordan Spangenberg of Wake; Lynette Spencer of Guilford; Cori Starling of Johnston; Abby Taylor of Craven; Brooke Thomas of Person; and Roxanne Wynne of Pitt.

Representative Culpepper moves, seconded by Representative Warren, that the House adjourn, subject to committee assignments, to reconvene August 9 at 4:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 7:42 p.m.

ONE HUNDRED TWELFTH DAY

HOUSE OF REPRESENTATIVES

Tuesday, August 9, 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:

"We spend the majority of our lives working. Some people labor and sweat on the treadmills of life day in and day out thinking they are going nowhere. Others toil and spin counting down the years, months and finally the days until they can rest in retirement. But, all of us want to believe that our work has meaning and value. Ultimately, what we are hoping for is that we can find intrinsic value in our efforts and find our work meaningful. For this Body, the budget is, at least in part, a measure of the fulfillment of our work and our efforts to make life better for the folks of this great State.

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Thus, as we contemplate what is before the Body as a whole, we pray that you would 'open the way for us to make an honest living without anxiety; but never let us forget the needs of others, and make us want only that benefit for ourselves that will also be their gain.' Amen."

(Quotation: adapted from prayer by Walter Russell Bowie, *Lift Up Your Hearts*, pg. 13.)

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 8 has been examined and found correct. Upon his motion, the Journal is approved as written.

A leave of absence is granted Representative Luebke for today.

ENROLLED BILLS

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

S.B. 189, AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS.

S.B. 669, 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.

S.B. 687, AN ACT TO AMEND THE LAW GOVERNING THE VOLUNTEER RESCUE/EMS FUND.

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

H.J.R. 197, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WESLEY JONES, FORMER EDUCATOR AND INFLUENTIAL LEADER. (RESOLUTION 2005-47)

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WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 705** (House 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, AND TO AMEND THE LAW CONCERNING SMOKING IN PUBLIC PLACES TO REDUCE SMOKING IN RESTAURANTS, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Judiciary I.

CONFERENCE REPORT

Representative Saunders sends forth the Conference Report on **H.B. 1469** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of August 10.

CONFEREES APPOINTED

The Speaker appoints the following additional conferee on **S.B. 686** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY ON THE PREMISES, AND (2) STORED AND SOLD BEHIND A PHARMACY COUNTER IN RETAIL ESTABLISHMENTS WITH A PHARMACY ON THE PREMISES; TO PROVIDE THAT RETAILERS OF PSEUDOEPHEDRINE PRODUCTS MAINTAIN CONTINUOUS SURVEILLANCE OF AREAS INVOLVING PSEUDOEPHEDRINE TRANSACTIONS IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH

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TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO ESTABLISH THE NORTH CAROLINA METHAMPHETAMINE ABUSE TASK FORCE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO PROVIDE THAT STEALING A PRODUCT THAT CONTAINS PSEUDOEPHEDRINE IS FELONY LARCENY; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS: Representative Glazier.

The Senate is so notified by Special Message.

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:

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, 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 Wright, Chair, for the Committee on Health:

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, 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. 1364, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE ADMINISTRATION OF THIMEROSAL-FREE VACCINES TO PREGNANT WOMEN AND CERTAIN-AGED 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.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representatives Rapp and Pate (Primary Sponsors); B. Allen, Bell, Brown, Carney, Culpepper, Cunningham, Dickson, Dockham, Farmer-Butterfield, Frye, Gillespie, Glazier, Goforth, Grady, Hackney, Harrell, Harrison, Hill, Hilton, Howard, Jeffus, Johnson, Ed Jones, Justice, Justus, Lucas, Martin, McGee, Michaux, Miller, Owens, Pierce, Preston, Ray, Rayfield, Ross, Saunders, Sherrill, Steen, Sutton, Tolson, Tucker, Wainwright, Walker, Warren, West, Wilson, Womble, and Wright:

H.R. 1794, A HOUSE RESOLUTION SUPPORTING ENACTMENT OF THE PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2005 (SENATE BILL 1516) IN THE CONGRESS OF THE UNITED STATES, 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
August 8, 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. 189** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS.

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CONFERENCE REPORT

Representative Crawford moves the adoption of the following Conference Report.

House Committee Substitute No. 2 for S.B. 622

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 622, A BILL TO BE
August 9, 2005

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 COMMISSION TO ESTABLISH FEES BY RULE, House Committee Substitute #2 Favorable 6/15/05 Seventh Edition Engrossed 6/16/05, submit the following report:

The Senate concurs in the House Committee Substitute #2 Favorable 6/15/05 Seventh Edition Engrossed 6/16/05 with an amendment:

August 9, 2005

Delete the entire House Committee Substitute #2 Favorable 6/15/05 Seventh Edition Engrossed 6/16/05 and substitute the attached Proposed Conference Committee Substitute S622-CSSLTxf-4.

The House agrees to the same.

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

Date conferees approved report: August 8, 2005.

*Conferees for the
Senate*

S/ Linda Garrou, Co-Chair
S/ Walter H. Dalton, Co-Chair
S/ Kay R. Hagan, Co-Chair
S/ Charles W. Albertson
S/ Bob Atwater
S/ Doug Berger
S/ Julia Boseman
S/ Janet Cowell
S/ Charlie S. Dannelly
S/ Katie G. Dorsett
S/ Malcolm Graham
S/ Robert L. Holloman
S/ David Hoyle
S/ Clark Jenkins
S/ John H. Kerr, III
S/ Eleanor Kinnaird
S/ Jeanne Hopkins Lucas
S/ Vernon Malone
S/ Martin L. Nesbitt, Jr.
S/ William R. Purcell
S/ Tony Rand
S/ Larry Shaw
S/ John Snow
S/ R. C. Soles, Jr.
S/ A. B. Swindell
S/ Scott Thomas
S/ David F. Weinstein

*Conferees for the
House of Representatives*

S/ James W. Crawford, Jr., Co-Chair
S/ Beverly M. Earle, Co-Chair
S/ Edd Nye, Co-Chair
S/ Bill Owens, Co-Chair
S/ Martha Alexander
S/ Bill Culpepper
S/ W. Pete Cunningham
S/ Joe Hackney
S/ Henry M. Michaux, Jr.
S/ Thomas E. Wright
S/ Paul Miller
S/ Arthur Williams, III
S/ Maggie Jeffus
S/ Joe P. Tolson
S/ Douglas Y. Yongue
S/ Larry M. Bell
S/ Rick Glazier
S/ Marvin W. Lucas
S/ Larry Womble
S/ Becky Carney
S/ Margaret Highsmith Dickson
S/ Susan C. Fisher
S/ Bruce Goforth
S/ Earline W. Parmon
S/ Verla Insko
S/ Bernard Allen
S/ Alice L. Bordsen
S/ Bob England, M.D.
S/ Jean Farmer-Butterfield
S/ Marian N. McLawhorn
S/ Jennifer Weiss

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S/ R. Phillip Haire
S/ Hugh Holliman
S/ Ray Rapp
S/ Deborah K. Ross
S/ Ronnie Sutton
S/ Howard J. Hunter, Jr.
S/ Edith D. Warren
S/ Walter G. Church, Sr.
S/ Jim Harrell, III
S/ Dewey L. Hill
S/ Russell Tucker
S/ Lorene Coates
S/ Nelson Cole
S/ Lucy T. Allen
S/ Earl Jones
S/ Drew Saunders

On motion of the Speaker, the House recesses at 5:15 p.m.

RECESS

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

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

S.B. 528 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS, is read the first time and referred to the Committee on Finance.

CONFERENCE REPORT

The conference report on House Committee Substitute No. 2 for **S.B. 622** is before the Body.

The material Conference Report on House Committee Substitute No. 2 for **S.B. 622** is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Bell, Bordsen, Carney, Church,

August 9, 2005

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, 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 - 60.

Voting in the negative: Representatives Allred, Almond, Barnhart, Blackwood, Blust, Brown, Brubaker, Capps, Clary, Cleveland, Culp, Current, Daughtridge, Daughtry, Dockham, Dollar, Eddins, Faison, Folwell, Frye, Gillespie, Grady, Gulley, Hilton, Hollo, Holloway, Holmes, Howard, Johnson, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Martin, McComas, McGee, McMahan, Moore, Morgan, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson - 59.

Excused absence: Representative Luebke.

On motion of the Speaker, the House recesses.

RECESS

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

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representative Weiss, Chair, for the Committee on Judiciary IV:

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, 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.

August 9, 2005

Representative Culpepper moves, seconded by Representative Cunningham, that the House adjourn, subject to committee assignments, to reconvene August 10 at 3:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned.

ONE HUNDRED THIRTEENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, August 10, 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:

"Gracious God:

"In the midst of life we are caught between that which is...and that which is to come. But, because we are fallen creatures, we recognize that not all things are able to be placed in the 'that which is to come' category. Indeed, even amidst the best human efforts, there are fallibilities and failures that keep our efforts from being perfect. However, because we place our ultimate hope and trust in a God who is relentlessly in love with His children and knows that in the fullness of time all things will work according to Thy good and perfect will, we recognize that our very best efforts at doing well can, in fact, be used to honor You. So, take our efforts here. Take pleasure in the successes they offer. Make good their defects. O Lord, have mercy on the men and women of this Chamber; and let them know that, ultimately You are sovereign over all things. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 9 has been examined and found correct. Upon his motion, the Journal is approved as written.

There are no excused absences for today.

August 10, 2005

ENROLLED BILLS

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

S.B. 644, AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER CERTAIN CLASSIFICATION AND COMPENSATION RELATED PROVISIONS OF THE STATE PERSONNEL ACT.

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. 1112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL LISTING OF MENTAL HEALTH FACILITIES DESIGNATED TO ASSIST IN THE PLACEMENT OF INDIVIDUALS TO BE INVOLUNTARILY COMMITTED AND REQUIRE AREA AUTHORITIES TO MAINTAIN A CRISIS RESPONSE SERVICE, with a favorable report.

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

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, 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.

S.B. 486 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES, with a favorable report.

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

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S.B. 612 (House 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 LOBBYING ACTIVITIES AND BY REQUIRING REGISTRATION AND REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT, with a favorable report as to House Committee Substitute Bill No. 3, which changes the title, unfavorable as to House Committee Substitute Bill No. 2.

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

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 10, 2005

Mr. Speaker:

Pursuant to your message received on July 21, 2005, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 666** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS, and requests conferees, the President *Pro Tempore* appoints:

Senator Jenkins, Chair
Senator Stevens
Senator Malone

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

August 10, 2005

CONFERENCE REPORT

Representative Culpepper sends forth the Conference Report on **S.B. 740** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of August 11.

CONFERENCE REPORT

The material Conference Report for **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

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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 is before the Body.

Representative Blust inquires of the Chair if there are provisions in the Conference Report that were not in either the House or Senate versions of the bill, pursuant to Rule 44(b). The Speaker rules that the Conference Report is properly before the Body.

The Conference Report, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in Session Laws 2005-276.)

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, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Hunter, Insko, Jeffus, Jones, Ed Jones, Lucas, Luebke, McAllister, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pierce, Rapp, Ross, Saunders, Sutton, Tolson,

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Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 61.

Voting in the negative: Representatives Allred, Almond, Barnhart, Blackwood, Blust, Brown, Brubaker, Capps, Clary, Cleveland, Culp, Current, Daughtridge, Daughtry, Dockham, Dollar, Eddins, Faison, Folwell, Frye, Gillespie, Grady, Gulley, Hilton, Hollo, Holloway, Holmes, Howard, Johnson, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Martin, McComas, McGee, McMahan, Moore, Morgan, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson - 59.

Excused absences: None.

PROTEST

Pursuant to Article II, Section 18 of the North Carolina Constitution, Representative Blust offers the following dissent to the passage of the Conference Report on Senate Bill 622.

There are three major reasons why the Conference Report on Senate Bill 622 represents very poor legislation. The Conference Report violates House Rules, the Conference Report contains the biggest tax increase in the history of North Carolina, and the Conference Report maintains out of control spending.

- A) Consideration of this Conference Report on Senate Bill 622, the "2005 Appropriations Act", violates these Rules.

The Conference Report on the budget contains the following provisions which were not contained in either the House budget or the Senate budget in clear violation of House Rule 44(b).

Section 6.35	Section 12.10	Section 28.22
Section 6.37	Section 14.2	Section 28.23
Section 6.38	Section 16.10	Section 28.24
Section 7.58	Section 16.11	Section 28.25
Section 7.59	Section 16.12	Section 28.26
Section 7.60	Section 17.30	Section 28.27
Section 7.61	Section 19A.1	Section 28.28
Section 10.10A	Section 19B.1	Section 29.14A

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Section 10.21E	Section 23A.1	Section 29.30B
Section 10.35B	Section 23A.2	Section 29.30C
Section 11.5	Section 23A.3	Section 29.33
		Section 29.34

There are also many provisions, not listed here, which were not in either the Senate or the House budget.

- B) This budget represents a mammoth tax increase - the largest in the history of the state. The following is an iteration of the taxes increased by the Conference Report on Senate Bill 622:

General Fund Tax Issues	Agreement	
	2005-06	2006-07
Continue 1/2 Cent Sales Tax - 2 year extension	417.1 (r)	462.7 (r)
8.25% Individual Income Tax Rate - 2 year extension	39.8 (r)	89.7 (r)
IRC Update - Partial Conformance	(8.0)	(10.7)
Use Tax Line on Income Tax Form (no additional liability)	3.2	3.2
Tax Candy (10/1)	9.8	15.8
Tax Service Contracts & Warranties - Study with intent language		
Streamlined Sales Tax (no cable) -10/1 & 1/1	40.0	61.7
Cable at 2% net tax (7% tax with 5% credit) - (1/1)	10.9	26.1
Equalize Gross Premiums Tax - Increase tax on HMOs to 1.9%		14.3
Film Incentives	(3.5)	(3.5)
Exempt Potting Soil for Farmers	(0.2)	(0.3)
Study taxation on video, cable, satellite, and data service providers		
Continue Estate Tax	29.1 (r)	115.6 (r)
Increase tax on cig. 25 cents (9/1), then add. 5 cents (7/1/06), all OTP to 3%	118.8	189.4

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Allocable share 1/06, assignment of escrow by NPMs, make assignment deductible.				
REVENUE SUBTOTAL	657.0		964.0	

	<u>FY2005-06</u>	<u>FY2006-07</u>
Total Tax Increase	\$657,000,000	\$964,000,000

Additionally, a very large amount of new revenue will be raised by new or increased fees.

C) This Budget Fuels a Continued, Irresponsible Spending Spree with Little Oversight.

Spending Increase, FY2005-06 over FY2004-05 \$1,259,000,000

This budget includes \$1.259 billion dollars in new spending. 2005-2006 over 2004-2005 - a 7.9% increase in spending.

	(millions)	Growth (\$)	Growth (%)
Total Appropriation FY 2004-05	\$15,918,000,000		
Total Appropriation FY 2005-06	\$17,177,000,000	1,259	7.91%

The legislative branch of state government is vested with an enormous power - the power to levy taxes. If mandated taxes are not paid in a timely fashion, a citizen's property can be seized to satisfy the amount owed. This creates an inextricable link between taxation and property rights, one of the core principles underpinning American freedom and the prosperity freedom engenders.

"The power to tax involves the power to destroy", wrote Chief Justice John Marshall in an 1819 decision by the United States Supreme Court, and "the power to destroy may defeat and render useless the power to create." The destructive power of taxation demands a very judicious

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and sober use of this power. Governments at every level should fund only those critical functions that cannot or should not be left to the private sector. Those functions should be carried out in the most efficient manner possible so that the minimum amount necessary is taken from taxpayers.

Taxation is destructive because it undermines the incentive, desire, and motivation for citizens to work, save and invest. Taxation lessens the entrepreneurial willingness to risk time and capital to develop the creative ideas that lead to additional wealth creation and progress. Whenever an activity is taxed, less of that activity will be undertaken. When the fruits of labor, savings and investments are taxed at too high a level, there will be less of these desirable activities.

Perhaps no one more accurately described this phenomenon than Franklin Delano Roosevelt, while he was first running for President in 1932: "Taxes are paid in the sweat of every man who labors because they are a burden on production and can be paid only by production. If excessive, they are reflected in idle factories, tax-sold farms, and, hence, in hordes of hungry trampling the streets and seeking jobs in vain. Our workers may never see a tax bill, but they pay in deductions from wages, in increased cost of what they buy, or (as now) in broad cessation of employment.

Few North Carolinians realize that they are paying more to the government through taxes than they are for food, clothing, shelter, and transportation combined. This can partly be explained by the fact that governments have been successful at hiding the true impact of taxation on citizens. The income tax is subtracted each week from paychecks in the form of withholding so that the wage earners are lulled into the belief that they only earn their net take home pay. The sales tax is hidden within the total cost of goods when paid for at the counter. Many people pay their property taxes automatically through their mortgage payments. Without exception, every category of government expenditure develops its own constituency that pushes for the continuation of or an increase in that spending. Consequently, public officials get far less direct pressure to hold down taxes than they do to increase spending.

One has only to look at the experience of California to see the destructive effects of excessive levels of taxation on a state economy. Investment capital, jobs, and opportunity fled California to lower-taxed neighboring states. The last few years have seen the enactment of enormous tax increases in North Carolina as we had trended toward the failed California approach. The huge tax increases of the last few years

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have left North Carolina with the second highest tax burden in the southeast and have negatively impacted job creation in this state.

Legislators should never forget that every dollar spent by the state must first be taken from a taxpayer whose work earned the dollar. The state is in effect, telling the taxpayer that there are vital things the state needs to do which gives the state a greater moral right to the dollar than that of the person whose efforts created the dollar. When the state takes a dollar from a taxpayer, the state therefore owes a moral duty to the taxpayer to give back a dollar's value in some vital government function such as education, public safety, roads, etc. This budget takes a dollar from taxpayers and gives them back only 60 to 70 cents in value.

A private business cannot do this and survive. Customers can simply go to a competitor for a better value. Most government functions do not have competition so the public must look to the people it elects to insure full value for their tax dollars. Legislators must remember we possess the power to destroy and enact meaningful reforms to minimize the use of this power such as an open budget process with full participation by all legislators, zero-based budgeting, and a cap on overall spending growth in any particular year. Until a full review is performed on every line of the state budget and every position funded by state government and every program is fully examined for continued effectiveness, the legislature has no business further increasing the tax burden on North Carolina's citizens.

CONFERENCE REPORT

Representative Saunders moves the adoption of the following Conference Report.

Committee Substitute No. 2 for H.B. 1469

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1469, A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, Committee Substitute #2 Favorable 5/19/05, Fourth Edition Engrossed 5/26/05 submit the following report:

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The Senate recedes from Senate Amendment Number 1, and the Senate and House of Representatives agree to the following amendment:

On page 1, line 22, rewrite that line to read:

"occurring in the dedicated public street or public right-of-way. Nothing in this section shall relieve the developer of the property of responsibilities under G.S. 136-102.6."

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

Date conferees approved report: August 9, 2005.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ David W. Hoyle, Chair
S/ James Forrester
S/ Clark Jenkins

S/ Drew Saunders, Chair
S/ Harold J. Brubaker
S/ Nelson Cole

Pursuant to Rule 24.1A, Representative Gibson requests that he be excused from voting on this Conference Report. This request is granted.

The Conference Report is adopted, by electronic vote (115-0), and the Senate is so notified by Special Message.

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 339** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF AHOSKIE AND ELKIN TO LEVY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES, CREATING A TAXING DISTRICT IN OCRACOCKE TOWNSHIP FOR THE PURPOSES OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, AMENDING THE ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES FOR THE COUNTIES OF CHOWAN AND MARTIN, AND REENACTING THE OCCUPANCY TAX AMENDMENTS IN CARTERET COUNTY, is withdrawn from the Calendar and placed on the Calendar of August 11.

On motion of Representative Culpepper and without objection, **S.B. 590** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH

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MANAGING THEIR DEBTS, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

H.B. 20 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SMALL BUSINESSES THAT PROVIDE EMPLOYEE HEALTH INSURANCE AND TO AMEND THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE TO A LIVABLE WAGE.

The Speaker rules that the bill is not a roll call measure.

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

Representatives Howard and Pierce request and are granted permission to be recorded as voting "aye". The adjusted vote total is (109-1).

Representative Kiser offers Amendment No. 2 which is adopted by electronic vote (120-0).

The bill, as amended, passes its second reading, by electronic vote (62-56), 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.

Representative Daughtridge requests and is granted permission to be recorded as voting "no". The adjusted vote total is (62-57).

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:

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S.B. 223 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING 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; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP, with a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill No. 2, and recommendation that the House committee substitute bill be re-referred to the Committee on Appropriations.

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

CONFERENCE REPORT

Representative Gibson sends forth the Conference Report on Senate Committee Substitute for **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. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of August 11.

The Speaker rules the Conference Report to be material, thus constituting its first reading.

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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 Environment and Natural Resources:

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.

S.B. 1121 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997.

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.

S.B. 1123, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS.

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.

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Representative Culpepper moves, seconded by Representative Fisher, that the House adjourn, subject to committee assignments, to reconvene August 11 at 2:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 6:04 p.m.

ONE HUNDRED FOURTEENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, August 11, 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:

"Gracious and Merciful Lord:

"Like the Master Composer that You are, You have created the greatest symphony of all by speaking this world and all that is in it into existence. With all of the instruments of Your imagination, You have crafted an oratorio that placed the stars and the planets in their celestial spaces; and You have so ordered the world that its music plays across the music halls of our world according to Your divine direction. Yet, the rhythm and rhyme of our lives do not always seem to sing in harmony with Thee. Indeed, many of the tunes of our lives are like those of a prisoner...always behind a few bars and looking for the key. As this Honorable Body moves through its musical score toward its conclusion, may Your strokes as the Master Conductor bring us to that place where melody and harmony and the resolution of the final chords fall wonderfully, majestically yet mysteriously into place. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 10 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 Brubaker, Church, Grady, Pate, Underhill, and Wainwright for today. Representatives Allred, Goodwin, LaRoque, Lewis, McAllister, McComas, Pierce, and Wilson are excused for a portion of the Session.

ENROLLED BILLS

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

H.B. 705, 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.

H.B. 803, 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.

H.B. 819, AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY.

H.B. 988, AN ACT TO EXCLUDE HIGHWAY USE TAXES AS A FACTOR IN DETERMINING THE TRUE VALUE IN MONEY OF MOTOR VEHICLES FOR PROPERTY TAX PURPOSES.

H.B. 1012, 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.

H.B. 1395, AN ACT TO AMEND THE LAW PROHIBITING THE BAITING OF BLACK BEAR.

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

S.B. 98, AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN

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ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS.

H.B. 422, AN ACT TO PROVIDE FOR RESIDENTS OF FORSYTH COUNTY TO FISH IN THE WATERS OF TRIAD PARK WITHOUT A FISHING LICENSE.

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:

S.B. 393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill.

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

By Representative Weiss, Chair, for the Committee on Judiciary IV:

S.B. 737 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL RECORD CHECKS FOR COUNTY GOVERNMENTS, with a favorable report.

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

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

S.B. 705 (House 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

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BOARD, AND TO AMEND THE LAW CONCERNING SMOKING IN PUBLIC PLACES TO REDUCE SMOKING IN RESTAURANTS, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

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

S.B. 856 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO TRIAL PREPARATION MATERIAL, 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.

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
August 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 **H.B. 1469** (Conference Report), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY.

Pursuant to your message that your Honorable Body has adopted the report of the conferees, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor.

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

Senate Chamber
August 10, 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. 1130** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS, and requests conferees. The President *Pro Tempore* appoints:

Senator Albertson, Chair
Senator Cowell
Senator Purcell
Senator Forrester

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

H.B. 766 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA, 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 Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

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S.B. 505 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO LOCAL MEDICAL EXAMINERS FOR EACH INVESTIGATION CONDUCTED, is read the first time and referred to the Committee on Finance.

S.J.R. 1180, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, AND PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

Representative Gibson moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1500

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 1500, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT, THE LAW CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, AND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS, Senate Commerce Committee Substitute Adopted 7/6/05 Fifth Edition Engrossed 7/7/05, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Commerce Committee Substitute Adopted 7/6/05, Fifth Edition Engrossed 7/7/05, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H1500-PCCS70546-RVxf-1.

August 11, 2005

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

Date conferees approved report: August 10, 2005.

*Conferees for the
Senate*

S/ Tony Rand
S/ David W. Hoyle
S/ Kay R. Hagan
S/ Richard Y. Stevens

*Conferees for the
House of Representatives*

S/ Pryor Gibson
S/ James A. Harrell, III

The material Conference Report is adopted, on its second roll call reading, by the following vote, and the bill remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Blackwood, Blust, Bordsen, Carney, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, 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, Miller, Moore, Morgan, Owens, Parmon, Pierce, Preston, Rapp, Ross, Saunders, Sherrill, Sutton, Tolson, Tucker, Vinson, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 88.

Voting in the negative: Representatives Allred, Almond, Brown, Capps, Cleveland, Dockham, Dollar, Eddins, Frye, Gillespie, Hilton, Hollo, Holloway, LaRoque, Nye, Ray, Rayfield, Rhodes, Sauls, Setzer, Stam, Starnes, Steen, Stiller, and West - 25.

Excused absences: Representatives Brubaker, Church, Grady, Pate, Underhill, and Wainwright - 6.

CONFERENCE REPORT

Representative Culpepper moves the adoption of the following Conference Report.

August 11, 2005

House Committee Substitute No. 2 for S.B. 740

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 740, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES, House Committee Substitute #2 Favorable 7/12/05, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute #2 Favorable 7/12/05, and the Senate concurs in the House Committee Substitute as amended:

on page 1, line 4, by deleting the word "SERVICES," and substituting the phrase "SERVICES, EXCEPT WHEN DOING SO PURSUANT TO A SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,";

and on page 9, line 16, by deleting the word "services." and substituting the phrase "services, except cardiac catheterization services provided on equipment furnished by a person authorized to operate such equipment in North Carolina pursuant to either a certificate of need issued for mobile cardiac catheterization equipment or a settlement agreement executed by the Department for provision of cardiac catheterization services.".

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

August 11, 2005

Date conferees approved report: August 10, 2005.

*Conferees for the
Senate*

S/ Tony Rand
S/ William R. Purcell
S/ Fletcher L. Hartsell, Jr.

*Conferees for the
House of Representatives*

S/ Bill Culpepper
S/ Thomas E. Wright
S/ Bob England M.D.
S/ Harold J. Brubaker
S/ Daniel F. McComas

The Conference Report, which changes the title, is adopted, by electronic vote (110-2), and the Senate is so notified by Special Message.

Representatives Culpepper and Howard request and are granted permission to be recorded as voting "aye". The adjusted vote total is (112-2).

CALENDAR

Action is taken on the following:

H.B. 237 (Committee Substitute No. 2), 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, passes its third reading, by the following vote, and is ordered sent to the Senate by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, 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, Guley, Hackney, Haire, Harrell, 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, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer,

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Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Vinson, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 113.

Voting in the negative: Representative Harrison.

Excused absences: Representatives Brubaker, Church, Grady, Pate, Underhill, and Wainwright - 6.

H.B. 1723 (Committee Substitute), 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.

Representative Weiss offers Amendment No. 2 which is adopted by electronic vote (112-1).

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

The Speaker stops debate and attends to the following business.

CONFEREES APPOINTED

The Speaker appoints the following conferees on **S.B. 1130** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL INSTITUTIONS: Representatives Holliman, Alexander, Goodwin, Stiller, and Haire.

The Senate is so notified by Special Message.

CALENDAR (continued)

H.B. 1723 (Committee Substitute), 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 before the Body.

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Representative Ross offers Amendment No. 4 which is adopted by electronic vote (112-1).

Representative Stam offers Amendment No. 5 which is adopted by electronic vote (112-0).

The bill, as amended, passes its third reading, by electronic vote (108-4), and is ordered engrossed and sent to the Senate by Special Message.

H.B. 1349 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE 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, 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, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, 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, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 96.

Voting in the negative: Representatives Allred, Almond, Dollar, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, McGee, Moore, Ray, Rayfield, Rhodes, Setzer, Stiller, Vinson, and Wiley - 18.

Excused absences: Representatives Brubaker, Church, Grady, Pate, Underhill, and Wainwright - 6.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **S.B. 606** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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AMEND THE POWERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR (continued)

S.B. 339 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF AHOSKIE AND ELKIN TO LEVY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES, CREATING A TAXING DISTRICT IN OCRACOKE TOWNSHIP FOR THE PURPOSES OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, AMENDING THE ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES FOR THE COUNTIES OF CHOWAN AND MARTIN, AND REENACTING THE OCCUPANCY TAX AMENDMENTS IN CARTERET COUNTY.

Representative Faison offers Amendment No. 2, which is ruled to be material. The amendment 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, Barnhart, Bell, Bordsen, Brown, Carney, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McGee, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 93.

Voting in the negative: Representatives Almond, Blackwood, Blust, Capps, Daughtridge, Dollar, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Kiser, Moore, Rayfield, Rhodes, Setzer, and Vinson - 18.

Excused absences: Representatives Brubaker, Church, Grady, Pate, Underhill, and Wainwright - 6.

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WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Culpepper and without objection, **H.B. 1283** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL 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 withdrawn from the Calendar and placed on the Calendar of August 17.

On motion of Representative Hackney and without objection, **H.B. 529** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STUDY THE ADMINISTRATION OF THE DEATH PENALTY AND TO PERMIT EXECUTIONS DURING THE STUDY ABSENT A STAY, is withdrawn from the Calendar and placed on the Calendar of August 23.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

S.J.R. 1179, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT MONROE "BOB" DAVIS, SR., 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 (111-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

Representative Ray requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (112-0).

CALENDAR (continued)

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

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S.B. 327 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK, 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, Blust, Bordsen, Brown, Carney, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lucas, Luebke, Martin, McAllister, McLawhorn, McMahan, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 89.

Voting in the negative: Representatives Allred, Almond, Blackwood, Cleveland, Culp, Dockham, Dollar, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Lewis, McGee, Moore, Rayfield, Rhodes, Setzer, Vinson, and Wiley - 21.

Excused absences: Representatives Brubaker, Church, Grady, Pate, Underhill, and Wainwright - 6.

The Speaker votes "aye". The adjusted vote total is (90-21).

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

S.B. 757 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

Representative Glazier offers Amendment No. 1 which is adopted by electronic vote (112-0).

The bill, as amended, 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, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, 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, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Vinson, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 108.

Voting in the negative: Representatives Allred, LaRoque, Sauls, and Setzer - 4.

Excused absences: Representatives Brubaker, Church, Grady, Pate, Underhill, and Wainwright - 6.

MOTION RECONSIDERED

On motion of Representative Gibson, the 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 TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS, are dismissed and the Senate is so notified.

Representative Gibson moves that the vote by which the House failed to concur in the Senate committee substitute bill be reconsidered. The motion carries, by electronic vote (108-4), and the bill is before the Body.

On motion of Representative Gibson and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of August 23.

CALENDAR (continued)

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

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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.

Representative Haire offers Amendment No. 1 which 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, Capps, Carney, 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, 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, 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, Vinson, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Brubaker, Church, Grady, Pate, Underhill, and Wainwright - 6.

Representative Ed Jones states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (112-0).

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

S.B. 1124 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE A PENALTY FOR BREACHING THE

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CONFIDENTIALITY OF SCHOOL EMPLOYEE PERSONNEL FILES, passes its second reading, by electronic vote (112-0), and there being no objection is read a third time.

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

WITHDRAWAL OF BILLS FROM COMMITTEE

On motion of the Chair and without objection, **S.B. 1048** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005, is withdrawn from the Committee on Finance and placed on the Calendar pursuant to Rule 36(b).

On motion of the Chair and without objection, **H.J.R. 1793**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. BARBARA KINARD PHILLIPS, DISTINGUISHED NORTH CAROLINIAN, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar pursuant to Rule 36(b).

On motion of the Speaker, the House recesses at 3:53 p.m.

RECESS

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

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Harrell and Justice, Chairs, for the Committee on Environment and Natural Resources:

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

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ALL OR A PORTION OF CERTAIN ENVIRONMENTAL PROGRAMS, 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.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 705** (House Committee Substitute No. 2), 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 placed on today's Calendar for immediate consideration.

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

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 1323** (Committee Substitute), 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 placed on today's Calendar for immediate consideration.

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

Representative Ray requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (107-0).

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Representative Kiser inquires of the Chair if the bill is eligible at this time without an appropriation in it. The Speaker rules that it is eligible.

On motion of the Chair and without objection, the bill, as amended, is withdrawn from the Calendar and re-referred to the Committee on Appropriations.

CALENDAR (continued)

S.B. 705 (House Committee Substitute No. 2), 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, 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, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Gillespie, Glazier, Goforth, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Howard, Insko, Jeffus, Johnson, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tucker, Vinson, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 103.

Voting in the negative: Representatives Frye and Jones - 2.

Excused absences: Representatives Allred, Brubaker, Church, Goodwin, Grady, McComas, Pate, Pierce, Underhill, Wainwright, and Wilson - 11.

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SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

Senate Committee Substitute for **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 returned for concurrence in the Senate committee substitute bill with unengrossed amendment.

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

Upon concurrence the Senate committee substitute bill changes the title.

On motion of Representative Holliman, the House concurs in the Senate committee substitute bill, as amended, which changes the title, by electronic vote (100-3), and the bill is ordered enrolled and presented to the Governor.

Representative Cleveland requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (101-3).

H.B. 1779 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM, 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.

On motion of Representative Folwell, the House concurs in the Senate committee substitute bill, by electronic vote (107-0), and the bill is ordered enrolled and presented to the Governor.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 856** (House Committee Substitute), A BILL TO BE ENTITLED AN
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ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO TRIAL PREPARATION MATERIAL, is placed on today's Calendar for immediate consideration.

The bill 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 by Special Message.

On motion of the Speaker, the House recesses at 6:12 p.m.

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
August 11, 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. 622** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

August 11, 2005

Senate Committee Substitute for **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 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.

On motion of Representative Wright, 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.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

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

H.B. 1323 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION, with a favorable report.

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

S.B. 223 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A

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REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING 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; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP, with a favorable report, as amended.

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

On motion of Representative Insko, Committee Amendment No. 1 is adopted by electronic vote (103-0).

The Speaker stops debate and attends to the following business.

ENROLLED BILLS

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

S.B. 622, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

H.B. 1469, AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY.

H.B. 687, AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

H.B. 810, AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT.

H.B. 926, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONCEAL THE DEATH OF A PERSON.

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H.B. 1016, 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.

H.B. 1240, AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS.

H.B. 1243, AN ACT REQUIRING A LONGER NOTICE PERIOD FOR A TERMINATION OF A TENANCY FOR THE RENTAL SPACE FOR RESIDENTIAL MANUFACTURED HOMES.

H.B. 1299, 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.

H.B. 1414, AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING.

H.B. 1436, 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.

H.B. 1464, 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. 1507, AN ACT TO AMEND CERTAIN LAWS UNDER THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSURE ACT, TO EXPAND THE GROUP OF PERSONS WHO MAY

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OBTAIN A PROVISIONAL LICENSE UNDER THE ACT, AND TO AUTHORIZE THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD TO ASSESS CIVIL PENALTIES.

H.B. 1779, AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM.

H.B. 736, 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, BY REPEALING THE SUNSET ON PROVISIONS RELATING TO TRAVEL DISTANCE BETWEEN PUBLIC USE TOILETS IN MALLS, AND BY CLARIFYING THAT CERTAIN ELECTRIC GENERATING FACILITIES ARE NOT PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS.

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

S.B. 348, 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.

H.B. 476, AN ACT RELATING TO THE BOUNDARY SETTLEMENT BETWEEN WILSON AND GREENE COUNTIES AND PERTAINING TO CERTAIN REAL PROPERTY RECORDS IN THOSE COUNTIES.

H.B. 601, 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.

H.B. 689, AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD AND BEVERAGES TAX BY VOTE OF THE PEOPLE.

H.B. 820, AN ACT TO LENGTHEN THE FOX TRAPPING SEASON IN PERSON COUNTY AND TO ELIMINATE THE SEASON BAG LIMITS ON THAT SEASON.

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H.B. 922, 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.

H.B. 1010, AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN WILSON AND ORANGE COUNTIES.

H.B. 1047, 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.

H.B. 1052, AN ACT TO PERMIT TRASH TRUCKS WHILE COLLECTING GARBAGE TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS IN BRUNSWICK COUNTY.

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

S.J.R. 1179, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT MONROE "BOB" DAVIS, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 2005-48)

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. (RESOLUTION 2005-49)

CHAPTERED BILLS

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

S.B. 98, AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS. (S.L. 2005-256)

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H.B. 422, AN ACT TO PROVIDE FOR RESIDENTS OF FORSYTH COUNTY TO FISH IN THE WATERS OF TRIAD PARK WITHOUT A FISHING LICENSE. (S.L. 2005-257)

CALENDAR (continued)

S.B. 223 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING 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; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP, is before the Body.

The bill, as amended, passes its second reading, by electronic vote (103-0), and there being no objection is read a third time.

The Speaker votes "aye". The adjusted vote total is (104-0).

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

H.B. 1323 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION.

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Representative Kiser offers Amendment No. 2 which fails of adoption by electronic vote (37-66).

Representative Yongue requests and is granted permission to be recorded as voting "no". The adjusted vote total is (37-67).

Representative LaRoque offers Amendment No. 3 which fails of adoption by electronic vote (28-73).

The bill, as amended, passes its second reading by electronic vote (79-21).

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

On motion of Representative Glazier, Rule 41(b) is suspended, by electronic vote (75-26), and the bill is before the Body on its third reading.

Representative Blust offers Amendment No. 4 which fails of adoption by electronic vote (31-70).

Representative Sherrill requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (32-70).

The bill, as amended, passes its third reading, by electronic vote (80-23), and is ordered engrossed and sent to the Senate by Special Message.

CONFERENCE REPORT

Representative Gibson sends forth the Conference Report on **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. Without objection, the Conference Report is placed on the Calendar for immediate consideration.

Representative Gibson moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 974

To: The President of the Senate
The Speaker of the House of Representatives

August 11, 2005

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate 974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, House Committee Substitute Favorable 6/22/05, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute Favorable 6/22/05, and the Senate concurs in the House Committee Substitute as amended:

on page 1, line 3, by deleting "FACILITIES." and substituting "FACILITIES," and by adding at the end of the line "AND AUTHORIZE ALCOHOLIC BEVERAGES TO BE MADE AVAILABLE BY SELF-SERVICE IN SUITES OF MAJOR LEAGUE SPORTS FACILITIES.";

and on page 2, line 3 by rewriting the line to read:

SECTION 4. The Commission shall issue a special occasion permit under G.S. 18B-1001(8) to a sports facility occupied by a major league professional sports team with suites available for sale or lease to patrons of the facility to authorize patrons to make available alcoholic beverages in those suites as if the patron were a host of a reception, party or other special occasion. If the patron occupying the suite so desires, alcoholic beverages by self-service may be made available to any person at least 21 years of age possessing a valid ticket to the event authorizing that person to occupy the suite. At no event may the patron make available a quantity of alcoholic beverages in excess of the amount a person is allowed to buy under G.S. 18B-303(a). This section does not authorize any person possessing a valid ticket to an event at the facility to bring alcoholic beverages onto the premises and consume those alcoholic beverages on the premises, or to remove those beverages from the suite.

SECTION 5. This section is effective when it becomes law."

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

Date conferees approved report: August 11, 2005.

*Conferees for the
Senate*

S/ C. S. Dannelly, Chair
S/ Daniel G. Clodfelter

*Conferees for the
House of Representatives*

S/ Pryor Gibson, Chair
S/ W. Pete Cunningham

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S/ Malcolm Graham
S/ Tom Apodaca

S/ Russell E. Tucker

The Conference Report, which changes the title, is adopted, by electronic vote (61-36), and the Senate is so notified by Special Message.

CONFERENCE REPORT

Representative Hackney sends forth the Conference Report on **S.B. 428** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT. Without objection, the Conference Report is placed on the Calendar for immediate consideration.

Representative Hackney moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 428

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 428, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT, House Committee Substitute Favorable 7/6/05, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/6/05, and the Senate concurs in the House Committee Substitute as amended:

On page 1, line 13, by adding the following before the quotation mark at the end of the line:

"(c) This section shall not apply where the laser use has been approved by a State or federal agency."

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

August 11, 2005

Date conferees approved report: August 11, 2005.

*Conferees for the
Senate*

S/ Tony Rand, Chair
S/ Stan Bingham
S/ Julia Boseman

*Conferees for the
House of Representatives*

S/ Joe Hackney, Chair
S/ Paul Stam
S/ Deborah K. Ross

The Conference Report is adopted, by electronic vote (98-0), and the Senate is so notified by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 612** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYIST FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY, is placed on today's Calendar for immediate consideration.

Representative Hackney offers Amendment No. 1 which is adopted by electronic vote (90-5).

Representatives Glazier and Goforth request and are granted permission to be recorded as voting "aye". The adjusted vote total is (92-5).

Representative Tucker moves that Rule 31(d) be suspended in order that he might offer an amendment that would change the title of the bill. The motion fails by electronic vote (48-51).

The Speaker votes "no". The adjusted vote total is (48-52).

August 11, 2005

Representative Hackney offers Amendment No. 2 which is adopted by electronic vote (100-0).

The Speaker votes "aye". The adjusted vote total is (101-0).

Representative Stam offers Amendment No. 3 which is adopted by electronic vote (101-0).

Representative Stam offers Amendment No. 4, which is adopted by electronic vote (101-0).

Representative Stam offers Amendment No. 5 which is adopted by electronic vote (81-20).

Representative Nye offers Amendment No. 6 which fails of adoption by electronic vote (50-52).

Representative Stam offers Amendment No. 7 which is adopted by electronic vote (86-16).

Representative Nye offers Amendment No. 8 which is adopted by electronic vote (52-51).

The bill, as amended, passes its second 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, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, 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, Gulley, Hackney, Haire, Harrell, Harrison, Hilton, Holliman, Hollo, Holloway, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Parmon, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Vinson, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Womble, Wray, and Yongue - 98.

Voting in the negative: Representatives Johnson, Tucker, and Wright - 3.

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Excused absences: Representatives Allred, Brubaker, Church, Goodwin, Grady, LaRoque, McAllister, McComas, Pate, Pierce, Underhill, Wainwright, and Wilson - 13.

Representative Sherrill requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (99-3).

On motion of Representative Hackney, Rule 41(b) is suspended by electronic vote (82-18), and the bill is before the Body on its third reading.

Representative Moore requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (83-17).

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

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Capps, Carney, Clary, 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, Gulley, Hackney, Haire, Harrell, Harrison, Hilton, Holliman, Hollo, Holloway, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Parmon, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Vinson, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Womble, Wray, and Yongue - 99.

Voting in the negative: Representatives Johnson, Tucker, and Wright - 3.

Excused absences: Representatives Allred, Brubaker, Church, Goodwin, Grady, LaRoque, McAllister, McComas, Pate, Pierce, Underhill, Wainwright, and Wilson - 13.

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
August 11, 2005

August 11, 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. 1500** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND PROVIDE FOR THE ISSUANCE OF WINE SHOP PERMITS, TO AMEND LAWS CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, WINE DISTRIBUTION AGREEMENTS AND BEER FRANCHISE AGREEMENTS, AND TO PROVIDE FOR THE BIOMETRIC IDENTIFICATION OF PURCHASERS OF ALCOHOL AND TOBACCO PRODUCTS, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 11, 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. 428** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT, 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

August 11, 2005

CONFERENCE REPORT

Without objection, the Conference Report on **S.B. 629** (House 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 placed on the Calendar of August 15.

CALENDAR (continued)

Without objection, **H.B. 1349** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE 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 before the Body on its third reading.

The bill passes its third reading, by the following vote, and is ordered sent to the Senate by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Blackwood, Bordsen, Brown, Carney, Cleveland, Coates, Cole, Coleman, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Gullely, Hackney, Haire, Harrell, Harrison, Holliman, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McLawhorn, McMahan, Miller, Morgan, Nye, Parmon, Preston, Rapp, Ray, Ross, Sauls, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 80.

Voting in the negative: Representatives Almond, Blust, Dollar, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, McGee, Moore, Rayfield, Rhodes, Vinson, and Wiley - 15.

Excused absences: Representatives Allred, Brubaker, Church, Goodwin, Grady, LaRoque, McAllister, McComas, Pate, Pierce, Underhill, Wainwright, and Wilson - 13.

August 11, 2005

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 393** (House Committee Substitute), 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 placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (92-4), and there being no objection is read a third time.

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

Representative Culpepper moves, seconded by Representative Carney, that the House adjourn, subject to committee assignments, to reconvene Monday, August 15, 2005, at 7:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned.

ONE HUNDRED FIFTEENTH DAY

HOUSE OF REPRESENTATIVES
Monday, August 15, 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, in a world of change You placed eternity in our hearts
and gave us power to discern good from evil.

"Grant us sincerity,
that we may persistently seek the things that endure,
refusing those which perish,

August 15, 2005

and that, amid things vanishing and deceptive,
we may see the truth steadily, follow the light faithfully,
and grow ever richer in that love which is the life of all people.
Amen."

(Hugh Cameron, Scotland, 20th Cent.)

The Speaker leads the Body in the Pledge of Allegiance.

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

Leaves of absence are granted Representatives Coleman, Fisher, Gibson, Insko, Jeffus, Pierce, Underhill, and Wainwright 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. 348, 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. (S.L. 2005-258)

H.B. 476, AN ACT RELATING TO THE BOUNDARY SETTLEMENT BETWEEN WILSON AND GREENE COUNTIES AND PERTAINING TO CERTAIN REAL PROPERTY RECORDS IN THOSE COUNTIES. (S.L. 2005-259)

H.B. 601, 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. (S.L. 2005-260)

H.B. 689, AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD AND BEVERAGES TAX BY VOTE OF THE PEOPLE. (S.L. 2005-261)

H.B. 820, AN ACT TO LENGTHEN THE FOX TRAPPING SEASON IN PERSON COUNTY AND TO ELIMINATE THE SEASON BAG LIMITS ON THAT SEASON. (S.L. 2005-262)

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H.B. 922, 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. (S.L. 2005-263)

H.B. 1010, AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN WILSON AND ORANGE COUNTIES. (S.L. 2005-264)

H.B. 1047, 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. (S.L. 2005-265)

H.B. 1052, AN ACT TO PERMIT TRASH TRUCKS WHILE COLLECTING GARBAGE TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS IN BRUNSWICK COUNTY. (S.L. 2005-266)

S.B. 1059, AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS. (S.L. 2005-267)

S.B. 324, AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT AND TO MAKE CONFORMING CHANGES TO THE OTHER ENTITY ACTS. (S.L. 2005-268)

S.B. 519, AN ACT TO PROVIDE FOR INTERSTATE SERVICES ON A RECIPROCAL BASIS AND TO MAKE TECHNICAL CORRECTIONS TO ARTICLE 24 AND ARTICLE 13 OF CHAPTER 53 OF THE GENERAL STATUTES. (S.L. 2005-269)

S.B. 907, AN ACT REQUIRING THE SECRETARY OF ADMINISTRATION TO ADOPT RULES AND PROCEDURES TO CERTIFY HISTORICALLY UNDERUTILIZED BUSINESSES AND TO MAINTAIN A DATABASE OF THE BUSINESSES CERTIFIED. (S.L. 2005-270)

S.B. 408, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO

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REDUCE THE DROPOUT RATE AND THE NUMBER OF SUSPENDED STUDENTS. (S.L. 2005-271)

H.B. 1466, AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE. (S.L. 2005-272)

H.B. 1297, 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. (S.L. 2005-273)

S.B. 517, AN ACT TO PROVIDE FOR ACCOUNT TRANSFERS AND AGENCY APPOINTMENTS BETWEEN AFFILIATED TRUST INSTITUTIONS. (S.L. 2005-274)

H.B. 253, 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, TO AUTHORIZE USE OF INCENTIVES IN TURNPIKE CONTRACTS, TO REQUIRE THE AUTHORITY TO CONTRACT WITH A SINGLE FIRM TO DESIGN, ACQUIRE PERMITS FOR, AND CONSTRUCT A DESCRIBED BRIDGE, TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, TO REQUIRE AN EIGHTEEN-HOUR HURRICANE EVACUATION STANDARD TO BE USED FOR BRIDGE OR HIGHWAY CONSTRUCTION, AND TO EXPEDITE CONSTRUCTION OF A REPLACEMENT FOR THE HERBERT C. BONNER BRIDGE. (S.L. 2005-275)

S.B. 622, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES. (S.L. 2005-276)

H.B. 392, AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS. (S.L. 2005-277)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

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

H.B. 50 (Committee Substitute), 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, with a favorable report, as amended.

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

H.B. 897 (Committee Substitute), 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.

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

H.B. 1415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DENIAL OF A LICENSE OR PERMIT TO PURCHASE A PISTOL SHALL BE REPORTED TO THE STATE BUREAU OF INVESTIGATION TO BE ENTERED INTO AN APPROPRIATE COMPUTERIZED DATABASE THAT IS ACCESSIBLE TO SHERIFFS STATEWIDE, with a favorable report.

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

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

Senate Committee Substitute for **H.B. 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
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OF ST. JAMES TO EXERCISE PLANNING JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND TO ALLOW EXTRA-TERRITORIAL 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, 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. 561 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES, 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. 576** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Rules, Calendar, Operations of the House.

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **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

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WHEN THE OWNER OF THE FARMLAND IS WILLING TO ENTER INTO AN IRREVOCABLE CONSERVATION AGREEMENT FOR TEN YEARS OR LONGER, 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. 636 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF MARKUPS OF ANATOMIC PATHOLOGY SERVICES BY PHYSICIANS, HOSPITALS, DENTISTS, AND PODIATRISTS, 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. 665, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS, is returned for concurrence in one Senate amendment.

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

H.B. 670 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES IN ORDER TO COMPLY WITH FEDERAL LAW, 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. 671** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REGULATION OF PLANTS, 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.

Senate Committee Substitute for **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, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 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, 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. 855 (Senate 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 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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H.B. 890 (Senate 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, 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. 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, is returned for concurrence in one Senate amendment.

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

Senate Committee Substitute for **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, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 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, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence the Senate committee substitute bill changes the title.

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

H.B. 1034 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION, 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. 1085 (Senate 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, 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. 1086 (Senate 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, 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. 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 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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H.B. 1169 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INVESTMENT OF STATE AND LOCAL FUNDS IN NORTH CAROLINA FINANCIAL INSTITUTIONS, 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. 1174 (Senate 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, 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. 1176 (Senate 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, AND TO EXEMPT CERTAIN TYPES OF PROPERTY FROM ENFORCEMENT, 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. 1227**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute No. 2 for **H.B. 1261** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS

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REGULATING WIRELESS TELEPHONE SERVICE, 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.

H.B. 1281 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS, 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. 1284 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW, 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. 1295 (Senate 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, 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. 1310 (Senate 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, 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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Senate Committee Substitute for **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 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. 1357 (Senate 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, 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. 1375 (Senate 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, 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. 1404 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS TO SERVE PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES, 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. 1429** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY

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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, 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. 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, is returned for concurrence in two Senate amendments.

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

Upon concurrence the Senate amendments change the title.

H.B. 1468 (Senate 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, 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. 1491 (Senate 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, 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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Senate Committee Substitute for **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, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 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, 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. 1518 (Senate 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, is returned for concurrence in the Senate committee substitute bill.

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

S.B. 208 (Committee Substitute No. 2), 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 FEE FOR A LIMITED PERMIT,

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is read the first time and referred to the Committee on Health and, if favorable, to the Committee on Finance.

S.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT, is read the first time and referred to the Committee on Judiciary I.

S.B. 774 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 881 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE PENALTIES FOR OPERATING A MOTOR VEHICLE WITHOUT HAVING IN FULL FORCE AND EFFECT A LIABILITY INSURANCE POLICY PROVIDING FINANCIAL RESPONSIBILITY, is read the first time and referred to the Committee on Insurance.

S.B. 1013 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO COST RECOVERY UNDER THE LAWS REGULATING GENERAL CONTRACTORS, is read the first time and referred to the Committee on Finance.

S.B. 1087 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE, is read the first time and referred to the Committee on Judiciary I.

INTRODUCTION OF PAGES

Pages for the week of August 15 are introduced to the membership. They are: Sarah Elizabeth Blackwell of Randolph; Jalisa Bradley of Gates; Andrea Dowell of Yadkin; Douglas Earnhardt of Mecklenburg; Chase Eubanks of Wake; T Flythe of Forsyth; Allie Garrity of Wake; Samuel Heroy of Guilford; Troy Hunt of Cabarrus; Amanda Johnson of Johnston; Kory Miller of Cumberland; Michelle Nance of Forsyth; Britany Nowell of Gates; Alisha Richardson of Forsyth; Sarah Rogers of Guilford; Jill Russell

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of Guilford; Zachary Simmons of Wake; Andy Terrell of Catawba; Jennifer Wadsworth of Johnston; and Katherine Wadsworth of Johnston.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of the Chair and without objection, **H.B. 1283** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL 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 withdrawn from the Calendar of August 17 and re-referred to the Committee on Rules, Calendar, and Operations of the House.

RE-REFERRAL

On motion of the Chair, and without objection, **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 withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary I.

Representative Culpepper moves, seconded by Representative L. Allen, that the House adjourn, subject to committee assignments, to reconvene August 16 at 3:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 7:37 p.m.

ONE HUNDRED SIXTEENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, August 16, 2005

August 16, 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:

"Look with pity upon Thy servants, for in the midst of our spiritual ponderings, we quite often find ourselves lacking. A simple mirror is as far as most of us need to go to find out where much of our angst resides. Lord, remind us over and over again, the words of all the Psalmists as they share from their own lives the common story of human experiences regardless of sin and strife or victory and celebration. Allow our hearts and minds to see clearly in every case, that the melody of their life's stories, dancing in harmony with those of our own, always find their way back to You, O Lord our Strength and our Redeemer. Amen."

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

Leaves of absence are granted Representatives Coleman, Fisher, Gibson, Insko, Jeffus, Underhill, and Wainwright for today.

ENROLLED BILLS

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

S.B. 223, AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY

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BOARD OF ELECTIONS RELATED TO TRAINING 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; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP.

S.B. 428, AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT.

S.B. 682, 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.

S.B. 740, AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, EXCEPT WHEN DOING SO PURSUANT TO A SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES.

S.B. 856, AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO TRIAL PREPARATION MATERIAL.

S.B. 974, AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, AND AUTHORIZE ALCOHOLIC BEVERAGES TO BE MADE AVAILABLE BY SELF-SERVICE IN SUITES OF MAJOR LEAGUE SPORTS FACILITIES.

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S.B. 1124, AN ACT TO IMPOSE A PENALTY FOR BREACHING THE CONFIDENTIALITY OF SCHOOL EMPLOYEE PERSONNEL FILES.

H.B. 35, 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.

H.B. 62, AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL.

H.B. 116, 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.

H.B. 182, 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.

H.B. 237, AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY ALLOWING REGISTRATION OF LIMITED LOAN OFFICERS OF DEFINED AFFILIATED MORTGAGE BANKERS AND TO ESTABLISH

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ADDITIONAL SUPERVISION AND ENFORCEMENT AUTHORITY FOR THE COMMISSIONER OF BANKS.

H.B. 485, AN ACT TO AUTHORIZE AN EXISTING CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

H.B. 490, AN ACT TO AMEND THE LAW WITH REGARD TO MAKING A FALSE REPORT CONCERNING A DESTRUCTIVE DEVICE.

H.B. 779, AN ACT TO INCREASE THE PENALTY FOR AIDING AND ABETTING A STUDENT'S UNLAWFUL ABSENCE FROM SCHOOL.

H.B. 801, 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.

H.B. 813, AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS.

H.B. 1030, AN ACT TO CLARIFY THE POWERS OF THE BRUNSWICK AIRPORT COMMISSION AND TO AUTHORIZE LOCAL AIRPORT AUTHORITIES TO BORROW MONEY.

H.B. 1145, 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.

H.B. 1202, AN ACT TO CLARIFY ALTERNATIVE REPRESENTATION OF METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES.

H.B. 1217, AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES.

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H.B. 1266, 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.

H.B. 1271, AN ACT TO AMEND CERTAIN LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS.

H.B. 1279, AN ACT TO AMEND THE SPEEDING TO ELUDE ARREST STATUTES TO CLARIFY THE PROXIMATE CAUSE REQUIREMENT WHEN THE OFFENSE RESULTS IN DEATH.

H.B. 1311, 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.

H.B. 1328, AN ACT TO PROVIDE FOR THE EXPUNCTION OF OFFICIAL RECORDS WHEN A PERSON IS GRANTED A PARDON OF INNOCENCE.

H.B. 1389, AN ACT TO AMEND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS.

H.B. 1390, 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.

H.B. 1394, 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.

H.B. 1401, AN ACT TO AMEND THE CIRCUMSTANCES UNDER WHICH FEDERAL LAW ENFORCEMENT OFFICERS AND SWORN LAW ENFORCEMENT OFFICERS MAY CARRY CONCEALED WEAPONS.

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H.B. 1411, 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.

H.B. 1416, AN ACT TO MAKE TOWNS OR CITIES WHERE A RAILROAD PASSENGER TERMINUS EXISTS ELIGIBLE TO HOLD MALT BEVERAGE PERMIT ELECTIONS.

H.B. 1485, AN ACT TO PROVIDE THAT SEARCH WARRANTS MAY BE OBTAINED BY AUDIO/VIDEO TRANSMISSIONS.

H.B. 1775, 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.

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

H.B. 464, 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.

H.B. 612, 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.

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

H.J.R. 1615, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN D. HALL, FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 2005-50)

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

August 16, 2005

Senate Committee Substitute for **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 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. 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, is returned for concurrence in one Senate amendment.

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

H.B. 613 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY, 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 No. 2 for **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 returned for concurrence in Senate Committee Substitute Bill No. 2.

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

Upon concurrence Senate Committee Substitute Bill No. 2 changes the title.

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H.B. 669 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES, 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.

H.B. 706 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS, 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. 735 (Senate 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, 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. 829 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL FLAGS, 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. 967 (Senate 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

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EXERCISING THE AUTHORIZED RIGHTS, TO DEFINE "DISPOSITION OF REMAINS", AND TO MAKE 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.

H.B. 1076 (Senate 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, 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. 1150 (Senate 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, 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. 1213 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES UNDER CERTAIN CIRCUMSTANCES MAY HAVE THOSE CHARGES EXPUNGED IF THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT, 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. 1277 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LICENSURE AND EDUCATION

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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 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.

H.B. 1318 (Senate 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, 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. 1527 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS, is returned for concurrence in the Senate committee substitute bill and referred to the Committee on Judiciary III.

H.B. 1543 (Senate 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, is returned for concurrence in the Senate committee substitute bill.

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

S.B. 725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, is read the first time and referred to the Committee on Appropriations.

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S.B. 868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, is read the first time and referred to the Committee on Appropriations.

S.B. 1149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO EXTEND AND EXPAND THE CREDIT FOR INVESTMENT IN RENEWABLE ENERGY PROPERTY, is read the first time and referred to the Committee on Finance.

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of the Chair and without objection, **H.J.R. 1793**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. BARBARA KINARD PHILLIPS, DISTINGUISHED NORTH CAROLINIAN, is withdrawn from the Calendar pursuant to Rule 36(b) and placed on the Calendar of August 23.

On motion of the Chair and without objection, **H.B. 897** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

Representative Harrison sends forth the Conference Report on **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. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of August 22.

Representative Culpepper moves, seconded by Representative McLawhorn, that the House adjourn, subject to committee assignments, to reconvene August 18 at 9:00 a.m.

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The motion carries.

No committee assignments having been received, the House stands adjourned at 3:21 p.m.

ONE HUNDRED SEVENTEENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, August 18, 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:

"Merciful God:

"As Your Spirit swept over the chaos of the world and brought it into order, so sweep across the landscape of our lives and help to bring streams to the dry river beds, rain to the deserts, and warmth to the cold climates of our hearts. Instill within us a new vision for each day that is filled with wonder and with awe as well as a clearer understanding and appreciation for the blessings of our lives. Help us to give thanks in all things, to trust You in every way, and to seek the divine ways of Your infinite mercy and grace. Amen."

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

Leaves of absence are granted Representatives L. Allen, Coleman, Fisher, Gibson, Insko, Jeffus, Underhill, and Wainwright for today.

CHAPTERED BILLS

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

August 18, 2005

H.B. 464, 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. (S.L. 2005-278)

H.B. 612, 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. (S.L. 2005-279)

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 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. 217** (Conference 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, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 13, 2005

Mr. Speaker:

August 18, 2005

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. 393** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT, and requests conferees. The President *Pro Tempore* appoints:

Senator Hoyle, Chair
Senator Jenkins
Senator Thomas
Senator Forrester

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
August 12, 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 No. 3 to **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.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

August 18, 2005

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

Senate Chamber
August 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 **S.B. 740** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, EXCEPT WHEN DOING SO PURSUANT TO A SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES.

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

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

Senate Chamber
August 12, 2005

August 18, 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. 974** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, AND AUTHORIZE ALCOHOLIC BEVERAGES TO BE MADE AVAILABLE BY SELF-SERVICE IN SUITES OF MAJOR LEAGUE SPORTS FACILITIES.

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 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 **S.B. 1126** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2006, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE WAIVER, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS

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STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION AND THE WILDLIFE RESOURCES COMMISSION TO JOINTLY DISPERSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE 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

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

Senate Committee Substitute for **H.B. 105** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

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

Senate Committee Substitute for **H.B. 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 returned for concurrence in the Senate committee substitute bill and referred to the Committee on Election Law and Campaign Finance Reform.

Upon concurrence the Senate committee substitute bill changes the title.

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Senate Committee Substitute for **H.B. 254** (Committee Substitute No. 2), 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 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 August 22.

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MANUFACTURED HOMES ESCROW ACCOUNTS, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 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, 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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H.B. 750 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS, is returned for concurrence in one Senate amendment.

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

Senate Committee Substitute for **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, 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 August 22.

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.

The Senate committee substitute bill changes the bill from local to public.

H.B. 888 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR COCKFIGHTING, 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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Senate Committee Substitute for **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, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 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 returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute No. 2 for **H.B. 1095**, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS, is returned for concurrence in Senate Committee Substitute Bill No. 2.

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

Upon concurrence Senate Committee Substitute Bill No. 2 changes the title.

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

Senate Committee Substitute for **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

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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, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 1128** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE TRAINING FOR CAMPAIGN TREASURERS; TO REQUIRE AN AUDIT TRAIL FOR

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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 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 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 August 22.

Upon concurrence the Senate committee substitute bill changes the title.

H.B. 1136 (Senate 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 returned for concurrence in Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(b), Senate Committee Substitute Bill No. 2 is placed on the Calendar of August 22.

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Senate Committee Substitute for **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 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 returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 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, 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. 1539 (Senate 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, 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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H.B. 1541 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS, 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.

S.B. 402, 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 read the first time and referred to the Committee on State Government.

S.B. 837, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RETIRED EMPLOYEES HAVE AT LEAST TEN YEARS OF RETIREMENT BENEFIT SERVICE CREDIT IN ORDER TO QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, is read the first time and referred to the Committee on Health.

WITHDRAWAL OF BILLS FROM COMMITTEE

On motion of the Chair and without objection, the following bills are withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar pursuant to Rule 36(b):

S.B. 1029 (House 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, TO CLARIFY THAT THE FAILURE TO FILE A COUNTERCLAIM IN A SMALL CLAIMS ACTION DOES NOT BAR THE CLAIM IN A SEPARATE ACTION AND TO MAKE CHANGES TO LANDLORD TENANT LAW.

S.J.R. 1171, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM HOLLAND THOMAS, FORMER MEMBER

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OF THE GENERAL ASSEMBLY, ON THE 200TH ANNIVERSARY OF HIS BIRTH.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of the Chair and without objection, **S.B. 629** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, is withdrawn from the Calendar and placed on the Calendar of August 23.

Representative Culpepper moves, seconded by Representative Bordsen, that the House adjourn, subject to committee assignments, to reconvene Monday, August 22, 2005, at 5:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 9:25 a.m.

ONE HUNDRED EIGHTEENTH DAY

HOUSE OF REPRESENTATIVES
Monday, August 22, 2005

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:

"Gracious and Merciful God:

"We pause to give You thanks as we begin to wrap-up this Long Session of the 147th North Carolina Legislature. Our work together has indeed produced many good results for the people of this great State. Undoubtedly, we also acknowledge, that some of our efforts may not seem as good to some. But, through it all, we pray that we have each given an honest and sincere effort on behalf of those who sent us here. There

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remains much to do; thus we pray in earnest that You allow us to see clearly the choices and alternatives that await us. May our efforts and work be pleasing 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 August 18 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Capps, Insko, and McMahan for today. Representatives Gibson and LaRoque are excused for a portion of the Session.

CHAPTERED BILLS

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

S.B. 669, 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. (S.L. 2005-280)

S.B. 32, AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING AND 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. (S.L. 2005-281)

S.B. 189, AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN

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EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS. (S.L. 2005-282)

S.B. 687, AN ACT TO AMEND THE LAW GOVERNING THE VOLUNTEER RESCUE/EMS FUND. (S.L. 2005-283)

S.B. 644, AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER CERTAIN CLASSIFICATION AND COMPENSATION RELATED PROVISIONS OF THE STATE PERSONNEL ACT. (S.L. 2005-284)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee and permanent subcommittee are presented:

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:

S.B. 911 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION, with a favorable report, as amended.

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

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

H.B. 535 (Committee Substitute), 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.

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

S.B. 148 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS',

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FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS, with a favorable report, as amended.

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

S.B. 868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, 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.

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of the Chair and without objection, **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 withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of the Chair and without objection, **S.B. 629** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, is withdrawn from the Calendar of August 23 and placed on today's Calendar.

WITHDRAWAL OF BILL FROM COMMITTEE

On motion of the Chair and without objection, Senate Committee Substitute for **H.B. 576** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on today's Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

Pursuant to Rule 32(a), the following resolution is introduced and placed on the Calendar for immediate consideration:

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By Representative Culpepper:

H.J.R. 1795, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

The resolution passes its second reading, by electronic vote (111-1), and there being no objection is read a third time.

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

INTRODUCTION OF PAGES

Pages for the week of August 22 are introduced to the membership. They are: Daniel Alonzo, Joshua Cranfill, James Gwyn, Stephen Jacobs, Joseph Jones, Aaron Leake, Trevor Parlin, John Te Rankins, Michael Ransom, Charles Thomas, Travis Waddell, and Justin Ward.

All of the Pages this week are students at the Tarheel Challenge Academy in Sampson County and are sponsored by Speaker Black.

CONFERENCE REPORT

Representative Harrison moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 217

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 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, Senate Judiciary II Committee Substitute Adopted 6/14/05 Fourth Edition Engrossed 6/22/05, submit the following report:

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The House and Senate agree to the following amendment to the Senate Judiciary II Committee Substitute Adopted 6/14/05, Fourth Edition Engrossed 6/22/05, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached Proposed Conference Committee Substitute H217-PCCS70561-LH-2.

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

Date conferees approved report: August 12, 2005.

*Conferees for the
Senate*

S/ Kay Hagan
S/ Philip Berger
S/ Janet Cowell
S/ Tony Rand

*Conferees for the
House of Representatives*

S/ Pricey Harrison
S/ Deborah Ross
S/ Paul Stam

The Conference Report is adopted, by electronic vote (114-0), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Representative Gulley requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (115-0).

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor by Special Message.

CALENDAR

Action is taken on the following:

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

Senate Committee Substitute for **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.

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On motion of Representative Hackney, 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 Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Rayfield, Ross, Sauls, Saunders, Sherrill, Starnes, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 86.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Cleveland, Culp, Daughtridge, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, LaRoque, McGee, Moore, Pate, Ray, Rhodes, Setzer, Stam, Steen, Stiller, Vinson, Walker, West, and Wiley - 29.

Excused absences: Representatives Adams, Capps, Insko, and McMahan - 4.

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

Senate Committee Substitute for **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 EXTRA-TERRITORIAL PLANNING JURISDICTION IN 2010, TO EXEMPT THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN ABC

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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.

On motion of Representative Culpepper, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (101-14), and the bill is ordered enrolled.

Senate Committee Substitute for **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.

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

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, 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, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Jeffus,

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Johnson, 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, 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 Blust and Rhodes - 2.

Excused absences: Representatives Adams, Capps, Insko, and McMahan - 4.

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

Senate Committee Substitute No. 2 for **H.B. 1261** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE.

On motion of Representative Underhill, the House concurs in the material Senate Committee Substitute Bill No. 2, 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 Alexander, L. Allen, Bell, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Crawford, Culpepper, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, England, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Howard, Jeffus, Johnson, Ed Jones, Justice, Kiser, LaRoque, Lucas, Martin, McComas, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ross, Sauls, Saunders, Setzer, Sherrill, Starnes, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Williams, Wilson, Womble, Wray, Wright, and Yongue - 78.

Voting in the negative: Representatives B. Allen, Allred, Almond, Barnhart, Blackwood, Blust, Cleveland, Coleman, Culp, Current, Eddins, Faison, Frye, Gillespie, Goodwin, Hollo, Holloway, Jones, Justus, Langdon, Lewis, Luebke, McAllister, Moore, Pate, Ray, Rayfield, Rhodes, Stam, Steen, Stiller, Sutton, Vinson, Wiley, and Wilkins - 35.

Excused absences: Representatives Adams, Capps, Insko, and McMahan - 4.

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Senate Committee Substitute for **H.B. 254** (Committee Substitute No. 2), 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.

On motion of Representative Crawford, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (81-32), and the bill is ordered enrolled and presented to the Governor by Special Message.

Representative Current requests and is granted permission to be recorded as voting "no". The adjusted vote total is (81-33).

CONFERENCE REPORT

Representative Goforth moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 629

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 629, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, House Committee Substitute Favorable 7/27/05, submit the following report:

The Senate concurs in the House Committee Substitute with an amendment, delete the entire House Committee Substitute Favorable 7/27/05 and substitute the attached Proposed Conference Committee Substitute S622-PCCS65363-LB-1.

The House 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: August 2, 2005.

*Conferees for the
Senate*

S/ John Snow, Chair
S/ Martin Nesbitt
S/ Walter H. Dalton
S/ Fletcher L. Hartsell, Jr.

*Conferees for the
House of Representatives*

S/ Bruce Goforth, Chair
S/ Ray Rapp
S/ Trudi Walend
S/ Becky Carney

The Conference Report is adopted, by electronic vote (111-4), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

CALENDAR (continued)

Senate Committee Substitute for **H.B. 576** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS.

On motion of Representative Tolson, the House does not concur in the Senate committee substitute bill, by electronic vote (113-1), and conferees are requested.

Representative Parmon requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (114-0).

The Speaker appoints Representatives Tolson, England, and Sauls as conferees on the part of the House and the Senate is so notified by Special Message.

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

H.B. 613 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY.

On motion of Representative Harrell, the House concurs in the Senate committee substitute bill, by electronic vote (98-17), and the bill is ordered enrolled and presented to the Governor by Special Message.

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CONFERENCE REPORT

Pursuant to Rule 24.1A, Representative Daughtry requests that he be excused from voting on this Conference Report because of an economic conflict. This request is granted.

The material Conference Report for Senate Committee Substitute for **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, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Allred, Bell, Blackwood, Bordsen, Brubaker, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Dickson, 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, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Moore, Morgan, Owens, Parmon, Pierce, Preston, Rapp, Ross, Saunders, Sherrill, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walker, Warren, Weiss, Wiley, Williams, Wilson, Womble, Wray, Wright, and Yongue - 83.

Voting in the negative: Representatives Almond, Barnhart, Blust, Brown, Dockham, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Holmes, Kiser, LaRoque, McGee, Nye, Pate, Ray, Rayfield, Rhodes, Sauls, Setzer, Stam, Starnes, Steen, Stiller, Walend, West, and Wilkins - 31.

Excused absences: Representatives Adams, Capps, Insko, and McMahan - 4.

Excused vote: Representative Daughtry.

CALENDAR (continued)

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

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Senate Committee Substitute for **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.

On motion of Representative Hill, 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 by Special Message.

S.B. 339 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF AHOSKIE AND ELKIN TO LEVY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES, CREATING A TAXING DISTRICT IN OCRACOCKE TOWNSHIP FOR THE PURPOSES OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, AMENDING THE ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES FOR THE COUNTIES OF CHOWAN AND MARTIN, AND REENACTING THE OCCUPANCY TAX AMENDMENTS IN CARTERET COUNTY.

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 Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Carney, Church, 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, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Rayfield, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 89.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brubaker, Clary, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie,

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Hilton, Hollo, Holloway, Kiser, LaRoque, Moore, Pate, Rhodes, Setzer, Stiller, Vinson, Walker, and Wiley - 25.

Excused absences: Representatives Adams, Capps, Insko, and McMahan - 4.

S.B. 327 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK, passes its third reading, by the following vote, and is ordered enrolled and presented to the Governor by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, 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, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 95.

Voting in the negative: Representatives Allred, Blust, Brubaker, Clary, Cleveland, Daughtridge, Dockham, Folwell, Frye, Gillespie, Goforth, Hilton, Hollo, Holloway, Moore, Rhodes, Setzer, Vinson, Walker, and Wiley - 20.

Excused absences: Representatives Adams, Capps, Insko, and McMahan - 4.

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE, PRESIDING.

S.B. 705 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE

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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, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

Those voting in the affirmative are: Representatives Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, 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, Howard, Jeffus, Johnson, 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 - 113.

Voting in the negative: None.

Excused absences: Representatives Adams, Capps, Insko, and McMahan - 4.

S.B. 757 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

Those voting in the affirmative are: Representatives Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson,

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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, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, 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 - 112.

Voting in the negative: Representatives Allred and LaRoque - 2.

Excused absences: Representatives Adams, Capps, Insko, and McMahan - 4.

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.

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

Those voting in the affirmative are: Representatives Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, 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, Jeffus, Johnson, 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 - 112.

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Voting in the negative: None.

Excused absences: Representatives Adams, Capps, Insko, and McMahan - 4.

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

H.B. 766 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA.

On motion of Representative Howard, 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: Representatives Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, 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, Jeffus, Johnson, 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 - 114.

Voting in the negative: None.

Excused absences: Representatives Adams, Capps, Insko, and McMahan - 4.

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

H.B. 1112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL LISTING OF MENTAL HEALTH FACILITIES DESIGNATED TO ASSIST IN THE PLACEMENT OF INDIVIDUALS TO BE INVOLUNTARILY COMMITTED

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AND REQUIRE AREA AUTHORITIES TO MAINTAIN A CRISIS RESPONSE SERVICE, 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 by Special Message.

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

S.B. 486 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES.

Representative Wiley offers Amendment No. 1.

On motion of the Chair, the bill with Amendment No. 1 pending, is temporarily displaced.

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

S.B. 681 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES.

Representative Harrison offers Amendment No. 1 which fails of adoption, by electronic vote (24-91).

The bill passes its second reading, by electronic vote (99-16), and there being no objection is read a third time.

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

S.B. 486 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES, which was temporarily displaced, with pending Amendment No. 1, is before the Body.

Amendment No. 1 is adopted by electronic vote (113-0).

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The bill, as amended, passes its second reading, by electronic vote (114-0), and there being no objection is read a third time.

Representative Wiley requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (115-0).

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

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

S.B. 737 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL RECORD CHECKS FOR COUNTY GOVERNMENTS, 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 enrolled and presented to the Governor by Special Message.

S.B. 1048 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005.

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. 561 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES.

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

Representative Hollo requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (115-0).

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

H.B. 569 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON

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DOMESTIC VIOLENCE AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC VIOLENCE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE.

On motion of Representative Sherrill, the House concurs in the Senate committee substitute bill, by electronic vote (115-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 636 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF MARKUPS OF ANATOMIC PATHOLOGY SERVICES BY PHYSICIANS, HOSPITALS, DENTISTS, AND PODIATRISTS.

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

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

Senate Committee Substitute No. 2 for **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, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (112-2), 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. 665, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS.

On motion of Representative Cole, the House concurs in the Senate amendment, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 669 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES.

On motion of Representative Cole, the House concurs in Senate Committee Substitute Bill No. 2, by electronic vote (111-2), 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. 670 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES IN ORDER TO COMPLY WITH FEDERAL LAW.

On motion of Representative Cole, the House concurs in the Senate committee substitute bill, by electronic vote (112-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 706 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS.

On motion of Representative Yongue, the House concurs in the Senate committee substitute bill, by electronic vote (112-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 735 (Senate 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.

On motion of Representative Wright, the House concurs in the Senate committee substitute bill, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

Senate Committee Substitute for **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.

On motion of Representative Cole, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (110-3), 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. 829 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL FLAGS.

On motion of Representative Stam, 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 by Special Message.

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

Senate Committee Substitute for **H.B. 671** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REGULATION OF PLANTS.

On motion of Representative Hill, the House does not concur in the Senate committee substitute bill, by electronic vote (113-0), and conferees are requested.

Representative Cole requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (114-0).

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

H.B. 855 (Senate 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

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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.

On motion of Representative Hackney and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of August 23.

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

H.B. 890 (Senate 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.

On motion of Representative Alexander, the House concurs in the Senate committee substitute bill, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 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 Representative Alexander, the House concurs in the Senate amendment, by electronic vote (112-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

Senate Committee Substitute for **H.B. 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.

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

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

H.B. 967 (Senate 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.

On motion of Representative Tucker, the House concurs in the Senate committee substitute bill, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 1034 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION.

On motion of Representative Cole and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of August 23.

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

H.B. 1085 (Senate 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.

On motion of Representative Parmon, the House concurs in the Senate committee substitute bill, by electronic vote (112-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

Representative Harrell requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (113-0).

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

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H.B. 1086 (Senate 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.

On motion of Representative Culpepper, the House concurs in the Senate committee substitute bill, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

Senate Committee Substitute for **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.

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

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

Senate Committee Substitute for **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 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

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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.

On motion of Representative Ross, the House does not concur in the Senate committee substitute bill, by electronic vote (115-0), and conferees are requested.

The Chair appoints Representative Ross, Chair; Representatives Moore and Holliman as conferees on the part of the House and the Senate is so notified by Special Message.

Senate Committee Substitute for **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, which was temporarily displaced, is before the Body.

On motion of Representative Gibson, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (112-2), and the bill is ordered enrolled and presented to the Governor by Special Message.

CONFEREES APPOINTED

The Chair appoints the following conferees on Senate Committee Substitute for **H.B. 671** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REGULATION OF PLANTS: Representatives Hill, Tolson, and Williams.

The Senate is so notified by Special Message.

The Chair appoints the following conferees on **S.B. 393** (House Committee Substitute), 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: Representative Weiss, Chair; Representatives Luebke, McComas, and Harrison.

The Senate is so notified by Special Message.

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CALENDAR (continued)

S.B. 1048 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005, which was temporarily displaced, is before the Body.

Representative Goforth offers Amendment No. 1.

SPEAKER BLACK PRESIDING.

Amendment No. 1 is adopted by electronic vote (112-0).

Representative Stam offers Amendment No. 2 which is adopted by electronic vote (113-0).

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 for concurrence in the House committee substitute bill by Special Message.

H.B. 1136 (Senate 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.

On motion of Representative Culpepper, the House concurs in Senate Committee Substitute Bill No. 2, by electronic vote (114-1), 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. 1150 (Senate 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.

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On motion of Representative Goodwin, the House concurs in the Senate committee substitute bill, by electronic vote (110-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

Representatives Goforth and Haire request and are granted permission to be recorded as voting "aye". The adjusted vote total is (112-0).

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

H.B. 1076 (Senate 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.

On motion of Representative Wright, the House does not concur in the Senate committee substitute bill, by electronic vote (115-0), and conferees are requested.

RE-REFERRAL

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

On motion of the Speaker, the House recesses at 7:59 p.m.

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

August 22, 2005

Senate Chamber
August 22, 2005

Mr. Speaker:

Pursuant to the message from the Senate on August 12, 2005, informing the House of Representatives that the Senate fails to concur in House Committee Substitute No. 3 to **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, it is ordered that a message be sent your Honorable Body with the information that the Senate requests conferees. The President *Pro Tempore* appoints:

Senator Rand, Chair
Senator Apodaca
Senator Malone

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Hackney, Chair; Representatives Martin, Ross, Rapp, Stam, and Folwell as conferees on the part of the House and the Senate is so notified by Special Message.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

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

H.B. 1527 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS, with recommendation that the House concur.

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

CALENDAR (continued)

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

H.B. 1169 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INVESTMENT OF STATE AND LOCAL FUNDS IN NORTH CAROLINA FINANCIAL INSTITUTIONS.

On motion of Representative Church, the House concurs in the Senate committee substitute bill, by electronic vote (111-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 1174 (Senate 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.

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

Pursuant to Rule 24.1A, Representative Cunningham requests that he be excused from voting on this bill because of a possible conflict of interest. This request is granted.

The House concurs in the Senate committee substitute bill, by electronic vote (108-2), 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. 1176 (Senate 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, AND TO EXEMPT CERTAIN TYPES OF PROPERTY FROM ENFORCEMENT.

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On motion of Representative Weiss, the House concurs in the Senate committee substitute bill, by electronic vote (88-25), 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. 1213 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES UNDER CERTAIN CIRCUMSTANCES MAY HAVE THOSE CHARGES EXPUNGED IF THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT.

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

Senate Committee Substitute for **H.B. 1227**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT.

On motion of Representative Coleman, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (93-21), and the bill is ordered enrolled and presented to the Governor by Special Message.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

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

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, 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. 1283 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL 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, 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.J.R. 1180, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, AND PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION, with a favorable report as to the House committee substitute resolution, which changes the title, 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.

CALENDAR (continued)

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

H.B. 1277 (Senate Committee Substitute No. 2), 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.

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On motion of Representative Faison, the House concurs in Senate Committee Substitute Bill No. 2, by electronic vote (114-1), 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. 1281 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS.

On motion of Representative L. Allen, the House concurs in the Senate committee substitute bill, by electronic vote (115-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 1284 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW.

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

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

H.B. 1295 (Senate 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.

On motion of Representative Harrison, the House concurs in the Senate committee substitute bill, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

Representative Luebke requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (114-0).

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

H.B. 1310 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT STUDENTS TO USE THEIR SAT SCORES OR

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PRAXIS I SCORES TO QUALIFY FOR ADMISSION TO TEACHER EDUCATION PROGRAMS.

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

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

Senate Committee Substitute for **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.

On motion of Representative Frye, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (110-0), 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. 1318 (Senate 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.

On motion of Representative Hackney, the House concurs in the Senate committee substitute bill, by electronic vote (115-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 1357 (Senate 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.

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On motion of Representative Fisher, the House concurs in the Senate committee substitute bill, by electronic vote (101-14), 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. 1375 (Senate 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.

On motion of Representative Culpepper, the House concurs in the Senate committee substitute bill, by electronic vote (112-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 1404 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS TO SERVE PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES.

On motion of Representative Folwell, the House concurs in the Senate committee substitute bill, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

Representative Weiss requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (114-0).

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

Senate Committee Substitute for **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.

Pursuant to Rule 24.1A(c), the request that Representative Daughtry be excused from voting on June 29 is continued.

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On motion of Representative Gibson, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (101-13), 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. 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.

On motion of Representative Hackney, the House concurs in Senate Amendment No. 1, which changes the title, by electronic vote (112-1).

On motion of Representative Hackney, the House concurs in Senate Amendment No. 2, by electronic vote (115-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 1468 (Senate 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.

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

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

H.B. 1491 (Senate 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.

On motion of Representative Glazier, the House concurs in the Senate committee substitute bill, by electronic vote (112-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 1493 (Senate 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.

On motion of Representative Cole, the House does not concur in the Senate committee substitute bill, by electronic vote (115-0), and conferees are requested.

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

Senate Committee Substitute for **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.

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

CONFEREES APPOINTED

The Speaker appoints the following conferees on Senate Committee Substitute for **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: Representative Cole, Chair; Representatives Nye and England.

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. 1518 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HOLDERS OF CERTAIN ABC PERMITS TO RECYCLE ALL RECYCLABLE CONTAINERS OF ALL BEVERAGES

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SOLD AT RETAIL ON THE PREMISES AND TO PROHIBIT THE DISPOSAL OF THOSE CONTAINERS IN LANDFILLS OR BY INCINERATION.

On motion of Representative Hackney, the House concurs in the Senate committee substitute bill, by electronic vote (107-7), 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. 1543 (Senate 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 Representative Ray, the House concurs in the Senate committee substitute bill, by electronic vote (108-7), and the bill is ordered enrolled and presented to the Governor by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 888** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR COCKFIGHTING, is placed on today's Calendar for immediate consideration.

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

Representative Hilton requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (105-7).

CONFERENCE REPORT

Representative Gibson sends forth the Conference Report on **S.B. 1126** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR

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WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2007, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS. Without objection, the Conference Report is placed on the Calendar for immediate consideration.

On motion of the Chair, the Conference Report is temporarily displaced.

CALENDAR (continued)

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

H.B. 50 (Committee Substitute), 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.

Representative Michaux offers Amendment No. 1 which is adopted by electronic vote (108-4).

Representatives Moore and Rayfield request and are granted permission to change their vote from "no" to "aye". The adjusted vote total is (110-2).

Representative Michaux offers Amendment No. 2 which is adopted by electronic vote (105-8).

Representative Allred requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (106-8).

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The bill, as amended, passes its second reading, by electronic vote (112-1), 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 by Special Message.

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

H.B. 1415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DENIAL OF A LICENSE OR PERMIT TO PURCHASE A PISTOL SHALL BE REPORTED TO THE STATE BUREAU OF INVESTIGATION TO BE ENTERED INTO AN APPROPRIATE COMPUTERIZED DATABASE THAT IS ACCESSIBLE TO SHERIFFS STATEWIDE.

Representative Sutton offers Amendment No. 1 which is adopted by electronic vote (111-2).

Representative Sutton offers Amendment No. 2 which is adopted by electronic vote (114-0).

Representative Sherrill moves that Rule 31(d) be suspended in order that she might offer an amendment which changes the title. The motion carries by electronic vote (101-11).

Representative Sherrill offers Amendment No. 3 which is adopted by electronic vote (106-6). This amendment changes the title.

The bill, as amended, passes its second reading, by electronic vote (107-7). The caption having been amended, the bill remains on the Calendar.

BILLS PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.J.R. 1180** (House Committee Substitute), A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION, is placed on today's Calendar for immediate consideration.

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The resolution passes its second reading, by electronic vote (83-30), and there being no objection is read a third time.

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

Representative Culpepper gives notice, pursuant to Rule 36(b), and Senate Committee Substitute for **H.B. 1207** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO AMEND THE APPOINTMENT OF THE MEMBERSHIP OF THE EDENTON HISTORICAL COMMISSION, is placed on today's Calendar for immediate consideration.

Representative Culpepper offers Amendment No. 1 which is adopted by electronic vote (112-1).

The bill, as amended, passes its second reading, by electronic vote (110-5), 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.

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 1283** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS, is placed on today's Calendar for immediate consideration.

Representative Goforth offers Amendment No. 1 which is adopted by electronic vote (104-10).

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

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Bell, Bordsen, Carney, Coates, Culpepper, Cunningham, Dickson, Earle, England, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Hackney, Haire, Harrison, Holliman, Jeffus, Jones, Lucas, Luebke, Martin, McComas, McLawhorn, Michaux, Miller, Parmon, Rapp, Ross, Saunders, Stam, Tolson, Underhill, Wainwright, Warren, Weiss, Womble, Wright, and Yongue - 46.

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Voting in the negative: Representatives Allred, Almond, Barnhart, Blackwood, Blust, Brown, Brubaker, Clary, Cleveland, Cole, Coleman, Crawford, Culp, Current, Daughtridge, Daughtry, Dockham, Dollar, Eddins, Faison, Folwell, Frye, Gillespie, Grady, Gulley, Hill, Hilton, Hollo, Holloway, Holmes, Howard, Johnson, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, McAllister, McGee, Moore, Morgan, Nye, Owens, Pate, Pierce, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Sherrill, Starnes, Steen, Stiller, Sutton, Tucker, Vinson, Walend, Walker, West, Wiley, Wilkins, Williams, Wilson, and Wray - 68.

Excused absences: Representatives Capps, Insko, and McMahan - 3.

CONFERENCE REPORT

Representative Gibson moves the adoption of the following Conference Report, which is ruled to be material.

House Committee Substitute No. 2 for S.B. 1126

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 1126, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2007, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO

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MANAGE THE MARINE RESOURCES OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS, House Committee Substitute #2 Favorable 7/5/05, Sixth Edition, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute #2 Favorable 7/5/05, Sixth Edition, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute #2 Favorable 7/5/05, Sixth Edition, and substitute the attached Proposed Conference Committee Substitute S1126-PCCS85296-SBf-4.

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

Date conferees approved report: August 12, 2005.

*Conferees for the
Senate*

S/ Charles W. Albertson, Chair
S/ Harry Brown
S/ Robert L. Holloman
S/ S. Clark Jenkins
S/ A. B. Swindell, IV
S/ Scott Thomas
S/ David F. Weinstein

*Conferees for the
House of Representatives*

S/ Pryor A. Gibson, III, Chair
S/ Daniel F. McComas
S/ Bonner L. Stiller
S/ Joe Hackney
S/ Paul Stam
S/ Pricey Harrison

The material Conference Report is adopted on its second roll call reading by the following vote.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blust, Bordsen, Brubaker, Carney, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goodwin, Gulley, Hackney, Haire, Harrell, Harrison, Holliman, Holmes, Jeffus, Jones, Ed Jones, Justice, Lewis, Lucas, Luebke, Martin, McAllister, McComas,

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McLawhorn, Miller, Morgan, Nye, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Underhill, Vinson, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, and Yongue - 75.

Voting in the negative: Representatives Allred, Blackwood, Brown, Clary, Cleveland, Culp, Dollar, Eddins, Folwell, Frye, Gillespie, Goforth, Grady, Hill, Hilton, Hollo, Holloway, Howard, Johnson, Justus, Kiser, Langdon, McGee, Moore, Owens, Parmon, Rayfield, Rhodes, Saunders, Setzer, Starnes, Tucker, Walend, Walker, West, Wilson, and Wright - 37.

Excused absences: Representatives Capps, Insko, LaRoque, and McMahan - 4.

Without objection, the material Conference Report, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blust, Bordsen, Brubaker, Carney, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goodwin, Gully, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Jeffus, Johnson, Jones, Ed Jones, Justice, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Pate, Rapp, Ross, Sauls, Sherrill, Stam, Steen, Stiller, Tolson, Underhill, Vinson, Wainwright, Walend, Warren, Weiss, Wiley, Wilkins, Williams, Womble, Wray, and Yongue - 76.

Voting in the negative: Representatives Allred, Blackwood, Brown, Clary, Cleveland, Culp, Dollar, Eddins, Folwell, Frye, Gillespie, Goforth, Grady, Hilton, Hollo, Holloway, Howard, Justus, Kiser, Langdon, Moore, Owens, Parmon, Pierce, Ray, Rayfield, Rhodes, Saunders, Setzer, Starnes, Sutton, Tucker, Walker, West, Wilson, and Wright - 36.

Excused absences: Representatives Capps, Insko, LaRoque, and McMahan - 4.

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RE-REFERRALS

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 290** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT, is withdrawn from the Committee on Judiciary I and re-referred to the Committee on Finance.

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

CHAPTERED BILLS

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

H.B. 1012, 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. (S.L. 2005-285)

H.B. 1469, AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY. (S.L. 2005-286)

H.B. 1016, 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

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FIREARMS DEALER AND MAY USE THE PROCEEDS FROM THE SALE OF UNCLAIMED FIREARMS FOR LAW ENFORCEMENT PURPOSES. (S.L. 2005-287)

H.B. 926, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONCEAL THE DEATH OF A PERSON. (S.L. 2005-288)

H.B. 736, 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, BY REPEALING THE SUNSET ON PROVISIONS RELATING TO TRAVEL DISTANCE BETWEEN PUBLIC USE TOILETS IN MALLS, AND BY CLARIFYING THAT CERTAIN ELECTRIC GENERATING FACILITIES ARE NOT PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS. (S.L. 2005-289)

H.B. 819, AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY. (S.L. 2005-290)

H.B. 1243, AN ACT REQUIRING A LONGER NOTICE PERIOD FOR A TERMINATION OF A TENANCY FOR THE RENTAL SPACE FOR RESIDENTIAL MANUFACTURED HOMES. (S.L. 2005-291)

H.B. 1240, AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS. (S.L. 2005-292)

H.B. 705, 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. (S.L. 2005-293)

H.B. 1779, AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM. (S.L. 2005-294)

H.B. 1436, AN ACT TO DIRECT THE SENTENCING COMMISSION TO STUDY AND MAKE RECOMMENDATIONS REGARDING EVIDENCE THAT A MURDER WAS COMMITTED IN VIOLATION OF A

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VALID DOMESTIC VIOLENCE PROTECTIVE ORDER AS AN AGGRAVATING FACTOR IN CAPITAL SENTENCING. (S.L. 2005-295)

H.B. 810, AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT. (S.L. 2005-296)

H.B. 803, 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. (S.L. 2005-297)

H.B. 1395, AN ACT TO AMEND THE LAW PROHIBITING THE BAITING OF BLACK BEAR. (S.L. 2005-298)

H.B. 1507, 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. (S.L. 2005-299)

H.B. 1464, 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. (S.L. 2005-300)

H.B. 687, AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE. (S.L. 2005-301)

H.B. 1414, AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING. (S.L. 2005-302)

H.B. 988, AN ACT TO EXCLUDE HIGHWAY USE TAXES AS A FACTOR IN DETERMINING THE TRUE VALUE IN MONEY OF MOTOR VEHICLES FOR PROPERTY TAX PURPOSES. (S.L. 2005-303)

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H.B. 1299, 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. (S.L. 2005-304)

CONFEREES APPOINTED

The Speaker appoints the following conferees on **H.B. 1076** (Senate 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, Chair; Representatives Lucas and Preston.

The Senate is so notified by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and Senate Committee Substitute for **H.B. 105** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, is placed on today's Calendar for immediate consideration.

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

The motion fails, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, L. Allen, Barnhart, Bell, Blackwood, Brubaker, Carney, Coates, Cole, Culp, Culpepper, Cunningham, Daughtridge, Dickson, Earle, Eddins, England, Faison, Gibson, Glazier, Gulley, Harrell, Hill, Holmes, Jeffus, Jones, Ed Jones, Lewis, Lucas, McComas, Morgan, Owens, Pierce, Ray, Sauls, Saunders, Steen, Stiller, Sutton, Tolson, Vinson, Wainwright, Wilkins, Williams, Wilson, Wray, Wright, and Yongue - 50.

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Voting in the negative: Representatives B. Allen, Allred, Almond, Blust, Bordsen, Brown, Clary, Cleveland, Coleman, Crawford, Current, Daughtry, Dockham, Dollar, Farmer-Butterfield, Fisher, Folwell, Frye, Gillespie, Goforth, Goodwin, Grady, Hackney, Haire, Harrison, Hilton, Holliman, Hollo, Holloway, Johnson, Justice, Justus, Kiser, Langdon, LaRoque, Luebke, Martin, McAllister, McGee, McLawhorn, Michaux, Miller, Moore, Nye, Parmon, Pate, Rapp, Rayfield, Rhodes, Ross, Setzer, Sherrill, Stam, Starnes, Tucker, Underhill, Walend, Walker, Warren, Weiss, West, Wiley, and Womble - 63.

Excused absences: Representatives Capps, Insko, and McMahan - 3.

Representative Culpepper moves, seconded by Representative Williams, that the House adjourn, subject to committee assignments, the receipt of Committee Reports, and the referral of bills to committee, to reconvene August 23 at 12:00 Noon.

The motion carries.

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. 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, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

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

No committee assignments having been received, the House stands adjourned.

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ONE HUNDRED NINETEENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, August 23, 2005

The House meets at 12:00 Noon 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, as you probably well know, this is shaping up to be a long day and I want to thank you for allowing me the high honor of serving as Chaplain of the North Carolina House of Representatives. It is important to me for you to know that the challenge of offering daily prayers to such a wide and diverse group while trying to be both relative to the matters at hand, and as many of you like to rib me a little, keeping it short and sweet, is both a challenge I enjoy and strive to do with integrity.

"For me personally, this Session has put me in closer contact with many of you on a pastoral level due to life situations more than in previous Sessions. To have allowed me into your families and into those private and sacred spaces of your lives has been an honor and a gift of grace for which I am most grateful.

"As always, I am thankful to the Speaker for this appointment and his continued trust and confidence in me. I am grateful to the Sergeant-at-Arms for his friendship both on and off the dais and to all of his staff who work so well on your behalf and who also manage to keep me laughing most of the time. Finally, to the Principal Clerk and to her entire staff, my life is richer and fuller because of your incredible work ethic, your kind daily greetings, your sense of humor and your abiding friendship. Let us pray.

"Gracious God:

"Out of Your benevolent heart You have given these elected leaders the gifts necessary to do the work of the people. We offer You our thanks. Because You care for Your people, You have fashioned a system of representative government that strives to honor everyone. We offer You our thanks. Our time together here draws to a close. And, even in the midst

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of our necessary political differences, relationships have been renewed and new friendships have been made. For these precious gifts, we offer You our thanks. We confess to You that not all of our actions or motives have always been pleasing to You. For that, we ask for Your divine forgiveness. But, as for all that is right and good and decent and respectable within this Body, we offer You our deepest gratitude. As we prepare to go to our respective homes, grant us safe passage and keeping. Keep the people who have elected us to serve ever before us. God of heaven and earth, always keep us humble in heart and pure in spirit.

"And, now my friends, 'May the Lord bless you and keep you. May the Lord make his face to shine upon you and be gracious unto you. May the Lord lift up his countenance upon you, and give you peace.' Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 22 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Capps and McMahan for today. Representative Luebke is excused for a portion of the Session.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

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

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, 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 today's Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

CONFERENCE REPORT

Representative Weiss sends forth the Conference Report on **S.B. 393** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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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. Without objection, the Conference Report is placed on today's Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Culpepper:

H.J.R. 1796, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF MELISSA BARTLETT, SHIRLEY EAST HARRIS, AND HOWARD N. LEE TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION.

Pursuant to Rule 32(a), the resolution is placed on today's Calendar for the Joint Session.

On motion of the Speaker, the House recesses at 12:37 p.m. subject to the ratification of bills.

ENROLLED BILLS

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

S.B. 327, AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK.

S.B. 737, AN ACT AUTHORIZING CRIMINAL RECORD CHECKS FOR COUNTY GOVERNMENTS.

H.B. 217, AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES.

H.B. 254, AN ACT TO AUTHORIZE THE STATE TREASURER TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS

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ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION, TO REQUIRE "GARVEE" FUNDS TO BE DISTRIBUTED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, 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, AND TO CLARIFY THE DEFINITION OF GOVERNMENTAL UNIT FOR PURPOSES OF INTEREST RATE SWAP AGREEMENTS.

H.B. 561, AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES.

H.B. 569, 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.

H.B. 607, AN ACT TO RENAME THE FARMLAND PRESERVATION ENABLING ACT AND FARMLAND PRESERVATION TRUST FUND AS THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION ENABLING ACT AND THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND AND TO AMEND THE ACT TO ESTABLISH A CATEGORY OF ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS THAT OFFERS ADDITIONAL BENEFITS FOR FARMLAND WHEN THE OWNER OF THE FARMLAND IS WILLING TO ENTER INTO AN IRREVOCABLE CONSERVATION AGREEMENT FOR AT LEAST TEN YEARS AND TO CREATE AN AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE.

H.B. 613, AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY.

H.B. 636, AN ACT TO REQUIRE DISCLOSURE OF MARKUPS OF ANATOMIC PATHOLOGY SERVICES BY PHYSICIANS, HOSPITALS, DENTISTS, AND PODIATRISTS.

H.B. 661, AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR SERIOUS NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE,

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NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST.

H.B. 665, AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS.

H.B. 669, AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES.

H.B. 670, AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES IN ORDER TO COMPLY WITH FEDERAL LAW.

H.B. 706, AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS.

H.B. 735, 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.

H.B. 747, 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 AND TO MODIFY THE AUTHORIZATION GIVEN FOR THE CONTRACT OF THE HERBERT C. BONNER REPLACEMENT BRIDGE PROJECT AT OREGON INLET.

H.B. 829, AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL FLAGS.

H.B. 888, AN ACT TO INCREASE THE PENALTY FOR COCK-FIGHTING.

H.B. 890, AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A CRIME LABORATORY OPERATED BY A LOCAL GOVERNMENT.

H.B. 891, AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES.

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H.B. 911, AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM.

H.B. 967, 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.

H.B. 1085, 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.

H.B. 1086, 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.

H.B. 1096, AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) 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; (4) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (5) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; (6) 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; (7) MAKE CLARIFYING AMENDMENTS TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973; (8) CHANGE THE NAME OF

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THE AIR QUALITY COMPLIANCE ADVISORY PANEL TO THE SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL; AND (9) PROVIDE EXEMPTIONS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS FOR CERTAIN PERSONS AND CERTAIN ACTIVITIES.

H.B. 1136, AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES.

H.B. 1150, 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.

H.B. 1169, AN ACT TO AUTHORIZE THE INVESTMENT OF STATE AND LOCAL FUNDS IN NORTH CAROLINA FINANCIAL INSTITUTIONS.

H.B. 1174, 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.

H.B. 1176, 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.

H.B. 1213, AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES UNDER CERTAIN CIRCUMSTANCES MAY HAVE THOSE CHARGES EXPUNGED IF THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT.

H.B. 1227, AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT AND TO AMEND MOTOR VEHICLE FRANCHISE LAWS.

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H.B. 1277, 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.

H.B. 1281, AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS.

H.B. 1284, AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW.

H.B. 1295, 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.

H.B. 1310, AN ACT TO PERMIT STUDENTS TO USE THEIR SAT SCORES OR PRAXIS I SCORES TO QUALIFY FOR ADMISSION TO TEACHER EDUCATION PROGRAMS.

H.B. 1316, AN ACT ADOPTING THE FRASER FIR AS THE OFFICIAL CHRISTMAS TREE OF THE STATE OF NORTH CAROLINA AND THE SOUTHERN APPALACHIAN BROOK TROUT AS THE OFFICIAL FRESHWATER TROUT OF NORTH CAROLINA.

H.B. 1318, 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.

H.B. 1357, 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.

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H.B. 1375, AN ACT AMENDING THE LAWS RELATING TO CHILD SUPPORT ENFORCEMENT IN ORDER TO CLARIFY AND ENHANCE THOSE LAWS.

H.B. 1404, AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS TO SERVE PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES.

H.B. 1429, AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, TO CLARIFY THE LAW CONCERNING SPLIT-CASE FEES, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE.

H.B. 1465, AN ACT TO PROHIBIT THE DISPOSAL OF MOTOR VEHICLE OIL FILTERS, RIGID PLASTIC CONTAINERS, WOODEN PALLETS, AND OYSTER SHELLS IN LANDFILLS.

H.B. 1468, 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.

H.B. 1491, AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE LIABILITY INSURANCE FOR SCHOOL SOCIAL WORKERS WHO TRANSPORT STUDENTS.

H.B. 1500, AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND PROVIDE FOR THE ISSUANCE OF WINE SHOP PERMITS, TO AMEND LAWS CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, WINE DISTRIBUTION AGREEMENTS AND BEER FRANCHISE AGREEMENTS, AND TO PROVIDE FOR THE BIOMETRIC IDENTIFICATION OF PURCHASERS OF ALCOHOL AND TOBACCO PRODUCTS.

H.B. 1517, 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 AND TO MAKE IT A CRIMINAL OFFENSE FOR A BABY SITTING SERVICE TO BE OFFERED OR PROVIDED BY A SEX OFFENDER OR TO BE LOCATED IN THE HOME OF A SEX OFFENDER.

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H.B. 1518, 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.

H.B. 1543, 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.

H.B. 1121, AN ACT TO PROVIDE FOR THE MERGER OF A HOSPITAL AUTHORITY CREATED BY A CITY AND A CHARITABLE OR RELIGIOUS CORPORATION OR A HOSPITAL AUTHORITY IN THE COUNTY IN WHICH THE CITY IS LOCATED AND RELATING TO PUBLIC HOSPITAL INVESTMENTS.

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

H.B. 328, 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, CLARIFYING THE ORANGE COUNTY VOTING CENTERS ACT,

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AND TO AUTHORIZE THE TOWN OF MATTHEWS TO ADOPT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THAT TOWN, AND TO VALIDATE ELECTIONS AND ACTIONS OF THE PAMLICO COUNTY BOARD OF EDUCATION, AND TO CHANGE THE OFFICE OF TAX COLLECTOR IN HENDERSON COUNTY FROM ELECTIVE TO APPOINTIVE, AND TO RECONFIRM AND VALIDATE NONPARTISAN ELECTIONS FOR THE ELIZABETH CITY-PASQUOTANK BOARD OF EDUCATION AND VALIDATE ACTIONS OF THAT BOARD, AND TO AUTHORIZE THE TOWN OF BLADENBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, AND TO CLARIFY THAT CERTAIN STATE LAND IS SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS BY THE TOWN OF SOUTHPORT WITHOUT THE APPROVAL OF THE COUNCIL OF STATE, AND TO CLARIFY THAT MOREHEAD CITY MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING AND TO AUTHORIZE THAT CITY TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION BE REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

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

S.J.R. 1180, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION. (RESOLUTION 2005-51)

H.J.R. 1795, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION. (RESOLUTION 2005-52)

RECESS

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

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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.

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

Senate Chamber
August 23, 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. 1795**, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, and **S.J.R. 1180 (House Committee Substitute)**, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION, the Senate stands ready to repair to the Hall of the House, there to sit in Joint Session with your Honorable Body.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

JOINT SESSION

Pursuant to resolutions 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 of that Honorable Body. The President of the Senate, the Honorable Beverly E. Perdue, is seated to the left of the Speaker.

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The Joint Session is called to order by the Speaker.

The Speaker directs an electronic vote to be taken of the House of Representatives to determine a quorum and the following Representatives are recorded as present:

Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Carney, Church, Clary, Cleveland, Coates, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, 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, 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, Wilson, Womble, Wray, Wright, and Yongue - 112.

The Speaker instructs the Reading Clerk of the Senate to call the roll to determine a quorum and the following Senators answer present:

Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster, and Weinstein - 49.

A quorum of each Chamber being declared present, the Joint Session proceeds with its business.

STATE BOARD OF EDUCATION CONFIRMATION

H.J.R. 1796, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF MELISSA BARTLETT, SHIRLEY EAST HARRIS, AND HOWARD N. LEE TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION, is before the House.

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The resolution passes its second reading, by electronic vote (115-1), and there being no objection is read a third time.

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

The Speaker relinquishes the gavel to the President of the Senate.

The President of the Senate receives the resolution from the House of Representatives by Special Message.

On motion of Senator Lucas and without objection, the resolution is placed on the Calendar for immediate consideration.

The resolution passes its second reading with forty-nine Senators voting in the affirmative.

The resolution passes its third reading and is ordered enrolled.

The President of the Senate announces the confirmations of Melissa Bartlett, Shirley East Harris, and Howard N. Lee as members of the State Board of Education, effective immediately, with terms to expire March 31, 2013.

The Lieutenant Governor declares this Session of the Senate adjourned.

JOINT SESSION

The Joint Session is called to order by the Speaker pursuant to **S.J.R. 1180** (House Committee Substitute), A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION.

The Speaker directs an electronic vote to be taken of the House of Representatives to determine a quorum and the following Representatives are recorded as present:

Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, 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, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley,

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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, 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, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 114.

The Speaker instructs the Reading Clerk of the Senate to call the roll to determine a quorum and the following Senators answer present:

Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster, and Weinstein - 49.

A quorum of each Chamber being declared present, the Joint Session proceeds with its business.

CONTESTED ELECTION DETERMINATION

Representative Culpepper is recognized and he moves that the Rules of the 2005 House of Representatives be adopted as the Rules of the Joint Session.

The motion carries.

Representative Ross and Senator Clodfelter are recognized to submit the report of the Joint Select Committee on Council of State Contested Elections. (The report may be found in its entirety in the Appendix.)

Representative Ross moves that the report be adopted and Contestant Atkinson be elected.

Senator Clodfelter recommends that Dr. Atkinson be elected.

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Ballots are distributed to Members of both the House of Representatives and the Senate and then collected for tally. The ballots are counted by the Principal Clerks of the House of Representatives and the Senate.

The Speaker states that Dr. June Atkinson has received 93 votes; Bill Fletcher has received 21 votes; and 26 ballots are marked "cannot determine".

The Speaker announces that Dr. June Atkinson, having received the highest number of votes, is duly elected to the office of Superintendent of Public Instruction.

The Speaker directs that the Principal Clerks prepare a final determination of the action taken and notify the Secretary of State and the State Board of Elections.

On motion of Senator Basnight, the Joint Session is dissolved and each Body will resume its business in its respective Chambers.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **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.

On motion of Representative Hackney, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Brubaker, Carney, Coates, Cole, Coleman, Crawford, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, England, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Holliman, Holmes, Howard, Hunter, Jeffus, Jones, Ed Jones, Justus, Langdon, Lewis, Lucas, Martin, McAllister, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ross, Sauls, Saunders, Sherrill, Starnes, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Warren, Weiss, Wilkins, Womble, Wray, and Yongue - 75.

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Voting in the negative: Representatives Almond, Blackwood, Blust, Cleveland, Culp, Dollar, Eddins, Frye, Gillespie, Hilton, Hollo, Holloway, Kiser, LaRoque, Moore, Pate, Ray, Setzer, Stam, Steen, Stiller, Vinson, Walker, West, Wiley, and Wilson - 26.

Excused absences: Representatives Capps, Luebke, McMahan, and Rayfield - 4.

H.B. 1034 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION.

On motion of Representative Cole, the House concurs in the Senate committee substitute bill, by electronic vote (112-1), and the bill is ordered enrolled.

Representative McAllister requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (113-0).

H.J.R. 1793, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. BARBARA KINARD PHILLIPS, DISTINGUISHED NORTH CAROLINIAN, 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.

Senate Committee Substitute for **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.

On motion of Representative Lewis, the House does not concur in the Senate committee substitute bill, by electronic vote (111-2), and conferees are requested.

The Speaker appoints Representatives Lewis and LaRoque as conferees on the part of the House and the Senate is so notified by Special Message.

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H.B. 766 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA.

On motion of Representative Howard, the House concurs in the material Senate committee substitute bill, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, 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, 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, West, Wiley, Wilkins, Williams, Wilson, Wray, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Capps, Luebke, and McMahan - 3.

Senate Committee Substitute for **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

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OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE.

On motion of Representative Wilson, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, 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, 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, West, Wiley, Wilkins, Williams, Wilson, Wray, Wright, and Yongue - 113.

Voting in the negative: Representative Blust.

Excused absences: Representatives Capps, Luebke, and McMahan - 3.

Senate Committee Substitute No. 2 for **H.B. 1261** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE.

On motion of Representative Underhill, the House concurs in material Senate Committee Substitute Bill No. 2, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Alexander, B. Allen, L. Allen, Allred, Almond, Bell, Blackwood, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Farmer-Butterfield, Fisher,

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Folwell, Frye, 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, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Pate, Pierce, Preston, Rapp, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Williams, Wilson, Wray, Wright, and Yongue - 96.

Voting in the negative: Representatives Barnhart, Blust, Cleveland, Daughtridge, Faison, Gillespie, Goodwin, Hilton, Hollo, Holloway, Moore, Ray, Rayfield, Rhodes, Setzer, Vinson, Wiley, and Wilkins - 18.

Excused absences: Representatives Capps, Luebke, and McMahan - 3.

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

Senate Committee Substitute No. 2 for **H.B. 1095**, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS.

On motion of Representative Gibson, the House concurs in material Senate Committee Substitute Bill No. 2, 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, 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, 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, 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.

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Excused absences: Representatives Capps, Luebke, and McMahan - 3.

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

Senate Committee Substitute for **H.B. 630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MANUFACTURED HOMES ESCROW ACCOUNTS.

On motion of Representative Goforth, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (117-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

Senate Committee Substitute for **H.B. 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, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (104-13), and the bill is ordered enrolled and presented to the Governor by Special Message.

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 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.

H.B. 750 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS.

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On motion of Representative Cole, the House concurs in the Senate amendment, by electronic vote (115-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE, PRESIDING.

H.B. 855 (Senate 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.

On motion of Representative Insko, the House concurs in the Senate committee substitute bill, by electronic vote (108-1), and the bill is ordered enrolled and presented to the Governor by Special Message.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Wright, Chair, for the Committee on Health:

H.B. 1303, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONSUMER HEALTH FREEDOM ACT FOR COMPLEMENTARY AND ALTERNATIVE FORMS OF MEDICINE, 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.

S.B. 208 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA OCCUPATIONAL THERAPY PRACTICE ACT AND

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AUTHORIZING THE NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE FEE FOR A LIMITED PERMIT, 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. 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, with a favorable report.

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

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 PUBLIC HEALTH AUTHORITIES TO INCREASE THEIR MEMBERSHIP, with a favorable report.

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

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, with a favorable report.

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

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, 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.

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

H.R. 1792, A HOUSE RESOLUTION URGING CONGRESS TO ENACT LEGISLATION PERTAINING TO SMALL BUSINESS HEALTH PLANS, with recommendation that it be adopted.

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

H.R. 1794, A HOUSE RESOLUTION SUPPORTING ENACTMENT OF THE PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2005 (SENATE BILL 1516) IN THE CONGRESS OF THE UNITED STATES, 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 today's Calendar.

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, with a favorable report.

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

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, 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 today's Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

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

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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, 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.

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

S.B. 443 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS, 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. The Senate committee substitute bill is placed on the Unfavorable Calendar.

S.B. 518 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTES, 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. 590 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

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

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S.B. 606 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

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

S.B. 895 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REAL ESTATE BROKERS DUTIES RELATED TO REAL ESTATE TRUST MONIES, with a favorable report.

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

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, 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 today's Calendar. The original resolution is placed on the Unfavorable Calendar.

By Representative Wright, Chair, for the Committee on Health:

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, 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.

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By Representative Holliman, Chair, for the Committee on Insurance:

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, 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 Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

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, 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 today's Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

H.B. 143, A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRICULTURE ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS, with a favorable report.

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

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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, 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 today's Calendar. The original bill is placed on the Unfavorable Calendar.

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, 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 Senate committee substitute bill is ruled to be material, thus constituting its first meeting.

H.B. 876, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR COMMUNITY COLLEGE CAPITAL OUTLAY 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 today's Calendar. The original bill is placed on the Unfavorable Calendar.

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, 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 today's Calendar. The original bill is placed on the Unfavorable Calendar.

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

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COMMUNITY COLLEGE PLANT FUND PURPOSES, IF APPROVED BY THE VOTERS OF THE 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.

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

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, 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 today's Calendar. The original bill is placed on the Unfavorable Calendar.

H.B. 1413 (Committee Substitute), 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, with a favorable report.

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

H.B. 1526 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF AVERY TO ESTABLISH THE HERITAGE PARK AUTHORITY FOR THE MAINTENANCE AND DEVELOPMENT OF THE HERITAGE PARK FACILITIES IN AVERY COUNTY, 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.

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H.B. 1610, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ROXBORO UPTOWN DEVELOPMENT CORPORATION, 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 Chair rules the committee substitute bill to be material, thus constituting its first reading.

S.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT, with a favorable report.

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

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, with a favorable report.

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

S.B. 505 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO LOCAL MEDICAL EXAMINERS FOR EACH INVESTIGATION CONDUCTED, with a favorable report.

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

S.B. 528 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS, 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 today's Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

S.B. 671 (House 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, TO REPEAL CHAPTER 10A OF THE

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GENERAL STATUTES REGARDING THE REGULATION OF NOTARIES PUBLIC, AND TO ENACT CHAPTER 10B RELATING TO NOTARIES, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

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

S.B. 868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, 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. 1013 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO COST RECOVERY UNDER THE LAWS REGULATING GENERAL CONTRACTORS, with a favorable report.

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

S.B. 1149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO EXTEND AND EXPAND THE CREDIT FOR INVESTMENT IN RENEWABLE ENERGY PROPERTY, with a favorable report.

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

CONFERENCE REPORT

Representative Ross sends forth the Conference Report on Senate Committee Substitute for **H.B. 1128** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE TRAINING FOR CAMPAIGN

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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 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. Without objection, the Conference Report is placed on today's Calendar.

CALENDAR (continued)

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

Senate Committee Substitute for **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.

On motion of Representative Wilkins, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (102-10), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

Senate Committee Substitute for **H.B. 1115** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW POLITICAL PARTIES

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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.

On motion of Representative Moore, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

Senate Committee Substitute for **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 TO, AMEND, AND CODIFY SECTION 10 OF

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S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124.

On motion of Representative Gibson, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (109-2), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

Senate Committee Substitute for **H.B. 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.

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

H.B. 1527 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS.

On motion of Representative Cole, the House concurs in the Senate committee substitute bill, by electronic vote (114-1), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 1539 (Senate 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.

On motion of Representative Daughtridge, the House concurs in the Senate committee substitute bill, by electronic vote (112-1), and the bill is ordered enrolled and presented to the Governor by Special Message.

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

H.B. 1541 (Senate Committee Substitute No. 2), 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.

On motion of Representative Weiss, the House concurs in the Senate committee substitute bill, by electronic vote (109-3), and the bill is ordered enrolled and presented to the Governor by Special Message.

S.B. 339 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF AHOSKIE AND ELKIN TO LEVY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES, CREATING A TAXING DISTRICT IN OCRACOCKE TOWNSHIP FOR THE PURPOSES OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, AMENDING THE ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES FOR THE COUNTIES OF CHOWAN AND MARTIN, AND REENACTING THE OCCUPANCY TAX AMENDMENTS IN CARTERET COUNTY.

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

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Rayfield, 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 - 94.

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Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Brubaker, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie, Hollo, Holloway, LaRoque, Moore, Pate, Rhodes, Setzer, Stiller, Vinson, and Wiley - 21.

Excused absences: Representatives Capps, Luebke, and McMahan - 3.

Representative Hilton requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (93-22).

H.B. 1415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DENIAL OF A LICENSE OR PERMIT TO PURCHASE A PISTOL OR SURRENDER OF A FIREARM OR PERMIT UNDER G.S. 50B-3.1 SHALL BE REPORTED TO THE STATE BUREAU OF INVESTIGATION TO BE ENTERED INTO AN APPROPRIATE COMPUTERIZED DATABASE THAT IS ACCESSIBLE TO SHERIFFS STATEWIDE.

The bill, as amended, passes its third reading, by electronic vote (104-12), and is ordered engrossed and sent to the Senate by Special Message.

H.B. 529 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STUDY THE ADMINISTRATION OF THE DEATH PENALTY AND TO PERMIT EXECUTIONS DURING THE STUDY ABSENT A STAY.

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

Senate Committee Substitute for **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.

Pursuant to Rule 24.1A, Representative Weiss requests that she be excused from voting on this bill. This request is granted.

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

H.B. 535 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL

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LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE.

SPEAKER BLACK PRESIDING.

The bill passes its second reading, by electronic vote (105-7), and there being no objection is read a third time.

Representative Preston requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (106-6).

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

VOTE RECONSIDERED

Having voted with the prevailing side, Representative Crawford moves that the vote by which the House failed to concur in **H.B. 105** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, on its second roll call reading, be reconsidered.

The motion carries, by electronic vote (87-27), and the bill is before the Body.

On motion of Representative Gibson, 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, Barnhart, Bell, Blackwood, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Dickson, Earle, Eddins, England, Faison, Farmer-Butterfield, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Gulley, Hackney, Haire, Harrell, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, LaRoque, Lewis, Lucas, Martin, McGee, McLawhorn, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Warren, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 91.

August 23, 2005

Voting in the negative: Representatives Almond, Blust, Bordsen, Brown, Cleveland, Current, Daughtry, Dockham, Dollar, Fisher, Goodwin, Grady, Harrison, Justus, Kiser, Langdon, Miller, Rhodes, Stam, Starnes, Walend, Walker, and Weiss - 23.

Excused absences: Representatives Capps, Luebke, and McMahan - 3.

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 23, 2005

Mr. Speaker:

Pursuant to your message received on August 22, 2005, that the House of Representatives fails to concur in the Senate Committee Substitute to **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, and requests conferees, the President *Pro Tempore* appoints:

Senator Purcell, Chair
Senator Malone
Senator Bingham

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**

Senate Chamber
August 23, 2005

August 23, 2005

Mr. Speaker:

Pursuant to your message received on August 22, 2005, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 671** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REGULATION OF PLANTS, and requests conferees, the President *Pro Tempore* appoints:

Senator Albertson, Chair
Senator Cowell
Senator Jenkins
Senator Bingham

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**

Senate Chamber
August 23, 2005

Mr. Speaker:

Pursuant to your message received on August 22, 2005, that the House of Representatives fails to concur in the Senate Committee Substitute 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 NONPARTISAN RUNOFFS IN THE DEFINITION OF "ELECTION" FOR PURPOSES OF CONTRIBUTION LIMITS; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE

August 23, 2005

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, and requests conferees, the President *Pro Tempore* appoints:

Senator Clodfelter, Chair
Senator Rand
Senator Hartsell

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CONFERENCE REPORT

Representative Cole sends forth the Conference Report on Senate Committee Substitute for **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. Without objection, the Conference Report is placed on today's Calendar.

CALENDAR (continued)

S.B. 148 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL

August 23, 2005

MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS.

On motion of Representative Sherrill, Committee Amendment No. 1 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 for concurrence in the House committee substitute bill.

VOTE RECONSIDERED

Having voted with the prevailing side, Representative LaRoque moves that the vote by which the House failed to concur in the Senate Committee Substitute for **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, be reconsidered.

The motion carries, by electronic vote (114-1), and the bill is before the Body.

The Speaker dismisses the conferees.

On motion of Representative LaRoque, the House concurs in the Senate committee substitute bill, by electronic vote (115-2), and the bill is ordered enrolled.

CALENDAR (continued)

S.B. 911 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION.

On motion of Representative Michaux, Committee Amendment No. 1 is adopted by electronic vote (113-0).

August 23, 2005

Representative Lewis moves that Rule 31(d) be suspended in order that he might offer an amendment that would change the title.

The motion fails by electronic vote (30-85).

Representative Moore requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (31-84).

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

S.B. 1029 (House 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, TO CLARIFY THAT THE FAILURE TO FILE A COUNTERCLAIM IN A SMALL CLAIMS ACTION DOES NOT BAR THE CLAIM IN A SEPARATE ACTION AND TO MAKE CHANGES TO LANDLORD TENANT LAW.

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

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
August 23, 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. 1128** (Conference Report), A BILL TO BE ENTITLED AN ACT 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 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

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DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; 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; 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; TO CLARIFY THE DEFINITION OF "CORPORATION"; AND TO PROVIDE TRAINING FOR TREASURERS OF POLITICAL COMMITTEES, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 23, 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. 393** (Conference Report), 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, 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

August 23, 2005

CONFERENCE REPORT

Representative Weiss moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 393

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 393, 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, House Committee Substitute Favorable 8/11/05, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute Favorable 8/11/05, and the Senate concurs in the House Committee Substitute as amended:

On page 1, line 23, by adding the word "business" after the number "25".

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

Date conferees approved report: August 23, 2005.

*Conferees for the
Senate*

S/ David W. Hoyle, Chair
S/ Clark Jenkins
S/ Scott Thomas
S/ James Forrester

*Conferees for the
House of Representatives*

S/ Jennifer Weiss, Chair
S/ Paul Luebke
S/ Daniel F. McComas
S/ Pricey Harrison

The Conference Report is adopted, by electronic vote (111-2), and the Senate is so notified by Special Message.

Representatives Sherrill and Wilkins request and are granted permission to be recorded as voting "aye". The adjusted vote total is (113-2).

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CONFERENCE REPORT

Representative Ross moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1128

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 1128, A BILL TO BE ENTITLED AN ACT 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 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 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; 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; AND TO CLARIFY THE DEFINITION OF "CORPORATION", Senate Judiciary I Committee Substitute Adopted 8/12/05, submit the following report:

The Senate and House agree to the following amendments to the Senate Judiciary I Committee Substitute Adopted 8/12/05, and the House concurs in the Senate Committee Substitute as amended:

on page 1, line 18,
by deleting the word "AND" and by inserting before the period the following: "; AND TO PROVIDE TRAINING FOR TREASURERS OF POLITICAL COMMITTEES"; and

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on page 8, line 31,
by inserting after that line the following:

SECTION 10.1. G.S. 163-278.7 is amended by adding a new subsection to read:

"(f) The State Board of Elections shall provide training for every treasurer of a political committee, prior to the election in which the political committee is involved, as to the duties of the office. The State Board of Elections shall provide each treasurer with a CD-ROM, DVD, videotape, or other electronic document containing training as to the duties of the office, and shall conduct regional seminars for in-person training. All such training shall be free of charge to the treasurer."

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

Date conferees approved report: August 23, 2005.

*Conferees for the
Senate*

S/ Daniel G. Clodfelter
S/ Tony Rand
S/ Fletcher Hartsell

*Conferees for the
House of Representatives*

S/ Deborah K. Ross
S/ Tim Moore
S/ Hugh Holliman

The Conference Report, which changes the title, is adopted, by electronic vote (113-3), and the Senate is so notified by Special Message.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor by Special Message.

CONFERENCE REPORT

Representative Cole moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1493

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 1493, A BILL TO BE

August 23, 2005

ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY, Senate Health Care Committee Substitute Adopted 8/10/05 Fourth Edition Engrossed 8/11/05, submit the following report:

The Senate and House agree to the following amendments to the Senate Health Care Committee Substitute Adopted 8/10/05 Fourth Edition Engrossed 8/11/05, and the House concurs in the Senate Health Care Committee Substitute as amended:

on page 1, lines 14 - 15, by rewriting the lines to read:

"employed by the pharmacy. The notice shall include the specific reason for the investigation and be given prior to the initiation of any disciplinary proceedings.";

and on page 4, line 19, by rewriting the line to read:

"a. A visit to a physician or an emergency room attributed to the alleged medication";

and on page 4, lines 23 - 24, by rewriting the lines to read:

"(2) The Board has initiated a disciplinary proceeding against the pharmacist as a result of the investigation. Unless the";

and on page 4, lines 34 - 36, by deleting the lines.

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

Date conferees approved report: August 23, 2005.

*Conferees for the
Senate*

S/ William R. Purcell, Chair
S/ Stan Bingham
S/ Vernon Malone

*Conferees for the
House of Representatives*

S/ Nelson Cole, Chair
S/ Bob England, M.D.
S/ Edd Nye

The Conference Report is adopted, by electronic vote (115-0), and the Senate is so notified by Special Message.

August 23, 2005

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **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 withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Judiciary II.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Wilkins:

H.J.R. 1797, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF THE TOWN OF ROXBORO ON THE OCCASION OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN'S INCORPORATION.

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

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.

CALENDAR (continued)

S.B. 1029 (House 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, TO CLARIFY THAT THE FAILURE TO FILE A COUNTERCLAIM IN A SMALL CLAIMS ACTION DOES NOT BAR THE CLAIM IN A SEPARATE ACTION AND TO MAKE CHANGES TO LANDLORD TENANT LAW, which was temporarily displaced, is before the Body.

August 23, 2005

The bill passes its second reading, by electronic vote (115-0), and there being no objection is read a third time.

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

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 38(a), **S.B. 671** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO REPEAL CHAPTER 10A OF THE GENERAL STATUTES REGARDING THE REGULATION OF NOTARIES PUBLIC, AND TO ENACT CHAPTER 10B RELATING TO NOTARIES, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Appropriations.

On motion of the Speaker, the House recesses at 6:30 p.m.

RECESS

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

On motion of the Speaker, the House recesses at 7:56 p.m., subject to the ratification of bills.

ENROLLED BILLS

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

S.B. 486, AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES.

S.B. 681, AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES.

S.B. 705, 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

August 23, 2005

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.

S.B. 757, AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

S.B. 796, AN ACT TO PROVIDE FOR CRIMINAL RECORD CHECKS OF APPLICANTS FOR PERMITS AND LICENSES TO CONDUCT ARCHAEOLOGICAL OPERATIONS AND INVESTIGATIONS.

S.B. 1048, AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005.

H.B. 1112, AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL LISTING OF MENTAL HEALTH FACILITIES DESIGNATED TO ASSIST IN THE PLACEMENT OF INDIVIDUALS TO BE INVOLUNTARILY COMMITTED AND REQUIRE AREA AUTHORITIES TO MAINTAIN A CRISIS RESPONSE SERVICE.

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

H.B. 691, AN ACT AUTHORIZING THE TOWN OF CARRBORO TO LEVY A MOTOR VEHICLE TAX NOT TO EXCEED TWENTY-FIVE DOLLARS AND RELATING TO THE IMPOSITION OF A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION BY THE TOWN OF BLACK MOUNTAIN.

H.B. 1034, AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION.

RECESS

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

August 23, 2005

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Coleman:

H.R. 1798, A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF TODD ALAN BLANCHARD, FALLEN FIREFIGHTER FOR THE EASTERN WAKE FIRE-RESCUE DEPARTMENT.

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

The resolution is adopted, by electronic vote (110-0), and ordered printed.

Representatives L. Allen, Allred, and Dickson request and are granted permission to be recorded as voting "aye". The adjusted vote total is (113-0).

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

H.B. 768 (Senate 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, is returned for concurrence in the Senate committee substitute bill.

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

H.B. 1349 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE 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 AND AUTHORIZING THE

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NORTH CAROLINA MEDICAL BOARD TO INCREASE CERTAIN FEES, 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.

The Speaker rules the Senate amendment to be material, thus constituting its first reading.

S.J.R. 1184, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2005 GENERAL ASSEMBLY TO MEET IN 2006 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
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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. 1493** (Conference Report), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor by Special Message.

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CONFERENCE REPORT

Representative Holliman sends forth the Conference Report on **S.B. 1130** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL INSTITUTIONS. Without objection, the Conference Report is placed on today's Calendar.

WITHDRAWAL OF BILL FROM CALENDAR

Pursuant to Rule 36(b)(2), **S.B. 868** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, 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 and permanent subcommittees are presented:

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

S.B. 523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT A STATUTORY REFERENCE, 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. 814 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES, with a favorable report as to the House committee substitute bill, unfavorable as to the Senate committee substitute bill.

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

By Representatives Hunter and Warren, Chairs, for the Appropriations Subcommittee on Natural and Economic Resources, with approval of standing committee Chairs for report to be made directly to the floor of the House:

H.B. 892 (Committee Substitute No. 2), 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. 3, unfavorable as to Committee Substitute Bill No. 2.

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

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

H.B. 1330 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE 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 LICENSURES, with a favorable report.

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

S.B. 208 (Committee Substitute No. 2), 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 FEE FOR A LIMITED PERMIT, with a favorable report.

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

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

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S.B. 725 (Committee Substitute), 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.

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

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, with a favorable report, as amended.

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

CALENDAR (continued)

H.R. 1792, A HOUSE RESOLUTION URGING CONGRESS TO ENACT LEGISLATION PERTAINING TO SMALL BUSINESS HEALTH PLANS.

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

H.R. 1794 (Committee Substitute), A HOUSE RESOLUTION SUPPORTING ENACTMENT OF THE PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2005 (SENATE BILL 1516) IN THE CONGRESS OF THE UNITED STATES.

The resolution is adopted, by electronic vote (113-3), and ordered printed.

H.B. 876 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR COMMUNITY COLLEGE CAPITAL OUTLAY PURPOSES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Carney, Church, Clary, Coates, Cole, Coleman, Crawford,

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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, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Langdon, Lewis, Lucas, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ross, Sauls, Saunders, Sherrill, Steen, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Womble, Wray, Wright, and Yongue - 81.

Voting in the negative: Representatives Blust, Brubaker, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Johnson, Justus, Kiser, LaRoque, Luebke, McGee, Moore, Pate, Ray, Rayfield, Rhodes, Setzer, Stam, Starnes, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson - 32.

Excused absences: Representatives Capps and McMahan - 2.

H.B. 768 (Senate 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.

On motion of Representative Howard, 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.

H.B. 1413 (Committee Substitute), 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, 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, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus,

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Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 96.

Voting in the negative: Representatives Allred, Almond, Barnhart, Blackwood, Blust, Cleveland, Dollar, Eddins, Gillespie, Hilton, Hollo, Holloway, LaRoque, Moore, Rayfield, Rhodes, Setzer, Vinson, and West - 19.

Excused absences: Representatives Capps and McMahan - 2.

Representative Frye requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (95-20).

ENROLLED BILLS

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

S.B. 629, AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS.

S.B. 1126, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2006, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE WAIVER, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION AND THE WILDLIFE RESOURCES COMMISSION TO JOINTLY DISPERSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE.

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H.B. 630, AN ACT TO REQUIRE MANUFACTURED HOME DEALERS TO ESTABLISH AND MAINTAIN ESCROW OR TRUST ACCOUNTS FOR BUYER DEPOSITS; TO CLARIFY THE CONTRACT NEGOTIATION PROCESS; AND TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MANUFACTURED HOUSING BOARD.

H.B. 646, AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES, AND TO AUTHORIZE THE DEPARTMENT OF INSURANCE TO HIRE A MEDICARE LOOKOUT PROGRAM COORDINATOR WITH FEDERAL GRANT FUNDING.

H.B. 766, AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA.

H.B. 787, 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 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; TO ALLOW DOT TO SIGN A VOLUNTARY ANNEXATION PETITION WITH THE TOWN OF KNIGHTDALE; TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES LOCATED PRIMARILY WITHIN THE COUNTY TO EXERCISE MOST MUNICIPAL FUNCTIONS; AND TO AMEND THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK AND THE TREASURER.

H.B. 1261, AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, TO CLARIFY THE AUTHORIZED EXPENDITURES FROM THE EMERGENCY TELEPHONE SYSTEM FUND, TO CAP WIRE 911 SERVICE CHARGES, AND TO STUDY ISSUES

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RELATED TO ARTICLE 1 OF CHAPTER 62A OF THE GENERAL STATUTES.

H.B. 1635, AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOMEMAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS.

CHAPTERED BILLS

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

H.B. 328, 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, CLARIFYING THE ORANGE COUNTY VOTING CENTERS ACT, AND TO AUTHORIZE THE TOWN OF MATTHEWS TO ADOPT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THAT TOWN, AND TO VALIDATE ELECTIONS AND ACTIONS OF THE PAMLICO COUNTY BOARD OF EDUCATION, AND TO CHANGE THE OFFICE OF TAX COLLECTOR IN HENDERSON COUNTY FROM ELECTIVE TO APPOINTIVE, AND TO RECONFIRM AND VALIDATE NONPARTISAN ELECTIONS FOR THE ELIZABETH CITY-PASQUOTANK BOARD OF EDUCATION AND VALIDATE ACTIONS

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OF THAT BOARD, AND TO AUTHORIZE THE TOWN OF BLADENBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, AND TO CLARIFY THAT CERTAIN STATE LAND IS SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS BY THE TOWN OF SOUTHPORT WITHOUT THE APPROVAL OF THE COUNCIL OF STATE, AND TO CLARIFY THAT MOREHEAD CITY MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING AND TO AUTHORIZE THAT CITY TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION BE REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS. (S.L. 2005-305)

CALENDAR (continued)

S.B. 443 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS, 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, 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, Insko, Jeffus, Johnson, 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 - 117.

Voting in the negative: None.

Excused absences: Representatives Capps and McMahan - 2.

S.B. 289 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELECTION OF THE CHATHAM COUNTY

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BOARD OF EDUCATION FROM THE PRIMARY TO THE GENERAL ELECTION, passes its second reading, by electronic vote (114-1), and there being no objection is read a third time.

Representative Vinson requests and is 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 for concurrence in the House committee substitute bill by Special Message.

H.B. 88 (Committee Substitute No. 2), 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.

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

H.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR REVITALIZATION OF HISTORIC MILL FACILITIES.

Pursuant to Rule 24.1A, Representative Gibson requests that he be excused from voting on this bill. 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, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper,

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Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, 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, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, 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: Representatives Rhodes and Stam - 2.

Excused absences: Representatives Capps and McMahan - 2.

Excused vote: Representative Gibson.

H.B. 716 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON THE STATE EMPLOYEE GRIEVANCE PROCESS AND TO SET A TIME LIMIT FOR THE OFFICE OF ADMINISTRATIVE HEARINGS IN DISPOSING OF CONTESTED CASES UNDER G.S. 126-34.1.

On motion of Representative Coleman, the bill is temporarily displaced.

H.B. 88 (Committee Substitute No. 2), 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, which was temporarily displaced, is before the Body.

Representative Haire offers Amendment No. 1 which is adopted by
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electronic vote (99-17).

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 Alexander, B. Allen, L. Allen, Allred, Bell, Blackwood, Blust, Bordsen, Brown, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Grady, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Preston, Rapp, Ray, Rayfield, Ross, Saunders, Setzer, Sherrill, Stam, Tolson, Tucker, Underhill, Wainwright, Walend, Warren, Weiss, Wiley, Williams, Wilson, Womble, Wray, Wright, and Yongue - 82.

Voting in the negative: Representatives Almond, Barnhart, Brubaker, Cleveland, Cunningham, Daughtry, Frye, Gillespie, Gulley, Hilton, Hollo, Holloway, Holmes, Johnson, Justus, Kiser, Langdon, McGee, Moore, Morgan, Pate, Pierce, Rhodes, Sauls, Starnes, Steen, Stiller, Sutton, Vinson, Walker, West, and Wilkins - 32.

Excused absences: Representatives Capps and McMahan - 2.

Representative Folwell requests and is granted permission to be recorded as voting "no". The adjusted vote total is (82-33).

H.B. 143, A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRICULTURE ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS, 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.

H.B. 990 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF FARMER FOR PURPOSES OF APPLYING THE SALES AND USE TAX EXEMPTION TO ITEMS SOLD TO FARMERS AND TO EXPAND THE EXEMPTION TO INCLUDE ITEMS SOLD TO LESSORS OF FARMLAND.

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Pursuant to Rule 24.1A, the following Members request that they be excused from voting on this bill. Representative Hackney states that he may have a possible conflict of interest. Representative Faison states that he is a farmer and the owner and manager of a farming operation. This bill has the potential to have a direct financial impact on him. Representative Lewis states he sells farm machinery and has to collect this tax. He is also a farmer and could benefit from the tax change. These requests are granted.

REPRESENTATIVE MORGAN, SPEAKER PRO TEMPORE, PRESIDING.

Representative Harrell offers Amendment No. 1 which is adopted by electronic vote (108-0).

Representative Haire offers Amendment No. 2 which is adopted by electronic vote (109-0).

The bill, as amended, passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

Representative Harrell requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (108-0).

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

H.B. 1231 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT UNMARRIED SPOUSES OF DECEASED RETIRED HIGHWAY PATROLMEN TO OBTAIN RETIRED HIGHWAY PATROL SPECIAL REGISTRATION PLATES, 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 by Special Message.

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, 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 by Special Message.

S.B. 590 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS.

Representative LaRoque offers Amendment No. 1 which is adopted by electronic vote (67-46).

Speaker Black votes "aye". The adjusted vote total is (68-46).

The bill, as amended, passes its second reading, by electronic vote (109-5), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

S.B. 606 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION, 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 for concurrence in House Committee Substitute Bill No. 2 by Special Message.

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 PUBLIC HEALTH AUTHORITIES TO INCREASE THEIR MEMBERSHIP.

Representative Wright offers Amendment No. 1.

SPEAKER BLACK PRESIDING.

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Amendment No. 1 is adopted by electronic vote (113-0).

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 sent to the Senate for concurrence in the House amendment by Special Message.

S.B. 895 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REAL ESTATE BROKERS DUTIES RELATED TO REAL ESTATE TRUST MONIES, 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 by Special Message.

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, passes its second reading, by electronic vote (113-2), and there being no objection is read a third time.

Representative Goforth states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (114-2).

The bill passes its third reading and is ordered enrolled and presented to the Governor by Special Message.

S.J.R. 1171 (House Committee Substitute), 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, passes its second reading, by electronic vote (115-0), and there being no objection is read a third time.

Representative Dockham requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (116-0).

August 23, 2005

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

S.B. 911 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION, which was temporarily displaced, is before the Body.

Representative Glazier offers Amendment No. 2 which is adopted by electronic vote (114-0).

The bill, as amended, passes its second reading, by electronic vote (105-7), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered sent to the Senate for concurrence in House Amendments Nos. 1 and 2 by Special Message.

CONFERENCE REPORT

Representative Holliman moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1130

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 1130, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL INSTITUTIONS, House Committee Substitute Favorable 7/27/05, Fourth Edition Engrossed 8/4/05, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute Favorable 7/27/05, Fourth Edition Engrossed 8/4/05, and the Senate concurs in the House Committee Substitute as amended:

August 23, 2005

Delete the entire House Committee Substitute Favorable 7/27/05, Fourth Edition Engrossed 8/4/05, and substitute the attached Proposed Conference Committee Substitute S1130-PCCS55283-RF-1.

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

Date conferees approved report: August 23, 2005.

*Conferees for the
Senate*

S/ Charles W. Albertson, Chair
S/ Janet Cowell
S/ James Forrester
S/ William R. Purcell

*Conferees for the
House of Representatives*

S/ Hugh Holliman, Chair
S/ Martha B. Alexander
S/ Melanie Wade Goodwin
S/ R. Phillip Haire
S/ Bonner L. Stiller

The Conference Report, which changes the title, is adopted, by electronic vote (70-43), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 23, 2005

Mr. Speaker:

Pursuant to your message received August 22, 2005, that the House of Representatives fails to concur in the Senate Committee Substitute to **H.B. 576** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS, and requests conferees, the President *Pro Tempore* appoints:

Senator Hoyle, Chair
Senator Kerr
Senator Thomas
Senator Forrester

August 23, 2005

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**

Senate Chamber
August 23, 2005

Mr. Speaker:

Pursuant to your message received today, August 23, 2005, that the House of Representatives fails to concur in the Senate Committee Substitute to **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, and requests conferees, the President *Pro Tempore* appoints:

Senator Swindell, Chair
Senator Boseman
Senator Garwood
Senator Malone

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

August 23, 2005

Senate Committee Substitute for **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, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 1207** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO AMEND THE APPOINTMENT OF THE MEMBERSHIP OF THE EDENTON HISTORICAL COMMISSION, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **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, 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.

CALENDAR (continued)

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

August 23, 2005

H.B. 716 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON THE STATE EMPLOYEE GRIEVANCE PROCESS AND TO SET A TIME LIMIT FOR THE OFFICE OF ADMINISTRATIVE HEARINGS IN DISPOSING OF CONTESTED CASES UNDER G.S. 126-34.1.

Representative Stam offers Amendment No. 1 which is adopted by electronic vote (112-0).

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

Speaker Black votes "aye". The adjusted vote total is (113-0).

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

CONFERENCE REPORT

Representative Tolson sends forth the Conference Report on Senate Committee Substitute for **H.B. 576** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS. Without objection, the Conference Report is placed on the Calendar for immediate consideration.

Representative Tolson moves the adoption of the following Conference Report.

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House 576, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO PROHIBIT THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION SERVICES BY A STATE OR LOCAL GOVERNMENT OR BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO

August 23, 2005

WHICH THE SERVICES ARE REQUIRED, Senate Commerce Committee Substitute Adopted 8/10/05 Fifth Edition Engrossed 8/11/05, submit the following report:

The House and the Senate agree to the following amendment to the Senate Commerce Committee Substitute Adopted 8/10/05, Fifth Edition Engrossed 8/11/05, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H576-CCSRC-1[v.3].

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

Date conferees approved report: August 23, 2005.

*Conferees for the
Senate*

S/ David Hoyle
S/ John H. Kerr
S/ Scott Thomas
S/ Jim Forrester

*Conferees for the
House of Representatives*

S/ Joe P. Tolson, Chair
S/ Bob England, M.D.
S/ John I. Sauls

The Conference Report, which changes the title, is adopted, by electronic vote (117-0), and the Senate is so notified by Special Message.

CALENDAR (continued)

Senate Committee Substitute for **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.

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

On motion of Representative Gibson, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (101-9), and the bill is ordered enrolled and presented to the Governor by Special Message.

August 23, 2005

ENROLLED BILLS

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

H.B. 686, 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.

H.B. 750, AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS.

H.B. 855, 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.

H.B. 1029, AN ACT FACILITATING THE ESTABLISHMENT OF LOCAL GOVERNMENT PROGRAMS TO CLEAR STREAMS BY CLARIFYING LOCAL GOVERNMENT LIABILITY FOR SUCH ACTIONS AND TO ALLOW THE VILLAGE OF CLEMMONS AND THE TOWN OF KERNERSVILLE TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS IT MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

H.B. 1115, 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

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PLACES ON ELECTION DAY; 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 EXPRESSLY ALLOW ELECTRONIC POLLBOOKS; TO CLARIFY HOW WINNERS OF ELECTIONS SHALL BE DETERMINED; TO CLARIFY THAT A VOTER WHOSE NAME HAS BEEN REMOVED FROM THE REGISTRATION LIST MAY VOTE UPON AFFIRMING THAT THE VOTER HAS NOT MOVED FROM THE COUNTY; TO PROVIDE FOR THE CORRECTION OF AN OMISSION ON THE VOTER REGISTRATION FORM; TO AUTHORIZE PARTICIPATION IN THE 2010 CENSUS REDISTRICTING DATA PROGRAM; AND 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.

H.B. 1128, AN ACT 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 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 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; TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST

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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; TO CLARIFY THE DEFINITION OF "CORPORATION"; AND TO PROVIDE TRAINING FOR TREASURERS OF POLITICAL COMMITTEES.

H.B. 1385, 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 UNDER-GROUND 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.

H.B. 1409, 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 WHETHER IT WILL REASONABLY ASSURE THE DEFENDANT'S APPEARANCE.

H.B. 1527, AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS.

H.B. 1539, 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.

H.B. 1541, AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS.

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

H.B. 1078, AN ACT AUTHORIZING THE TOWN OF ANGIER AND THE TOWN OF LAGRANGE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWNS' WEEDED LOT ORDINANCE.

CALENDAR (continued)

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

H.B. 1349 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY

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TO RAISE 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.

On motion of Representative Wilkins, the House concurs in the material Senate amendment, 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, Barnhart, Bell, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 97.

Voting in the negative: Representatives Almond, Blackwood, Blust, Cleveland, Dollar, Folwell, Hilton, Hollo, Holloway, McGee, Moore, Rayfield, Setzer, Stiller, and West - 15.

Excused absences: Representatives Capps and McMahan - 2.

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

S.B. 528 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS LOCATED IN AN ENTERPRISE TIER ONE AREA, 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, Blust, Bordsen, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Earle, Eddins, England, Faison, Farmer-Butterfield,

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Fisher, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, 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, Ross, Sauls, Saunders, Setzer, Sherrill, Steen, Stiller, Tolson, Tucker, Underhill, Vinson, Wainwright, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 102.

Voting in the negative: Representatives Almond, Brown, Cleveland, Dollar, Folwell, Frye, Hollo, Holloway, Stam, Starnes, and Walend - 11.

Excused absences: Representatives Capps and McMahan - 2.

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

H.B. 1330 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE 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 LICENSURES, 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, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 98.

Voting in the negative: Representatives Barnhart, Blackwood, Blust, Cleveland, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Moore, Pate, Rayfield, Rhodes, Setzer, Steen, West, and Wiley - 18.

August 23, 2005

Excused absences: Representatives Capps and McMahan - 2.

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

S.B. 208 (Committee Substitute No. 2), 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 FEE FOR A LIMITED PERMIT, 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, 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, Gibson, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Insko, Jeffus, Johnson, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Sauls, Saunders, Sherrill, Stam, Starnes, Steen, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 90.

Voting in the negative: Representatives Allred, Blackwood, Blust, Cleveland, Eddins, Folwell, Frye, Gillespie, Grady, Hilton, Hollo, Holloway, Holmes, LaRoque, McGee, Moore, Rayfield, Rhodes, Setzer, Stiller, Vinson, Walend, West, and Wiley - 24.

Excused absences: Representatives Capps and McMahan - 2.

S.B. 505 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO LOCAL MEDICAL EXAMINERS FOR EACH INVESTIGATION CONDUCTED, 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, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Insko,

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Jeffus, Johnson, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McComas, McGee, McLawhorn, 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 - 97.

Voting in the negative: Representatives Blust, Cleveland, Folwell, Frye, Gillespie, Grady, Hilton, Hollo, Holloway, Holmes, Moore, Rayfield, Rhodes, Setzer, Stiller, Vinson, and Wiley - 17.

Excused absences: Representatives Capps and McMahan - 2.

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

S.B. 1013 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO COST RECOVERY UNDER THE LAWS REGULATING GENERAL CONTRACTORS, 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, Blackwood, Blust, Bordsen, Brown, Brubaker, Carney, Church, Coates, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtridge, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Howard, Insko, Jeffus, Johnson, Ed Jones, Justice, Justus, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Saunders, Sherrill, Stam, Steen, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 88.

Voting in the negative: Representatives Allred, Almond, Clary, Cleveland, Coleman, Current, Dollar, Eddins, Folwell, Grady, Hollo, Holloway, Holmes, Kiser, LaRoque, McGee, Moore, Rayfield, Rhodes, Sauls, Setzer, Starnes, Stiller, Sutton, Walker, West, and Wiley - 27.

Excused absences: Representatives Capps and McMahan - 2.

August 23, 2005

Representative Culpepper moves, seconded by Representative Owens, that the House adjourn, subject to committee assignments, to reconvene August 24 at 12:10 a.m.

The motion carries.

No committee assignments having been received, the House stands adjourned.

ONE HUNDRED TWENTIETH DAY

HOUSE OF REPRESENTATIVES
Wednesday August 24, 2005

The House meets at 12:10 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:

"Dear God:

"Grant us the strength of Sampson, the wisdom of Solomon and the patience of Job. Amen."

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

Leaves of absence are granted Representatives Capps, McMahan, and Sauls for today. Representative Allred is excused for a portion of the Session.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Alexander, Gibson, Howard, Luebke, McComas, and Wainwright, Chairs, for the Committee on Finance:

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S.B. 868 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

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

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
August 23, 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. 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, and requests conferees. The President *Pro Tempore* appoints:

Senator Berger of Franklin, Chair
Senator Cowell
Senator East

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

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The Speaker appoints Representative Wray, Chair; Representatives Kiser and L. Allen, as conferees on the part of the House and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

H.B. 1349 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE 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.

On motion of Representative Wilkins, the House concurs in the material Senate amendment, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Bordsen, Brown, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Guley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Saunders, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 91.

Voting in the negative: Representatives Allred, Almond, Blackwood, Blust, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, LaRoque, McGee, Moore, Rayfield, Rhodes, Setzer, Stiller, West, and Wiley - 22.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

H.B. 1330 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE OF LASER

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CLINICIANS AND LASER CLINICIAN INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE LICENSURES.

Representative Glazier offers Amendment No. 1 which is adopted by electronic vote (111-2).

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

Those voting in the affirmative are: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Bell, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, 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, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ross, Saunders, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 93.

Voting in the negative: Representatives Barnhart, Blackwood, Blust, Cleveland, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Moore, Pate, Ray, Rayfield, Rhodes, Setzer, Steen, Vinson, West, and Wiley - 20.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

S.B. 208 (Committee Substitute No. 2), 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 FEE FOR A LIMITED PERMIT, passes its third reading, by the following vote, and is ordered enrolled and presented to the Governor by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman,

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Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Ross, Saunders, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 94.

Voting in the negative: Representatives Blackwood, Blust, Cleveland, Folwell, Frye, Gillespie, Grady, Hilton, Hollo, Holloway, McGee, Moore, Rayfield, Rhodes, Setzer, Stiller, Vinson, West, and Wiley - 19.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

S.B. 505 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO LOCAL MEDICAL EXAMINERS FOR EACH INVESTIGATION CONDUCTED, passes its third reading, by the following vote, and is ordered enrolled and presented to the Governor by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, 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, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Saunders, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 101.

Voting in the negative: Representatives Blust, Cleveland, Folwell, Frye, Gillespie, Grady, Hilton, Hollo, Holloway, Moore, Rhodes, Setzer, Vinson, and Wiley - 14.

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Excused absences: Representatives Capps, McMahan, and Sauls - 3.

S.B. 528 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS LOCATED IN AN ENTERPRISE TIER ONE AREA, 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: Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Barnhart, Bell, Bordsen, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Eddins, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holmes, Howard, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, LaRoque, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Saunders, Setzer, Sherrill, Steen, Stiller, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 98.

Voting in the negative: Representatives Almond, Blackwood, Blust, Brown, Cleveland, Dollar, Folwell, Holloway, Kiser, Lewis, Rhodes, Starnes, and Sutton - 13.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

Representative Stam states that his voting equipment malfunctioned and he requests to be recorded as voting "no". This request is granted. The adjusted vote total is (98-14).

S.B. 1013 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO COST RECOVERY UNDER THE LAWS REGULATING GENERAL CONTRACTORS, passes its third reading, by the following vote, and is ordered enrolled and presented to the Governor by Special Message.

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Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lewis, Lucas, Luebke, Martin, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Saunders, Sherrill, Stam, Steen, Tolson, Tucker, Underhill, Wainwright, Walend, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 91.

Voting in the negative: Representatives Allred, Almond, Cleveland, Dollar, Eddins, Folwell, Grady, Hollo, Holloway, Kiser, LaRoque, McGee, Moore, Rhodes, Setzer, Starnes, Stiller, Sutton, Vinson, Walker, West, Wiley, and Wilson - 23.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

On motion of the Speaker, the House recesses at 12:37 a.m.

RECESS

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

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

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

S.B. 671 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO REPEAL CHAPTER 10A OF THE GENERAL STATUTES REGARDING THE REGULATION OF NOTARIES PUBLIC, AND TO ENACT CHAPTER 10B RELATING TO

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NOTARIES, with a favorable report as to House Committee Substitute Bill No. 3, as amended, unfavorable as to House Committee Substitute Bill No. 2.

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

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 319** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND CLARIFYING THE PROCEDURES BY WHICH SUBSIDIARY AND AFFILIATE COMPANIES MAY BE LICENSED AS SELF-INSURERS FOR WORKERS COMPENSATION AND TO MAKE OTHER CONFORMING AND TECHNICAL CHANGES TO THE WORKERS COMPENSATION LAWS RESPECTING INDIVIDUAL SELF-INSURERS IN ARTICLE 5 OF CHAPTER 97 OF THE GENERAL STATUTES, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (106-2), and there being no objection is read a third time.

Representatives Justice and Sherrill state that their voting equipment malfunctioned and they request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (108-2).

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

H.B. 88 (Committee Substitute No. 2), 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

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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.

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

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Bell, Blackwood, Blust, Bordsen, Brown, Carney, Church, Coates, Cole, Coleman, Crawford, Culp, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Guley, Hackney, Haire, Harrell, Harrison, Hill, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, LaRoque, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, Miller, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Rayfield, Ross, Saunders, Setzer, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walend, Warren, Weiss, Wiley, Williams, Wilson, Womble, Wray, Wright, and Yongue - 89.

Voting in the negative: Representatives Almond, Barnhart, Brubaker, Clary, Cleveland, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Justus, Kiser, Langdon, McGee, Morgan, Ray, Rhodes, Steen, Vinson, Walker, West, and Wilkins - 23.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

H.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR REVITALIZATION OF HISTORIC MILL FACILITIES.

Pursuant to Rule 24.1A(c), the request that Representative Gibson be excused from voting on August 23 is continued.

The bill passes its third reading, by the following vote, and is ordered sent to the Senate by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brubaker, Church, Clary, Cleveland, Coates, Cole,

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Coleman, Crawford, Culp, Cunningham, Current, Daughtride, Daughtry, Dockham, Dollar, Earle, Eddins, England, Faison, Fisher, Frye, 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, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, and Yongue - 105.

Voting in the negative: Representatives Brown and Folwell - 2.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

Excused vote: Representative Gibson.

Representative Stam requests and is granted permission to be recorded as voting "no". Representative Wright requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (106-3).

H.B. 1413 (Committee Substitute), 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, passes its third reading, by the following vote, and is ordered sent to the Senate by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Bell, Bordsen, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Holmes, Howard, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pate, Pierce,

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Preston, Rapp, Ross, Saunders, Sherrill, Stam, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 88.

Voting in the negative: Representatives Allred, Almond, Barnhart, Blackwood, Blust, Brown, Cleveland, Daughtridge, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, LaRoque, Moore, Ray, Rayfield, Rhodes, Setzer, Starnes, Steen, Vinson, Walend, West, and Wiley - 28.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

S.B. 443 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS, 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, Barnhart, Bell, Blackwood, 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, 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, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, 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 Capps, McMahan, and Sauls - 3.

Representative Fisher requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (114-0).

H.B. 876 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY A ONE-HALF

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CENT LOCAL SALES AND USE TAX FOR COMMUNITY COLLEGE CAPITAL OUTLAY PURPOSES, passes its third reading, by the following vote, and is ordered sent to the Senate by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Bordsen, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, 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, Insko, Jeffus, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, Lewis, Lucas, Luebke, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ross, Saunders, Sherrill, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Weiss, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 87.

Voting in the negative: Representatives Allred, Blust, Brown, Cleveland, Culp, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Johnson, LaRoque, McGee, Moore, Pate, Ray, Rayfield, Rhodes, Setzer, Starnes, Steen, Vinson, Walend, West, and Wiley - 28.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

Representative Stam requests and is granted permission to be recorded as voting "no". The adjusted vote total is (87-29).

BILLS PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 814** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (104-12), and there being no objection is read a third time.

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

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Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 518** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTE, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (111-1), and there being no objection is read a third time.

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

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 386** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING CABARRUS COUNTY TO CHANGE THE BOUNDARIES OF FIRE DISTRICTS, 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, Allred, Almond, Barnhart, Bell, Blackwood, 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, 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, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, 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: None.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 804**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE

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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 placed on today's Calendar for immediate consideration.

On motion of Representative Insko, Committee Amendment No. 1 is adopted by electronic vote (115-0). This amendment changes the title.

The bill, as amended, passes its second reading, by electronic vote (115-0). The caption having been amended, the bill remains on the Calendar.

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 290** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT, is placed on today's Calendar for immediate consideration.

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 enrolled and presented to the Governor by Special Message.

Representative Culpepper gives notice, pursuant to Rule 36(b), and **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 placed on today's Calendar for immediate consideration.

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 enrolled and presented to the Governor by Special Message.

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 725** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, is placed on today's Calendar for immediate consideration.

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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 enrolled and presented to the Governor by Special Message.

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 1149** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO EXTEND AND EXPAND THE CREDIT FOR INVESTMENT IN RENEWABLE ENERGY PROPERTY, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (93-19), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor by Special Message.

SPECIAL MESSAGE FROM THE SENATE

2005 GENERAL ASSEMBLY FIRST SESSION

Senate Chamber
August 23, 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. 576** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO STUDY THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION SERVICES BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS

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AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO WHICH THE SERVICES ARE REQUIRED, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor by Special Message.

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 23, 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. 1130** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 24, 2005

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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 Committee Substitute No. 2 to **S.B. 590** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS, and requests conferees. The President *Pro Tempore* appoints:

Senator Dorsett, Chair
Senator Soles
Senator Clodfelter
Senator Nesbitt

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

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representatives Ross, Adams, Crawford, Goodwin, Hill, Moore, and Stam as conferees on the part of the House and the Senate is so notified by Special Message.

On motion of the Speaker, the House recesses at 2:27 a.m.

RECESS

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

CALENDAR (continued)

Senate Committee Substitute for **H.B. 105** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS.

On motion of Representative Gibson, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor by Special Message.

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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, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Gulley, Hackney, Haire, Harrell, Hill, Hilton, Holliman, Hollo, Holmes, Howard, Jeffus, Jones, Ed Jones, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McComas, McGee, McLawhorn, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Rapp, Ray, Rayfield, Saunders, Setzer, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, West, Wiley, Wilkins, Williams, Wilson, Wray, Wright, and Yongue - 94.

Voting in the negative: Representatives Blust, Cleveland, Dollar, Goodwin, Grady, Holloway, Insko, Luebke, Miller, Rhodes, and Weiss - 11.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

Representatives Johnson, Justus, and Preston request and are granted permission to be recorded as voting "aye". Representative Harrison requests and is granted permission to be recorded as voting "no". Representative Holloway requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (98-11).

Senate Committee Substitute No. 2 for **H.B. 1095**, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS.

On motion of Representative Gibson, the House concurs in the material Senate Committee Substitute Bill No. 2, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Barnhart, Bell, Bordsen, Brown, Brubaker, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dockham, Dollar, Eddins, England, Faison, 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,

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Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Saunders, Sherrill, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 96.

Voting in the negative: Representatives Almond, Blust, Cleveland, Hilton, Rhodes, Setzer, and Vinson - 7.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

Representative Rayfield requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (97-7).

CONFERENCE REPORT

Representative Wray sends forth the Conference Report on **S.B. 148** (House 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. Without objection, the Conference Report is placed on the Calendar for immediate consideration.

Representative Wray moves the adoption of the following Conference Report.

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 148, 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, House Committee Substitute Favorable 7/13/05, Fourth Edition Engrossed 8/23/05, submit the following report:

The Senate and the House agree to the following amendment and the Senate concurs in House Committee Substitute Favorable 7/13/05, Fourth Edition Engrossed 8/23/05, as amended:

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on page 2, lines 18-21, by rewriting the lines to read:

"SECTION 2. There is appropriated from the General Fund to the Department of State Treasurer the sum of one hundred thousand dollars (\$100,000) for the 2005-2006 fiscal year to implement the provisions of this act."

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

Date conferees approved report: August 24, 2005.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ Doug Berger, Chair
S/ Janet Cowell
S/ Don East

S/ Michael Wray, Chair
S/ Joe L. Kiser
S/ Lucy T. Allen

The Conference Report is adopted, by electronic vote (111-0), and the Senate is so notified by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 868** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND TO ALLOW FOR A REFUND OF EXCISE TAX ON UNSALABLE CIGARS, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (105-6), and there being no objection is read a third time.

Representative Daughtridge requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (106-6).

The bill passes its third reading and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

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INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Culpepper:

H.J.R. 1799, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

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

The resolution passes its second reading, by electronic vote (110-1), and there being no objection is read a third time.

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

BILLS PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 1610** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT, 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, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Carney, Church, Clary, 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, 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, Martin, McAllister, McComas, McGee, McLawhorn, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Saunders, Setzer, Sherrill, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss,

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West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 109.

Voting in the negative: Representatives Luebke, Michaux, and Miller - 3.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 671** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO REPEAL CHAPTER 10A OF THE GENERAL STATUTES REGARDING THE REGULATION OF NOTARIES PUBLIC, AND TO ENACT CHAPTER 10B RELATING TO NOTARIES, is placed on today's Calendar for immediate consideration.

On motion of Representative Weiss, Committee Amendment No. 1 is adopted by electronic vote (112-1).

Representative Weiss offers Amendment No. 2 which is adopted by electronic vote (113-0).

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 for concurrence in House Committee Substitute Bill No. 3 by Special Message.

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 1050** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO LEVY ONE-HALF CENT LOCAL SALES AND USE TAXES FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES AND COMMUNITY COLLEGE PLANT FUND PURPOSES, IF APPROVED BY THE VOTERS OF THE COUNTIES, is placed on today's Calendar for immediate consideration.

Representative Daughtridg inquires of the Chair if the bill is amended to add any counties, will it be a material change and require the bill to remain on the Calendar for its second roll call reading. The Speaker rules that it would.

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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, Bordsen, Carney, Church, 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, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Langdon, Lewis, Lucas, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Saunders, Sherrill, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 81.

Voting in the negative: Representatives Allred, Blust, Brown, Brubaker, Clary, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Justus, Kiser, LaRoque, Luebke, McGee, Moore, Pate, Rhodes, Setzer, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson - 32.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

RULES SUSPENDED

On motion of Representative Insko, Rule 31(d) is suspended by electronic vote (104-10), in order that **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, might have its third reading today.

The bill, as amended, passes its third reading, by electronic vote (113-1), and is ordered sent to the Senate for concurrence in Amendment No. 1 by Special Message.

CONFERENCE REPORT

Representative Hackney sends forth the Conference Report on **S.B. 612** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT

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TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYISTS FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY. Without objection, the Conference Report is placed on today's Calendar.

CONFERENCE REPORT

Representative Wright sends forth the Conference Report on **H.B. 1076** (Senate 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. Without objection, the Conference Report is placed on today's Calendar.

CONFERENCE REPORT

Representative Hackney moves the adoption of the following Conference Report.

House Committee Substitute No. 3 for S.B. 612

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 612, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY

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THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYISTS FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY, House Committee Substitute #3 Favorable 8/10/05 Eighth Edition Engrossed 8/11/05, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute #3 Favorable 8/10/05 Eighth Edition Engrossed 8/11/05, as amended:

on page 3, by inserting the following between lines 32 and 33:

"(7a) The term "news medium" means mainstream media providers whose sole purpose is to report events and that does not involve research or advocacy.";

and on page 3, lines 42-44, and page 4, lines 1-4, by deleting those lines and substituting:

"(a) A legislative lobbyist shall file a registration statement with the Secretary of State in a manner prescribed by the Secretary before engaging in any lobbying. It shall be unlawful for a person to lobby without registering unless exempted by this Article. A lobbyist shall file a separate registration statement is required for each lobbyist's principal. principal the lobbyist represents. The registration shall indicate whether it is registration as a legislative lobbyist, executive lobbyist, or both, and a separate registration fee shall be paid for each separate type of registration.";

and on page 4, lines 36-44, and page 5, lines 1-12, by deleting the lines and substituting:

~~"Every lobbyist's principal shall pay to the Secretary of State a fee of two hundred dollars (\$200.00). A fee of one hundred dollars (\$100.00) that is due and payable to the Secretary of State by either the lobbyist or the lobbyist's principal at the time of each registration. A separate registration, together with a separate registration fee two hundred dollars (\$200.00) is required for each lobbyist's principal for which a person acts as a lobbyist. Fees so collected shall be deposited in the General Fund of the State. The Secretary of State shall allow fees required under this section to be paid electronically but may not require the fees to be paid electronically. The Secretary of State shall adopt rules providing for the waiver or reduction of the fees required by this section in cases of hardship.";~~

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and on page 5, by deleting lines 13-16, and substituting:

""§ 120-47.4. ~~Written authority~~ **Authorization from lobbyist's principal to be filed, principal; fee from principal.**

(a) Each legislative lobbyist or principal shall file with the Secretary of State within 10 days after ~~his~~ the legislative lobbyist's registration a written authorization signed by the lobbyist's principal authorizing the lobbyist to represent the principal. ~~to act as such, signed by the lobbyist's principal.~~

(b) The form of the authorization shall be prescribed by the Secretary of State and shall include the principal's full name, complete address and telephone number, name and title of the official signing for the principal, and the name of each lobbyist registered to represent the principal. The Secretary of State shall make available as soon as practicable the authorization of the lobbyists' principals in an electronic, searchable format.

(c) An amended authorization shall be filed with the Secretary of State no later than 10 days after any change in the information supplied on the previous authorization. Each supplementary authorization shall include a complete statement of the information that has changed.

(d) Except as provided for in subsection (e) of this section, a fee of one hundred dollars (\$100.00) is due and payable to the Secretary of State at the time the principal's first authorization statement is filed each calendar year for a legislative lobbyist. The fee for the legislative lobbyist's authorization shall be seventy-five dollars (\$75.00) if an authorization for the principal to be represented by an executive lobbyist is filed at the same time. No additional fee is due for additional authorizations filed for legislative lobbyists.

(e) The fee in subsection (d) of this section shall be reduced to a total of twenty-five dollars (\$25.00) if the principal had annual revenues in its most recent fiscal year of three hundred thousand dollars (\$300,000) or less and is represented by no more than two different lobbyists. This reduced fee covers authorizations filed for the principal's legislative and executive lobbyists."

and on page 5, lines 28-35, by deleting the lines and substituting:

""§ 120-47.5A. **Exemptions and inclusions for reporting purposes.**

(a) For purposes of G.S. 120-47.6 and G.S. 120-47.7, the following expenditures need not be reported:

(1) Gifts between an immediate family member or person who is the stepchild, sibling, mother-in-law, father-in-law, son-in-law,

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- daughter-in-law, or members of the household of the covered person or legislative employee.
- (2) Lawful campaign contributions.
 - (3) Commercially available loans made on terms not more favorable than generally available to the public in the normal course of business if not made for the purpose of lobbying.
 - (4) Contractual arrangements or business relationships or arrangements made in the normal course of business if not made for the purpose of lobbying.
 - (5) The cost of attendance or participation provided by the sponsoring entity of lodging, and of food and beverages consumed, at events sponsored by or in conjunction with a civic, charitable, community, or diplomatic event if the activity or event does not last longer than three hours.
 - (6) Academic scholarships made on terms not more favorable than scholarships generally available to the public.";

and on page 6, lines 5-7, by deleting the lines and substituting:

"(c) For reporting purposes of G.S. 120-47.6 and G.S. 120-47.7, legislative lobbying with respect to only the legislative actions of the Governor and Lieutenant Governor shall be reported.";

and on page 6, line 35, by deleting the word "amount," and substituting the phrase "fair market value,";

and on page 6, line 36, by inserting the phrase "or beneficiary," after the word "payee";

and on page 7, line 35, by adding the following at the end of the line:

"The Secretary of State shall not impose any penalties or late filing fees upon a legislative lobbyist for subsequent failures to comply with the requirements of this section if the Secretary of State failed to provide to the lobbyist with required notifications of the initial violation. This provision shall not apply to a failure by the lobbyist to file an expenditure report in a timely manner.";

and on page 8, line 27, by deleting the word "amount," and substituting the phrase "fair market value,";

and on page 8, line 27, by inserting the phrase "or beneficiary," after the word "payee";

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and on page 9, line 33, by inserting the following at the end of the line:

""The Secretary of State shall not impose any penalties or late filing fees upon a principal for subsequent failures to comply with the requirements of this section if the Secretary of State failed to provide to the principal with required notifications of the initial violation. This provision shall not apply to a failure by the principal to file an expenditure report in a timely manner.";

on page 10, lines 9 and 14 by deleting the phrase "60 days" where it appears on those lines, and substituting the phrase "six months" in each place;

and on page 10, line 21, by inserting after the word "lobbyist" the phrase "currently represents or has";

page 11, by deleting lines 41-43, and substituting the following:

"(b) If the person making the expenditure in subsection (a) of this section is outside North Carolina, and the covered person or legislative employee accepting the expenditure is also outside North Carolina at the time the person accepts the expenditure, then the person accepting the expenditure shall be responsible for filing the report using available information.";

and on page 12, line 42 by inserting subsection "(a)" before the word "The";

and on page 13, by inserting the following between lines 2 and 3:

"(b) The Secretary of State shall adopt rules to protect from disclosure all confidential information under Chapter 132 related to economic development initiatives or to industrial or business recruitment activities. The information shall remain confidential until the State, a unit of local government or the business has announced a commitment by the business to expand or locate a specific project in this State or a final decision not to do so and the business has communicated that commitment or decision to the State or local government agency involved with the project.".

and on page 13, line 13, by inserting the following at the end of the line and before the quotation mark:

The registration and authorization fees required under G.S. 120-47.3 and G.S. 120-47.4 shall not apply to legislative liaison personnel or the State department or constituent institution that employs the legislative liaison personnel. ";

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and on page 13, by deleting lines 23-24, and substituting the following:

"regulation, executive order, resolution, or other quasi-legislative action by";

and on page 13, by deleting lines 29-33, and substituting the following:

"(2) The term "executive branch officers" means the Governor, any member of the Council of State, the heads of those departments listed in G.S. 143B-6, and members of the Board of Governors of The University of North Carolina.";

and on page 14, line 6, by inserting before the period the following:

"through direct communication or activities with an executive branch officer";

and on page 14, by inserting the following between lines 33 and 34:

"(8a) The term "news medium" means mainstream media providers whose sole purpose is to report events and that does not involve research or advocacy.";

and on page 14, lines 38-44, by deleting the lines and substituting the following:

"(a) An executive lobbyist shall file a registration statement with the Secretary of State in a manner prescribed by the Secretary before engaging in any lobbying. It shall be unlawful for a person to lobby without registering unless exempted by this Article. A lobbyist shall file a separate registration statement for each principal the lobbyist represents. The registration shall indicate whether it is registration as a legislative lobbyist, executive lobbyist, or both, and a separate registration fee shall be paid for each separate type of registration.";

and on page 15, lines 17-41, by deleting the lines and substituting the following:

""§ 147-54.33. Registration fee.

A fee of one hundred dollars (\$100.00) is due and payable to the Secretary of State by either the lobbyist or the lobbyist's principal at the time of each registration. Fees so collected shall be deposited in the General Fund of the State. The Secretary of State shall allow fees required under this section to be paid electronically, but may not require the fees to be paid electronically. The Secretary of State shall adopt rules providing for the waiver or reduction of the fees required by this section in cases of hardship. The Secretary of State shall also adopt rules providing for the

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waiver or reduction of the fees required by this section in cases of hardship.

"§ 147-54.34. Authorization from lobbyist's principal; fee from principal.

(a) Each executive lobbyist or principal shall file with the Secretary of State within 10 days after the executive lobbyist's registration a written authorization signed by the lobbyist's principal authorizing the lobbyist to represent the principal.

(b) The form of the authorization shall be prescribed by the Secretary of State and shall include the principal's full name, complete address and telephone number, name and title of the official signing for the principal, and the name of each lobbyist registered to represent the principal. The Secretary of State shall make available as soon as practicable the authorization of the lobbyists' principals in an electronic, searchable format.

(c) An amended authorization shall be filed with the Secretary of State no later than 10 days after any change in the information supplied on the previous authorization. Each supplementary authorization shall include a complete statement of the information that has changed.

(d) Except as provided for in subsection (e) of this section, a fee of one hundred dollars (\$100.00) is due and payable to the Secretary of State at the time the principal's first authorization statement is filed each calendar year for an executive lobbyist. The fee for the executive lobbyist's authorization shall be seventy-five dollars (\$75.00) if an authorization for the principal to be represented by a legislative lobbyist is filed at the same time. No additional fee is due for additional authorizations filed for executive lobbyists.

(e) The fee in subsection (d) of this section shall be reduced to a total of twenty-five dollars (\$25.00) if the principal had annual revenues in its most recent fiscal year of three hundred thousand dollars (\$300,000) or less and is represented by no more than two different lobbyists. This reduced fee covers authorizations filed for the principal's legislative and executive lobbyists."

And on page 16, lines 9-13, by deleting the lines and substituting the following:

(a) For purposes of G.S. 147-54.37 and G.S. 147-54.38, the following expenditures need not be reported:

- (1) Gifts between an immediate family member or person who is the stepchild, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, or members of the household of the executive branch officer.
- (2) Lawful campaign contributions.

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- (3) Commercially available loans made on terms not more favorable than generally available to the public in the normal course of business if not made for the purpose of lobbying.
- (4) Contractual arrangements or business relationships or arrangements made in the normal course of business if not made for the purpose of lobbying.
- (5) The cost of attendance or participation provided by the sponsoring entity of lodging, and of food and beverages consumed, at events sponsored by or in conjunction with a civic, charitable, community, or diplomatic event if the activity or event does not last longer than three hours.
- (6) Academic scholarships made on terms not more favorable than scholarships generally available to the public.";

and on page 16, lines 25-27, by deleting the lines and substituting the following:

"(c) For reporting purposes of G.S. 147-54.37 and G.S. 147-54.38, executive lobbying with respect to only the executive actions of the Governor and Lieutenant Governor shall be reported.";

and on page 16, line 35, by deleting the word "amount", and substituting the phrase "fair market value";

and on page 16, line 36, by inserting the phrase "or beneficiary," after the word "payee";

and on page 17, line 29, by inserting the following at the end of the line:

""The Secretary of State shall not impose any penalties or late filing fees upon an executive lobbyist for subsequent failures to comply with the requirements of this section if the Secretary of State failed to provide to the executive lobbyist with required notifications of the initial violation. This provision shall not apply to a failure by the lobbyist to file an expenditure report in a timely manner.";

and on page 17, line 37, by deleting the word "amount", and substituting the phrase "fair market value";

and on page 17, line 38, by inserting the phrase "or beneficiary," after the word "payee";

and on page 18, line 30, by inserting the following at the end of the line:

""The Secretary of State shall not impose any penalties or late filing fees upon a principal for subsequent failures to comply with the requirements of this section if the Secretary of State failed to provide to the principal with

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required notifications of the initial violation. This provision shall not apply to a failure by the principal to file an expenditure report in a timely manner.";

and on page 19, line 10, by inserting the following after the word "body":
"whose membership includes one or more executive branch officers";

and on page 19, line 36, by deleting the word "six", and substituting "nine";

and on page 19, by inserting the following between lines 38 and 39:

"(10) A person appearing before an executive branch agency or department or an executive branch officer on behalf of another person or entity in connection with an application for a grant, loan, determination or eligibility, or certification."

and on page 20, by deleting lines 4-6, and substituting the following:

"(b) If the person making the expenditure in subsection (a) of this section is outside North Carolina, and the executive branch officer accepting the expenditure is also outside North Carolina at the time the person accepts the expenditure, then the person accepting the expenditure shall be responsible for filing the report using available information."

and on page 20, by inserting the following between lines 28 and 29:

"(6) Gifts accepted by an executive branch officer in the name of or on behalf of the State."

and on page 21, by deleting lines 7-10 and substituting the following:

"(b) The Secretary of State shall adopt rules to protect from disclosure all confidential information under Chapter 132 related to economic development initiatives or to industrial or business recruitment activities. The information shall remain confidential until the State, a unit of local government or the business has announced a commitment by the business to expand or locate a specific project in this State or a final decision not to do so and the business has communicated that commitment or decision to the State or local government agency involved with the project."

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

Date conferees approved report: August 24, 2005.

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*Conferees for the
Senate*

S/ Tony Rand, Chair
S/ Tom Apodaca
S/ Vernon Malone

*Conferees for the
House of Representatives*

S/ Joe Hackney, Chair
S/ Grier Martin
S/ Deborah Ross
S/ Ray Rapp
S/ Paul Stam
S/ Dale R. Folwell

The Conference Report is adopted, by electronic vote (107-4), and the Senate is so notified by Special Message.

CONFERENCE REPORT

Representative Wright moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1076

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 1076, 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, Senate Education/Higher Education Committee Substitute Adopted 8/12/05, Fourth Edition, submit the following report:

The House concurs in the Senate Education/Higher Education Committee Substitute Adopted 8/12/05, Fourth Edition, with the following amendment:

On page 2, line 26 by rewriting that line to read:

"student achievement and shall report to the Joint Legislative Education Oversight Committee by April 15, 2006 to determine if

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any changes are necessary to improve the implementation of successful alternative learning programs and alternative schools."

on page 4, lines 38-44 by deleting those lines; and

on page 5, line 1 by deleting the words "**SECTION 7.**" and substituting the words "**SECTION 6.**";

And the Senate agrees to the same.

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

Date conferees approved report: August 24, 2005.

*Conferees for the
Senate*

*Conferees for the
House of Representatives*

S/ A. B. Swindell IV, Chair
S/ Julia Boseman
S/ Vernon Malone

S/ Thomas E. Wright, Chair
S/ Marvin W. Lucas
S/ Jean R. Preston

The Conference Report is adopted, by electronic vote (114-0), and the Senate is so notified by Special Message.

BILLS PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 756** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM, FRANKLIN, LEE, AND VANCE COUNTIES TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES, 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, Almond, Bell, Blackwood, Bordsen, Carney, Church, Clary, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridg, Daughtry, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth,

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Goodwin, Grady, Hackney, Haire, Harrell, Harrison, Hill, Holliman, Howard, Insko, Jeffus, Jones, Ed Jones, Justice, Langdon, Lewis, Lucas, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Saunders, Sherrill, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 80.

Voting in the negative: Representatives Allred, Barnhart, Blust, Brown, Brubaker, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie, Gulley, Hilton, Hollo, Holloway, Johnson, Justus, Kiser, LaRoque, Luebke, McGee, Moore, Pate, Rhodes, Setzer, Stam, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson - 35.

Excused absences: Representatives Capps, McMahan, and Sauls - 3.

Representative Culpepper, gives notice, pursuant to Rule 36(b), and Senate Committee Substitute for **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, is placed on today's Calendar for immediate consideration.

On motion of Representative Haire, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (111-4), and the bill is ordered enrolled and presented to the Governor by Special Message.

Representative Moore requests and is granted permission to change his vote from "aye" to "no". The adjusted vote total is (110-5).

On motion of the Speaker, the House recesses at 4:00 a.m., subject to the ratification of bills.

ENROLLED BILLS

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

S.B. 208, 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 FEE FOR A LIMITED PERMIT.

August 24, 2005

S.B. 393, 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.

S.B. 505, AN ACT TO INCREASE THE FEE PAID TO LOCAL MEDICAL EXAMINERS FOR EACH INVESTIGATION CONDUCTED.

S.B. 506, AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH PUBLIC LAW 107-260, THE BENIGN BRAIN TUMOR CANCER REGISTRIES AMENDMENT.

S.B. 711, 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.

S.B. 895, AN ACT TO CLARIFY REAL ESTATE BROKERS DUTIES RELATED TO REAL ESTATE TRUST MONIES.

S.B. 1013, AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO COST RECOVERY UNDER THE LAWS REGULATING GENERAL CONTRACTORS.

S.B. 1029, AN ACT TO CLARIFY AND ENHANCE THE LAWS RELATING TO DOMESTIC VIOLENCE, TO ENACT LAWS REGARDING DOMESTIC VIOLENCE VICTIMS AND TENANCY, TO CLARIFY THAT THE FAILURE TO FILE A COUNTERCLAIM IN A SMALL CLAIMS ACTION DOES NOT BAR THE CLAIM IN A SEPARATE ACTION AND TO MAKE CHANGES TO LANDLORD TENANT LAW.

H.B. 99, AN ACT TO AMEND THE WORKERS' COMPENSATION ACT AND TO CREATE THE STUDY COMMITTEE ON WORKERS' COMPENSATION BENEFITS.

H.B. 768, AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL

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ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA.

H.B. 1493, AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY.

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

H.J.R. 1793, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. BARBARA KINARD PHILLIPS, DISTINGUISHED NORTH CAROLINIAN. (RESOLUTION 2005-53)

H.J.R. 1796, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF MELISSA BARTLETT, SHIRLEY EAST HARRIS, AND HOWARD N. LEE TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION. (RESOLUTION 2005-54)

CHAPTERED BILLS

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

H.B. 691, AN ACT AUTHORIZING THE TOWN OF CARRBORO TO LEVY A MOTOR VEHICLE TAX NOT TO EXCEED TWENTY-FIVE DOLLARS AND RELATING TO THE IMPOSITION OF A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION BY THE TOWN OF BLACK MOUNTAIN. (S.L. 2005-306)

H.B. 1034, AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION. (S.L. 2005-307)

H.B. 1078, AN ACT AUTHORIZING THE TOWN OF ANGIER AND THE TOWN OF LAGRANGE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWNS' WEEDED LOT ORDINANCE. (S.L. 2005-308)

RECESS

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

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**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. 1117 (Committee Substitute), A BILL TO BE ENTITLED AN
ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND
GUARDSMEN SUPPORT ACT, with a favorable report, as amended.

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

CONFERENCE REPORT

Representative Ross sends forth the Conference Report on **S.B. 590**
(House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT
TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH
MANAGING THEIR DEBTS. Without objection, the Conference Report
is placed on the Calendar for immediate consideration.

Representative Ross moves the adoption of the following Conference
Report.

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate
and the House of Representatives on Senate Bill 590, A BILL TO BE
ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING
ASSISTANCE WITH MANAGING THEIR DEBTS, House Committee
Substitute #2 Favorable 8/23/05 Sixth Edition Engrossed 8/23/05, submit
the following report:

The Senate and House agree to the following amendment and the
Senate concurs in the House Committee Substitute #2 Favorable 8/23/05,
Sixth Edition Engrossed 8/23/05, as amended:

On page 2, lines 3-4 by rewriting those lines to read:

"(6) An attorney-at-law licensed to practice in this State who is not
employed by a debt adjuster."

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

Date conferees approved report: August 24, 2005.

*Conferees for the
Senate*

S/ Katie G. Dorsett, Chair
S/ R. C. Soles, Jr.
S/ Daniel G. Clodfelter
S/ Martin L. Nesbitt, Jr.

*Conferees for the
House of Representatives*

S/ Deborah K. Ross, Chair
S/ Alma Adams
S/ James W. Crawford, Jr.
S/ Dewey L. Hill
S/ Paul Stam
S/ Melanie Wade Goodwin
S/ Tim Moore

The Conference Report is adopted, by electronic vote (104-5), and the Senate is so notified by Special Message.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, Senate Committee Substitute for **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, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 24, 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. 1076** (Conference Report), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE

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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, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and sent to the Governor by Special Message.

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 24, 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. 148** (Conference Report), 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, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

August 24, 2005

Senate Chamber
August 24, 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. 590** (Conference Report), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 24, 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. 612** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYISTS FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY, 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

August 24, 2005

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

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, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute No. 2 for **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 returned for concurrence in Senate Committee Substitute Bill No. 2.

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

Upon concurrence Senate Committee Substitute Bill No. 2 changes the title.

Senate Committee Substitute for **H.B. 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, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 413** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY OF

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WHAT HIGH SCHOOL GRADUATES NEED TO KNOW IN A RAPIDLY CHANGING AND COMPLEX GLOBAL SOCIETY AND ECONOMY, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 1060** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL LAW, is returned for concurrence in the Senate committee substitute bill.

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

Upon concurrence the Senate committee substitute bill changes the title.

S.J.R. 1168, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF COLONEL THOMAS FEREBEE AND ACKNOWLEDGING THE VETERANS OF WORLD WAR II ON THE SIXTIETH ANNIVERSARY OF THE END OF THAT WAR, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.J.R. 1183, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF THE TOWN OF ROXBORO ON THE OCCASION OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN'S INCORPORATION, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Representative Culpepper:

H.R. 1800, A HOUSE RESOLUTION ELECTING RAICHELLE GLOVER TO THE STATE BOARD OF COMMUNITY COLLEGES.

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Pursuant to Rule 32(a), the resolution is placed on today's Calendar.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 774** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Finance.

On motion of the Speaker, the House recesses at 3:14 p.m.

RECESS

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

ENROLLED BILLS

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

S.B. 148, 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.

S.B. 290, AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT.

S.B. 319, AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND CLARIFYING THE PROCEDURES BY WHICH SUBSIDIARY AND AFFILIATE COMPANIES MAY BE LICENSED AS SELF-INSURERS FOR WORKERS COMPENSATION AND TO MAKE OTHER CONFORMING AND TECHNICAL CHANGES TO THE WORKERS COMPENSATION LAWS RESPECTING INDIVIDUAL SELF-INSURERS IN ARTICLE 5 OF CHAPTER 97 OF THE GENERAL STATUTES.

S.B. 356, AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY PUMPER TRUCKS AND SWEEPERS.

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S.B. 443, AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS.

S.B. 518, AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTES.

S.B. 528, AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS LOCATED IN AN ENTERPRISE TIER ONE AREA.

S.B. 606, AN ACT TO AMEND THE POWERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION.

S.B. 612, AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYISTS FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY.

S.B. 665, 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 PUBLIC HEALTH AUTHORITIES TO INCREASE THEIR MEMBERSHIP.

S.B. 671, AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO REPEAL CHAPTER 10A OF THE GENERAL STATUTES REGARDING THE REGULATION OF NOTARIES PUBLIC, AND TO ENACT CHAPTER 10B RELATING TO NOTARIES.

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S.B. 725, AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD.

S.B. 804, 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.

S.B. 814, AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES.

S.B. 868, AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND TO ALLOW FOR A REFUND OF EXCISE TAX ON UNSALABLE CIGARS.

S.B. 911, AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION.

S.B. 1130, AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS.

S.B. 1149, AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO EXTEND AND EXPAND THE CREDIT FOR INVESTMENT IN RENEWABLE ENERGY PROPERTY.

H.B. 105, AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AND TO ALLOW INTERSTATE PASSENGER AIR CARRIERS A REFUND OF SALES AND USE TAXES ON FUEL.

H.B. 576, AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO STUDY THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION

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SERVICES BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO WHICH THE SERVICES ARE REQUIRED.

H.B. 650, AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES, TO CLARIFY THE PROCEDURE FOR ASSIGNING COMPLEX BUSINESS CASES, TO AUTHORIZE A LARGER FEE FOR COMPLEX BUSINESS CASES, AND TO CHANGE THE DATE DISTRICT COURT JUDGES TAKE OFFICE.

H.B. 1095, AN ACT TO ESTABLISH UNIFORM CRITERIA FOR DRINKING WATER, WASTEWATER, AND STORMWATER LOANS AND GRANTS, TO CLARIFY AND REVISE THE PROCEDURES THAT APPLY TO THESE LOANS AND GRANTS TO REFLECT THE EXHAUSTION OF THE 1998 CLEAN WATER BOND PROCEEDS, AND TO PROVIDE FOR GREATER COORDINATION AMONG AGENCIES THAT MAKE LOANS AND GRANTS FOR WATER PROJECTS BY ESTABLISHING THE WATER INFRASTRUCTURE COMMISSION.

H.B. 1349, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE 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 AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO INCREASE CERTAIN FEES.

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

S.B. 289, AN ACT TO CHANGE THE ELECTION OF THE CHATHAM COUNTY BOARD OF EDUCATION FROM THE PRIMARY TO THE GENERAL ELECTION.

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

H.J.R. 1799, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES. (RESOLUTION 2005-55)

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H.J.R. 1797, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF THE TOWN OF ROXBORO ON THE OCCASION OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN'S INCORPORATION. (RESOLUTION 2005-56)

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. (RESOLUTION 2005-57)

STATE BOARD OF COMMUNITY COLLEGE ELECTION

H.R. 1800, A HOUSE RESOLUTION ELECTING RAICHELE GLOVER TO THE STATE BOARD OF COMMUNITY COLLEGES.

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

Representative Bordsen requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (115-0).

Pursuant to Article VI, Section 5 of the North Carolina Constitution, the election of Raichelle Glover to the State Board of Community Colleges for a term beginning July 1, 2005, and ending June 30, 2011, is confirmed by *viva voce* vote.

The Senate is so notified of the action taken by Special Message.

Representative Culpepper moves, seconded by Representative Luebke, that the House adjourn, subject to the receipt of Committee Reports and committee assignments, to reconvene August 25 at 9:00 a.m.

The motion carries.

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:

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H.B. 947 (Committee Substitute), 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 Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(b), Committee Substitute Bill No. 2 is placed on the Calendar of August 25. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

S.B. 774 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar of August 25.

No committee assignments having been received, the House stands adjourned at 7:25 p.m.

ONE HUNDRED TWENTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Thursday, August 25, 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:

"Almighty God:

"You have seen fit to allow us the privilege of self-government. This is a gift that comes to us with great responsibility. We pray that we never take it for granted, take it lightly, or abuse it. Wisdom and discernment are also divine gifts provided to us to guide us in making sound and rational decisions. We ask that You would allow these gifts to flow freely. Guide this Legislature in the work that is before them. Give them the clarity of

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their alternatives, the freedom of conscience, and the courage of their convictions. Amen."

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

Leaves of absence are granted Representatives Adams, Cunningham, McMahan and Sauls for today. Representatives Alexander, Capps, Daughtry, Insko, and Pierce are excused for a portion of the Session.

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. 1060** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL LAW.

On motion of Representative Wright, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (96-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

Representative Hollo requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (97-0).

Senate Committee Substitute for **H.B. 1207** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO AMEND THE APPOINTMENT OF THE MEMBERSHIP OF THE EDENTON HISTORICAL COMMISSION.

On motion of Representative Culpepper, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (101-1), and the bill is ordered enrolled and presented to the Governor by Special Message.

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Representative McLawhorn requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (102-1).

H.B. 756 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM, FRANKLIN, LEE, AND VANCE COUNTIES TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES, passes its third reading, by the following vote, and is ordered sent to the Senate by Special Message.

Those voting in the affirmative are: Representatives B. Allen, L. Allen, Barnhart, Bell, Blackwood, Bordsen, Brown, Carney, Coates, Cole, Coleman, Crawford, Culpepper, Current, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lucas, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Ross, Saunders, Sherrill, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 75.

Voting in the negative: Representatives Allred, Almond, Brubaker, Clary, Cleveland, Culp, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Kiser, LaRoque, Luebke, McGee, Moore, Pate, Rayfield, Rhodes, Setzer, Stam, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, and Wilson - 32.

Excused absences: Representatives Adams, Cunningham, McMahan, and Sauls - 4.

H.B. 1050 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO LEVY ONE-HALF CENT LOCAL SALES AND USE TAXES FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES AND COMMUNITY COLLEGE PLANT FUND PURPOSES, IF APPROVED BY THE VOTERS OF THE COUNTIES, passes its third reading, by the following vote, and is ordered sent to the Senate by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives B. Allen, L. Allen, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Carney, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Current, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield,

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Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrison, Hill, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Langdon, Lucas, Martin, McAllister, McComas, McLawhorn, Michaux, Miller, Morgan, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Saunders, Sherrill, Sutton, Tolson, Tucker, Underhill, Wainwright, Walker, Warren, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 80.

Voting in the negative: Representatives Allred, Brubaker, Cleveland, Culp, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Kiser, LaRoque, Luebke, McGee, Moore, Pate, Rhodes, Setzer, Stam, Starnes, Steen, Stiller, Vinson, Walend, West, and Wilson - 28.

Excused absences: Representatives Adams, Cunningham, McMahan, and Sauls - 4.

H.B. 1610 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT, passes its third reading, by the following vote, and is ordered sent to the Senate by Special Message.

Those voting in the affirmative are: Speaker Black; Representatives B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Brown, Brubaker, 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, 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, Moore, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 103.

Voting in the negative: Representatives Luebke, Michaux, Miller, and Stiller - 4.

Excused absences: Representatives Adams, Bordsen, Cunningham, McMahan, and Sauls - 5.

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Representative Bordsen requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (104-4).

S.B. 386 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING CABARRUS COUNTY TO CHANGE THE BOUNDARIES OF FIRE DISTRICTS, 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 B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Brown, Brubaker, Carney, Clary, 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, 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, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wilkins, Williams, Wilson, Womble, Wray, Wright, and Yongue - 108.

Voting in the negative: None.

Excused absences: Representatives Adams, Cunningham, McMahan, and Sauls - 4.

Representative Cleveland requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (109-0).

H.B. 947 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO LEVY ONE-HALF CENT LOCAL SALES AND USE TAXES FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES AND COMMUNITY COLLEGE PLANT FUND PURPOSES, IF APPROVED BY THE VOTERS OF THE COUNTIES.

Representative Folwell offers Amendment No. 1 which is adopted by electronic vote (53-52).

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Representative Grady requests and is granted permission to change his vote from "no" to "aye". Representative Ray requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (55-51).

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 B. Allen, L. Allen, Almond, Barnhart, Bell, Bordsen, Brown, Carney, Clary, Coates, Cole, Coleman, Crawford, Culpepper, Current, Daughtridge, Dickson, Dockham, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Gibson, Glazier, Goforth, Goodwin, Grady, Hackney, Haire, Harrell, Harrison, Hill, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Langdon, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Preston, Rapp, Ross, Saunders, Sherrill, Sutton, Tolson, Tucker, Underhill, Wainwright, Weiss, Wilkins, Williams, Womble, Wray, Wright, and Yongue - 72.

Voting in the negative: Representatives Allred, Blackwood, Blust, Brubaker, Cleveland, Culp, Dollar, Eddins, Frye, Gillespie, Gulley, Hilton, Hollo, Holloway, Holmes, Johnson, Justus, Kiser, LaRoque, Luebke, Moore, Morgan, Pate, Rayfield, Rhodes, Setzer, Stam, Starnes, Steen, Stillier, Vinson, Walend, Walker, West, Wiley, and Wilson - 36.

Excused absences: Representatives Adams, Alexander, Capps, Cunningham, Daughtry, McMahan, Pierce, and Sauls - 8.

Representative Ray requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (73-36).

BILL TEMPORARILY DISPLACED

On motion of Representative Culpepper and without objection, **S.B. 774** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS, is temporarily displaced.

CALENDAR (continued)

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

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S.B. 1117 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT.

Committee Amendment No. 1 is before the Body.

On motion of Representative Dickson and without objection, the bill, with amendment, is withdrawn from the Calendar and re-referred to the Committee on Appropriations.

WITHDRAWAL OF BILLS FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 1526** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HERITAGE PARK AUTHORITY, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Finance.

Pursuant to Rule 36(b)(2), **S.B. 523** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR GUBERNATORIAL APPOINTMENT OF APPELLATE JUSTICES AND JUDGES AND CONFIRMATION BY VOTE OF THE PEOPLE, TO PROVIDE FOR THE SELECTION OF THE CHIEF JUSTICE OF THE SUPREME COURT FROM AMONG THE JUSTICES, TO MAKE STATUTORY CONFORMING CHANGES TO IMPLEMENT THE CONSTITUTIONAL AMENDMENTS, AND TO ALLOW ALL JUSTICES AND JUDGES IN THE GENERAL COURT OF JUSTICE WHO REACH THE AGE LIMIT FOR SERVICE TO CONTINUE IN OFFICE UNTIL THE END OF THE CALENDAR YEAR, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Judiciary I.

RE-REFERRAL

On motion of Representative Culpepper, pursuant to Rule 39.2 and without objection, **S.B. 61** (House Committee Substitute), 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 withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary I and, if favorable, to the Committee on Rules, Calendar, and Operations of the House.

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Representative Culpepper moves, seconded by Representative Sherrill, that the House adjourn, subject to committee assignments, to reconvene August 29 at 7:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 10:45 a.m.

ONE HUNDRED TWENTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Monday, August 29, 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:

"Patient God:

"Since the beginning of time, You have provided us with everything necessary for full and productive living. Yet, in spite of the abundance of Your free gifts, we continually manage to find ourselves at the end of life's road. Help us not to be so quick to make You the scapegoat for our own abuse of Your gifts. Remind us that Your road map to life's highways are always quite clear; and it is we who choose to take unnecessary detours that get us lost or lead us to our respective dead ends. Eternal God, whose only desire it is to lavish love upon Your children, show us that Your grace is abundant and that Your mercy allows for u-turns. Then, lead us in paths of righteousness for Thy name's sake. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 25 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 Cole, Haire, and Lucas for today. Representatives LaRoque and Morgan are excused for a portion of the Session.

ENROLLED BILLS

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

S.B. 590, AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS.

H.B. 1060, AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL LAW; AND RELATING TO REGULATION OF GASTROINTESTINAL ENDOSCOPY ROOMS IN LICENSED HEALTH SERVICE FACILITIES.

H.B. 1076, 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.

H.B. 1207, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, TO MAKE TECHNICAL CHANGES TO VARIOUS TERMS, AND TO AMEND THE APPOINTMENT OF THE MEMBERSHIP OF THE EDENTON HISTORICAL COMMISSION.

CHAPTERED BILLS

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

S.B. 289, AN ACT TO CHANGE THE ELECTION OF THE CHATHAM COUNTY BOARD OF EDUCATION FROM THE PRIMARY TO THE GENERAL ELECTION. (S.L. 2005-309)

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H.B. 813, AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS. (S.L. 2005-310)

H.B. 490, AN ACT TO AMEND THE LAW WITH REGARD TO MAKING A FALSE REPORT CONCERNING A DESTRUCTIVE DEVICE. (S.L. 2005-311)

H.B. 35, 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. (S.L. 2005-312)

H.B. 116, 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. (S.L. 2005-313)

H.B. 62, AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL. (S.L. 2005-314)

H.B. 485, AN ACT TO AUTHORIZE AN EXISTING CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM. (S.L. 2005-315)

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H.B. 237, 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. (S.L. 2005-316)

H.B. 182, AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN. (S.L. 2005-317)

H.B. 779, AN ACT TO INCREASE THE PENALTY FOR AIDING AND ABETTING A STUDENT'S UNLAWFUL ABSENCE FROM SCHOOL. (S.L. 2005-318)

H.B. 1328, AN ACT TO PROVIDE FOR THE EXPUNCTION OF OFFICIAL RECORDS WHEN A PERSON IS GRANTED A PARDON OF INNOCENCE. (S.L. 2005-319)

H.B. 801, 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. (S.L. 2005-320)

S.B. 1124, AN ACT TO IMPOSE A PENALTY FOR BREACHING THE CONFIDENTIALITY OF SCHOOL EMPLOYEE PERSONNEL FILES. (S.L. 2005-321)

H.B. 1202, AN ACT TO CLARIFY ALTERNATIVE REPRESENTATION OF METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES. (S.L. 2005-322)

S.B. 223, AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH

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VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING 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; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP. (S.L. 2005-323)

H.B. 1775, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA. (S.L. 2005-324)

S.B. 740, AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, EXCEPT WHEN DOING SO PURSUANT TO A SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES. (S.L. 2005-325)

S.B. 682, AN ACT TO EXTEND TO PUBLIC HEALTH AUTHORITIES, SANITARY DISTRICTS, AND METROPOLITAN

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SEWERAGE DISTRICTS THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES. (S.L. 2005-326)

S.B. 974, AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, AND AUTHORIZE ALCOHOLIC BEVERAGES TO BE MADE AVAILABLE BY SELF-SERVICE IN SUITES OF MAJOR LEAGUE SPORTS FACILITIES. (S.L. 2005-327)

H.B. 1217, AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES. (S.L. 2005-328)

S.B. 428, AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT. (S.L. 2005-329)

H.B. 1271, AN ACT TO AMEND CERTAIN LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS. (S.L. 2005-330)

H.B. 1266, 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. (S.L. 2005-331)

S.B. 856, AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO TRIAL PREPARATION MATERIAL. (S.L. 2005-332)

H.B. 1394, 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. (S.L. 2005-333)

H.B. 1485, AN ACT TO PROVIDE THAT SEARCH WARRANTS MAY BE OBTAINED BY AUDIO/VIDEO TRANSMISSIONS. (S.L. 2005-334)

H.B. 1390, 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. (S.L. 2005-335)

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H.B. 1416, AN ACT TO MAKE TOWNS OR CITIES WHERE A RAILROAD PASSENGER TERMINUS EXISTS ELIGIBLE TO HOLD MALT BEVERAGE PERMIT ELECTIONS. (S.L. 2005-336)

H.B. 1401, AN ACT TO AMEND THE CIRCUMSTANCES UNDER WHICH FEDERAL LAW ENFORCEMENT OFFICERS AND SWORN LAW ENFORCEMENT OFFICERS MAY CARRY CONCEALED WEAPONS. (S.L. 2005-337)

H.B. 1411, 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. (S.L. 2005-338)

H.B. 1145, 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. (S.L. 2005-339)

H.B. 1389, AN ACT TO AMEND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS. (S.L. 2005-340)

H.B. 1279, AN ACT TO AMEND THE SPEEDING TO ELUDE ARREST STATUTES TO CLARIFY THE PROXIMATE CAUSE REQUIREMENT WHEN THE OFFENSE RESULTS IN DEATH. (S.L. 2005-341)

H.B. 1030, AN ACT TO CLARIFY THE POWERS OF THE BRUNSWICK AIRPORT COMMISSION AND TO AUTHORIZE LOCAL AIRPORT AUTHORITIES TO BORROW MONEY. (S.L. 2005-342)

H.B. 1311, 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. (S.L. 2005-343)

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CALENDAR

Action is taken on the following:

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

Senate Committee Substitute No. 2 for **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.

On motion of Representative Crawford, the House concurs in Senate Committee Substitute Bill No. 2, which changes the title, by electronic vote (67-48), and the bill is ordered enrolled and presented to the Governor by Special Message.

Senate Committee Substitute for **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.

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

On motion of Representative Culpepper, the House does not concur in the material Senate committee substitute bill by the following vote and conferees are requested.

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Allred, Almond, Barnhart, Bell, Blackwood, Blust, Bordsen, Brown, Brubaker, Capps, Carney, Church, Clary, Cleveland, Coates, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones, Ed Jones, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Luebke, Martin, McAllister, McComas, McGee, McLawhorn, McMahan, Michaux, Miller, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Rhodes, Ross, Sauls,

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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 Yongue - 115.

Voting in the negative: None.

Excused absences: Representatives Cole, Haire, and Lucas - 3.

S.B. 774 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS.

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.

H.B. 947 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO LEVY ONE-HALF CENT LOCAL SALES AND USE TAXES FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES AND COMMUNITY COLLEGE PLANT FUND PURPOSES, IF APPROVED BY THE VOTERS OF THE COUNTIES.

Representative Dollar offers Amendment No. 2 which fails of adoption by electronic vote (50-63).

Representative Rhodes offers Amendment No. 3 which fails of adoption by electronic vote (44-70).

Representative Pate offers Amendment No. 4 which is adopted by electronic vote (115-0).

Representative Preston offers Amendment No. 5 which is adopted by electronic vote (114-0).

Representative Stam offers Amendment No. 6 which fails of adoption by electronic vote (55-60).

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

Those voting in the affirmative are: Speaker Black; Representatives Adams, Alexander, B. Allen, L. Allen, Almond, Bell, Blackwood, Bordsen,

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Carney, Church, Clary, Coates, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, England, Faison, Farmer-Butterfield, Fisher, Gibson, Glazier, Goforth, Goodwin, Grady, Hackney, Harrell, Hill, Holliman, Howard, Hunter, Insko, Jeffus, Jones, Ed Jones, Justice, Langdon, Martin, McAllister, McLawhorn, Michaux, Miller, Nye, Owens, Parmon, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Sherrill, Sutton, Tolson, Tucker, Underhill, Wainwright, Warren, Weiss, Wilkins, Williams, Womble, Wray, and Yongue - 73.

Voting in the negative: Representatives Allred, Barnhart, Blust, Brown, Brubaker, Capps, Cleveland, Dollar, Eddins, Folwell, Frye, Gillespie, Gulley, Harrison, Hilton, Hollo, Holloway, Holmes, Johnson, Justus, Kiser, LaRoque, Lewis, Luebke, McComas, McGee, McMahan, Moore, Morgan, Pate, Rhodes, Setzer, Stam, Starnes, Steen, Stiller, Vinson, Walend, Walker, West, Wiley, and Wilson - 42.

Excused absences: Representatives Cole, Haire, and Lucas - 3.

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. 1117 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT, 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. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

On motion of the Speaker, the House recesses at 8:50 p.m.

RECESS

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

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WITHDRAWAL OF BILLS FROM CALENDAR

Pursuant to Rule 36(b)(2), **H.B. 892** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT REGULATING THE SALE OF KEGS CONTAINING MALT BEVERAGES, 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), Senate Committee Substitute for **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, is withdrawn from the Calendar pursuant to Rule 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CONFEREES APPOINTED

The Speaker appoints the following conferee on Senate Committee Substitute for **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: Representative Culpepper.

The Senate is so notified by Special Message.

BILL PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 1117** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT, is placed on today's Calendar for immediate consideration.

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 for concurrence in the House committee substitute bill by Special Message.

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**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:

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, 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 today's Calendar for immediate consideration. The original bill is placed on the Unfavorable Calendar.

The bill 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 by Special Message.

Representative Culpepper moves, seconded by Representative Clary, that the House adjourn, subject to committee assignments, to reconvene August 30 at 4:00 p.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 9:57 p.m.

ONE HUNDRED TWENTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Tuesday, August 30, 2005

The House meets at 4:00 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:

"Almighty God:

"There lies within every human being the need to be accepted, needed...loved. These are basic human longings. They are not wrong nor are they unique to us. All around the world, there are halls and chambers just like ours filled with men and women whose needs are not unlike our own. Therefore, we ask Thee, O God, to help us know ourselves better; and show us when our desires to be seen, heard or known exceed their appropriate limits within the boundaries of privilege and power that come with being a Member of this Honorable Body. Teach us by whatever means necessary to get through to us, that only Thou art sovereign. Remind us from where we have come and keep us humble in heart, we pray. Amen."

Representative Culpepper, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 29 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Haire, Lucas, Luebke, and Sutton for today. Representative Earle is excused for a portion of the Session.

ENROLLED BILLS

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

H.B. 320, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2005.

S.B. 1117, AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT.

H.B. 1023, 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

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OPPORTUNITIES SO THAT ALL STUDENTS IN THE PUBLIC SCHOOLS CAN ACHIEVE THEIR FULL POTENTIAL, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE LOTTERY.

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. 61 (House Committee Substitute), 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, 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, and recommendation that House Committee Substitute Bill No. 2 be re-referred to the Committee on Rules, Calendar, and Operations of the House.

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

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

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, 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. 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

August 30, 2005

THE RECOMMENDATION OF THE MAJORITY LEADER OF THE SENATE, 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. 602 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PROFESSIONAL LIABILITY OF STATE EMPLOYEES AND AGENCIES, 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. 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, with a favorable report.

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

CONFERENCE REPORT

Representative Underhill sends forth the Conference Report on **S.B. 1134** (House 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

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RECOMMENDED GOAL. Without objection, the Conference Report is placed on today's Calendar.

SPECIAL MESSAGE FROM THE SENATE

**2005 GENERAL ASSEMBLY
FIRST SESSION**

Senate Chamber
August 30, 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. 1134** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE; TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING, THE EMERGING CARBON ECONOMY, AND 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 AUTHORIZE THE COMMISSION TO DEVELOP A RECOMMENDED GOAL, and when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

Senate Committee Substitute for **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, is returned for concurrence in the Senate committee substitute bill 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.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Gibson and without objection, **H.B. 1098** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS, INCLUDING REAL ESTATE CERTIFICATES OF PARTICIPATION INDEBTEDNESS, TO FINANCE THE EXPANSION OF THE NORTH CAROLINA MUSEUM OF ART, is withdrawn from the Calendar and referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

Representative Underhill moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1134

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 1134, 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, House Committee Substitute Favorable 6/29/05, Fifth Edition Engrossed 7/7/05, submit the following report:

The Senate and the House of Representatives agree to the following amendment to House Committee Substitute Favorable 6/29/05, Fifth Edition Engrossed 7/7/05, and the Senate concurs in the House Committee Substitute as amended:

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Delete the entire House Committee Substitute Favorable 6/29/05, Fifth Edition Engrossed 7/7/05, and substitute the attached Proposed Conference Committee Substitute S1134-PCCS15268-RT-1.

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

Date conferees approved report: 29 August, 2005.

*Conferees for the
Senate*

S/ Charles W. Albertson, Chair
S/ Janet Cowell
S/ Daniel G. Clodfelter
S/ Jerry W. Tillman

*Conferees for the
House of Representatives*

S/ Alice G. Underhill, Chair
S/ Becky Carney
S/ Joe Hackney
S/ Jim Harrell, III
S/ Bonner L. Stiller

The Conference Report, which changes the title, is adopted, by electronic vote (86-25), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

BILLS PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 329** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, is placed on today's Calendar for immediate consideration.

The bill 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 for concurrence in the House committee substitute bill by Special Message.

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 998** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PROVISION OF THE COASTAL HABITAT PROTECTION

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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 placed on today's Calendar for immediate consideration.

The bill 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 enrolled and presented to the Governor by Special Message.

On motion of the Speaker, the House recesses at 4:42 p.m.

RECESS

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

BILLS PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **H.B. 1269** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES, AND OTHER COMMISSIONS, is placed on today's Calendar for immediate consideration.

Representative Wainwright offers Amendment No. 1.

Representative McComas offers perfecting Amendment No. 2 which is adopted by electronic vote (111-2).

Amendment No. 1 is adopted by electronic vote (96-14).

The bill, as amended, passes its second reading, by electronic vote (104-9), and there being no objection is read a third time.

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Representative Moore requests and is granted permission to change his vote from "no" to "aye". The adjusted vote total is (105-8).

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

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 602** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, is placed on today's Calendar for immediate consideration.

Representative Stam offers Amendment No. 1 which is adopted by electronic vote (112-1).

Representative Dollar offers Amendment No. 2.

Representative Crawford, Chair of the Committee on Appropriations, requests a fiscal note on the amendment. The Speaker rules that no fiscal note is necessary for the amendment. He further rules that if the amendment passes, an actuarial note would be required on the bill by statute.

Representative Dollar inquires of the Chair if the amendment does not pass, will the provisions of the statutes regarding legislation affecting the expenditures and revenues of local governments, require a fiscal note anyway.

The Speaker rules that the amendment does not impact the bill and rules it out of order.

The bill, as amended, passes its second reading, by electronic vote (59-53), and there being no objection is read a third time.

Representatives Goforth, McLawhorn, Ray, Justice, and Church request and are granted permission to change their votes from "no" to "aye". Representative Folwell requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (65-48).

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

CONFERENCE REPORT

Representative Culpepper sends forth the Conference Report on **S.B. 686** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY ON THE PREMISES, AND (2) STORED AND SOLD BEHIND A PHARMACY COUNTER IN RETAIL ESTABLISHMENTS WITH A PHARMACY ON THE PREMISES; TO PROVIDE THAT RETAILERS OF PSEUDOEPHEDRINE PRODUCTS MAINTAIN CONTINUOUS SURVEILLANCE OF AREAS INVOLVING PSEUDOEPHEDRINE TRANSACTIONS IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO ESTABLISH THE NORTH CAROLINA METHAMPHETAMINE ABUSE TASK FORCE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO PROVIDE THAT STEALING A PRODUCT THAT CONTAINS PSEUDOEPHEDRINE IS FELONY LARCENY; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF

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DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS. Without objection, the Conference Report is placed on the Calendar for immediate consideration.

Representative Culpepper moves the adoption of the following Conference Report.

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate 686, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY ON THE PREMISES, AND (2) STORED AND SOLD BEHIND A PHARMACY COUNTER IN RETAIL ESTABLISHMENTS WITH A PHARMACY ON THE PREMISES; TO PROVIDE THAT RETAILERS OF PSEUDOEPHEDRINE PRODUCTS MAINTAIN CONTINUOUS SURVEILLANCE OF AREAS INVOLVING PSEUDOEPHEDRINE TRANSACTIONS IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO ESTABLISH THE NORTH CAROLINA METHAMPHETAMINE ABUSE TASK FORCE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO PROVIDE THAT STEALING A PRODUCT THAT CONTAINS PSEUDOEPHEDRINE IS FELONY LARCENY; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS

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DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS, House Committee Substitute Favorable 7/25/05, Fourth Edition, submit the following report:

The Senate and the House of Representatives agree to the following amendment to House Committee Substitute favorable 7/25/05, Fourth Edition, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 7/25/05, Fourth Edition, and substitute the attached Proposed Conference Committee Substitute S686-PCCS35266-RI-1.

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

Date conferees approved report: August 11th, 2005.

*Conferees for the
Senate*

S/ Walter Dalton, Chair
S/ Fletcher L. Hartsell, Jr.
S/ Tony Rand
S/ John J. Snow, Jr.

*Conferees for the
House of Representatives*

S/ Bill Culpepper, Chair
S/ Lorene T. Coates
S/ Rick Glazier
S/ R. Phillip Haire
S/ Grier Martin
S/ Earline W. Parmon
S/ Karen Ray
S/ Jennifer Weiss

The Conference Report, which changes the title, is adopted, by electronic vote (111-0), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Representative Culpepper moves, seconded by Representative Sherrill, that the House adjourn, subject to committee assignments, to reconvene August 31 at 12:00 Noon.

August 30, 2005

The motion carries.

No committee assignments having been received, the House stands adjourned at 7:16 p.m.

ONE HUNDRED TWENTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, August 31, 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:

"The Psalmist writes, 'The world is yours, Lord. You made it. Your creativeness expresses your nature, and your steadfast love communicates your character. The earth and all who live on it are yours.' (Psalms 24) Aware that Your will includes salvation for Your larger world and persons beyond our immediate circles of friends and acquaintances, and affirming that You are active in history, we lift up and earnestly pray for the people who have been devastated by Hurricane Katrina. As a Body of State legislators, on behalf of the people of North Carolina, who ourselves have felt the destructive forces of hurricanes, we convey our deepest sympathy and concern for our friends on the Gulf coast. As fellow human beings, we extend our heartfelt empathy and pain for the loss of human life, the destruction of towns and communities, and the feelings of hopelessness that our friends are experiencing. Lord God, keep us from calling disaster Your justice. Most of all, help us, in good times and in distress, to trust in Your mercy and yield to Your power. Amen."

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

August 31, 2005

Leaves of absence are granted Representatives Daughtry, Fisher, Haire, Lucas, McGee, Rayfield, Ross, Sutton, and Womble for today.

ENROLLED BILLS

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

S.B. 998, 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.

S.B. 1134, AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE; TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING, THE EMERGING CARBON ECONOMY, AND 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 AUTHORIZE THE COMMISSION TO DEVELOP A RECOMMENDED GOAL.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

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

S.B. 61 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY INCREASING THE PUNISHMENT FOR FELONY DEATH BY VEHICLE AND 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

August 31, 2005

OFFENDER WHO RESIDES OR WORKS AT A PLACE OF EMPLOYMENT WITHIN A QUARTER MILE OF THE VICTIM, with a favorable report as to House Committee Substitute Bill No. 3, which changes the title, unfavorable as to House Committee Substitute Bill No. 2.

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

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, 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. 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, with a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.

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

CALENDAR

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. 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.

On motion of Representative Culpepper, 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.

August 31, 2005

Representative Holmes requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (109-0).

BILLS PLACED ON CALENDAR

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 173** (House Committee Substitute), 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 AND TO AMEND THE DOMESTIC VIOLENCE VICTIMS EMPOWERMENT ACT, is placed on today's Calendar for immediate consideration.

Representative Hilton moves that Rule 31(d) be suspended in order that he might offer an amendment which would change the title.

The motion fails to pass for lack of a two-thirds majority by electronic vote (59-48).

Representative Hilton moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Hilton withdraws his motion.

The bill fails to pass its second reading by electronic vote (48-57).

Representative Hill requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (49-57).

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 61** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY INCREASING THE PUNISHMENT FOR FELONY DEATH BY VEHICLE AND 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 FUND CERTAIN POSITIONS FROM THE DWI RESERVE FUND AND TO CHANGE THE COUNTIES ELIGIBLE FOR TIER ONE DESIGNATIONS UNDER THE BILL LEE ACT FOR LAST QUARTER

August 31, 2005

OF CALENDAR YEAR 2005, is placed on today's Calendar for immediate consideration.

Representative Frye offers Amendment No. 1 which is adopted by electronic vote (101-4).

Representative Moore offers Amendment No. 2 which is adopted by electronic vote (97-8).

Representative Adams requests and is granted permission to change her vote from "no" to "aye". The adjusted vote total is (98-7).

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

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 3 by Special Message.

Representative Culpepper gives notice, pursuant to Rule 36(b), and **S.B. 171** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF STUDENT MOBILITY ON ACADEMIC PERFORMANCE AND TO PERMIT THE FORMATION OF SMALL SCHOOL CONFERENCES IN CERTAIN COUNTIES, is placed on today's Calendar for immediate consideration.

The bill passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

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

On motion of the Speaker, the House recesses at 2:28 p.m.

RECESS

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

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

August 31, 2005

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

S.J.R. 1184, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2005 GENERAL ASSEMBLY TO MEET IN 2006 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, 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 for immediate consideration. The original resolution is placed on the Unfavorable Calendar.

The resolution passes its second reading, by electronic vote (99-0), and there being no objection is read a third time.

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

CHAPTERED BILLS

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

H.B. 1023, 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 FULL POTENTIAL, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE LOTTERY. (S.L. 2005-344)

Representative Culpepper moves, seconded by Representative Jeffus, that the House adjourn, subject to committee assignments, to reconvene September 2 at 10:00 a.m.

The motion carries.

No committee assignments having been received, the House stands adjourned at 3:05 p.m.

August 31, 2005

ONE HUNDRED TWENTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Friday, September 2, 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, who mercifully extends pity to Your children, we thank You for remaining with us throughout this long Session. Undoubtedly while we have been together, there have been times when You must have shaken your head in disbelief as well as times when You have taken delight in the good things that have been accomplished. We are grateful to You, despite our fallen nature, that You remain ever true, ever steadfast and ever present in our lives. As we adjourn this Session, grant us a sincere desire to live a life of service that will be pleasing and acceptable to Thee. Amen."

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

Leaves of absence are granted Representatives Current, Fisher, Goodwin, Haire, Lucas, Ross, Starnes, Steen, Williams, and Wilson for today.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Culpepper and without objection, **H.B. 529** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STUDY THE ADMINISTRATION OF THE DEATH PENALTY AND TO PERMIT EXECUTIONS DURING THE STUDY ABSENT A STAY, is withdrawn from the Calendar and re-referred to the Committee on Judiciary I.

ENROLLED BILLS

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

September 2, 2005

H.B. 248, AN ACT TO PROVIDE THAT CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE STORED AND SOLD BEHIND A PHARMACY COUNTER; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF CERTAIN PSEUDOEPHEDRINE PRODUCTS; TO AUTHORIZE THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADD OR DELETE SPECIFIC PSEUDOEPHEDRINE PRODUCTS FROM THE REQUIREMENTS OF THE ARTICLE, OR MODIFY SECURITY AND STORAGE MEASURES APPLICABLE TO SPECIFIC PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO CREATE THE LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS.

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

S.J.R. 1184, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2005 GENERAL ASSEMBLY TO MEET IN 2006 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION. (RESOLUTION 2005-58)

September 2, 2005

CHAPTERED BILLS

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

H.B. 320, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2005. (S.L. 2005-345)

H.B. 1060, AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL LAW; AND RELATING TO REGULATION OF GASTROINTESTINAL ENDOSCOPY ROOMS IN LICENSED HEALTH SERVICE FACILITIES. (S.L. 2005-346)

Representative Culpepper moves, seconded by Representative Justice that the House adjourn, pursuant to **S.J.R. 1184**, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2005 GENERAL ASSEMBLY TO MEET IN 2006 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, to reconvene Tuesday, May 9, 2006, at 12:00 Noon.

The motion carries and the House stands adjourned at 10:14 a.m.

Denise G. Weeks
Principal Clerk

ADDENDUM

Pursuant to Article II, Section 22 of the North Carolina Constitution, the following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State. The dates included in this section represent the date the Acts were signed by the Governor or where indicated became law without the approval of the Governor.

September 7, 2005

H.B. 766, AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA. (S.L. 2005-347)

H.B. 1518, 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. (S.L. 2005-348)

H.B. 670, AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES IN ORDER TO COMPLY WITH FEDERAL LAW. (S.L. 2005-349)

H.B. 1500, AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND PROVIDE FOR THE ISSUANCE OF WINE SHOP PERMITS, TO AMEND LAWS CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, WINE DISTRIBUTION AGREEMENTS AND BEER FRANCHISE AGREEMENTS, AND TO PROVIDE FOR THE BIOMETRIC IDENTIFICATION OF PURCHASERS OF ALCOHOL AND TOBACCO PRODUCTS. (S.L. 2005-350)

H.B. 967, 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. (S.L. 2005-351)

H.B. 891, AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES. (S.L. 2005-352)

H.B. 1318, 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. (S.L. 2005-353)

H.B. 665, AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS. (S.L. 2005-354)

H.B. 1491, AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE LIABILITY INSURANCE FOR SCHOOL SOCIAL WORKERS WHO TRANSPORT STUDENTS. (S.L. 2005-355)

H.B. 569, 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. (S.L. 2005-356)

H.B. 1404, AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS TO SERVE PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES. (S.L. 2005-357)

S.B. 737, AN ACT AUTHORIZING CRIMINAL RECORD CHECKS FOR COUNTY GOVERNMENTS. (S.L. 2005-358)

H.B. 1086, 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. (S.L. 2005-359)

H.B. 829, AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL FLAGS. (S.L. 2005-360)

H.B. 669, AN ACT TO AMEND THE LAW CONCERNING OVER-SIZE AND OVERWEIGHT VEHICLES. (S.L. 2005-361)

H.B. 1465, AN ACT TO PROHIBIT THE DISPOSAL OF MOTOR VEHICLE OIL FILTERS, RIGID PLASTIC CONTAINERS, WOODEN PALLETS, AND OYSTER SHELLS IN LANDFILLS. (S.L. 2005-362)

H.B. 890, AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A CRIME LABORATORY OPERATED BY A LOCAL GOVERNMENT. (S.L. 2005-363)

September 8, 2005

S.B. 606, AN ACT TO AMEND THE POWERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION. (S.L. 2005-364)

H.B. 1385, 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. (S.L. 2005-365)

S.B. 711, 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. (S.L. 2005-366)

S.B. 796, AN ACT TO PROVIDE FOR CRIMINAL RECORD CHECKS OF APPLICANTS FOR PERMITS AND LICENSES TO CONDUCT ARCHAEOLOGICAL OPERATIONS AND INVESTIGATIONS. (S.L. 2005-367)

S.B. 505, AN ACT TO INCREASE THE FEE PAID TO LOCAL MEDICAL EXAMINERS FOR EACH INVESTIGATION CONDUCTED. (S.L. 2005-368)

S.B. 804, 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. (S.L. 2005-369)

H.B. 576, AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO STUDY THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION SERVICES BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO WHICH THE SERVICES ARE REQUIRED. (S.L. 2005-370)

H.B. 1112, AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL

LISTING OF MENTAL HEALTH FACILITIES DESIGNATED TO ASSIST IN THE PLACEMENT OF INDIVIDUALS TO BE INVOLUNTARILY COMMITTED AND REQUIRE AREA AUTHORITIES TO MAINTAIN A CRISIS RESPONSE SERVICE. (S.L. 2005-371)

S.B. 1130, AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS. (S.L. 2005-372)

S.B. 506, AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH PUBLIC LAW 107-260, THE BENIGN BRAIN TUMOR CANCER REGISTRIES AMENDMENT. (S.L. 2005-373)

S.B. 895, AN ACT TO CLARIFY REAL ESTATE BROKERS DUTIES RELATED TO REAL ESTATE TRUST MONIES. (S.L. 2005-374)

H.B. 1409, 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 WHETHER IT WILL REASONABLY ASSURE THE DEFENDANT'S APPEARANCE. (S.L. 2005-375)

S.B. 148, 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. (S.L. 2005-376)

S.B. 356, AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY PUMPER TRUCKS AND SWEEPERS. (S.L. 2005-377)

H.B. 613, AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY. (S.L. 2005-378)

H.B. 1357, 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. (S.L. 2005-379)

H.B. 1429, AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER

PERMIT, TO CLARIFY THE LAW CONCERNING SPLIT-CASE FEES, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE. (S.L. 2005-380)

S.B. 1013, AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO COST RECOVERY UNDER THE LAWS REGULATING GENERAL CONTRACTORS. (S.L. 2005-381)

September 13, 2005

H.B. 747, 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 AND TO MODIFY THE AUTHORIZATION GIVEN FOR THE CONTRACT OF THE HERBERT C. BONNER REPLACEMENT BRIDGE PROJECT AT OREGON INLET. (S.L. 2005-382)

H.B. 1085, 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. (S.L. 2005-383)

H.B. 1136, AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES. (S.L. 2005-384)

H.B. 1468, AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE CERTAIN TELE-COMMUNICATION SERVICE PROVIDERS TO BE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS. (S.L. 2005-385)

H.B. 1096, AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) 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; (4) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (5) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; (6) 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; (7) MAKE CLARIFYING AMENDMENTS TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973; (8) CHANGE THE NAME OF THE AIR QUALITY COMPLIANCE ADVISORY PANEL TO THE SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL; AND (9) PROVIDE EXEMPTIONS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS FOR CERTAIN PERSONS AND CERTAIN ACTIVITIES. (S.L. 2005-386)

H.B. 1316, AN ACT ADOPTING THE FRASER FIR AS THE OFFICIAL CHRISTMAS TREE OF THE STATE OF NORTH CAROLINA AND THE SOUTHERN APPALACHIAN BROOK TROUT AS THE OFFICIAL FRESHWATER TROUT OF NORTH CAROLINA. (S.L. 2005-387)

H.B. 561, AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES. (S.L. 2005-388)

H.B. 1375, AN ACT AMENDING THE LAWS RELATING TO CHILD SUPPORT ENFORCEMENT IN ORDER TO CLARIFY AND ENHANCE THOSE LAWS. (S.L. 2005-389)

H.B. 607, AN ACT TO RENAME THE FARMLAND PRESERVATION ENABLING ACT AND FARMLAND PRESERVATION TRUST FUND AS THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION ENABLING ACT AND THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND AND TO AMEND THE ACT TO ESTABLISH A CATEGORY OF ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS THAT OFFERS ADDITIONAL BENEFITS FOR FARMLAND WHEN THE OWNER OF THE FARMLAND IS WILLING TO ENTER INTO AN IRREVOCABLE CONSERVATION AGREEMENT FOR AT LEAST TEN YEARS AND TO CREATE AN AGRICULTURAL

DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE. (S.L. 2005-390)

S.B. 671, AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO REPEAL CHAPTER 10A OF THE GENERAL STATUTES REGARDING THE REGULATION OF NOTARIES PUBLIC, AND TO ENACT CHAPTER 10B RELATING TO NOTARIES. (S.L. 2005-391)

H.B. 1174, 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. (S.L. 2005-392)

H.B. 1543, 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. (S.L. 2005-393)

September 14, 2005

H.B. 1169, AN ACT TO AUTHORIZE THE INVESTMENT OF STATE AND LOCAL FUNDS IN NORTH CAROLINA FINANCIAL INSTITUTIONS. (S.L. 2005-394)

H.B. 1284, AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW. (S.L. 2005-395)

S.B. 327, AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK. (S.L. 2005-396)

H.B. 1539, 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. (S.L. 2005-397)

H.B. 1150, 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. (S.L. 2005-398)

H.B. 661, AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR SERIOUS NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST. (S.L. 2005-399)

S.B. 319, AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND CLARIFYING THE PROCEDURES BY WHICH SUBSIDIARY AND AFFILIATE COMPANIES MAY BE LICENSED AS SELF-INSURERS FOR WORKERS COMPENSATION AND TO MAKE OTHER CONFORMING AND TECHNICAL CHANGES TO THE WORKERS COMPENSATION LAWS RESPECTING INDIVIDUAL SELF-INSURERS IN ARTICLE 5 OF CHAPTER 97 OF THE GENERAL STATUTES. (S.L. 2005-400)

H.B. 1176, 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. (S.L. 2005-401)

September 19, 2005

H.B. 1349, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE 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 AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO INCREASE CERTAIN FEES. (S.L. 2005-402)

September 20, 2005

H.B. 254, AN ACT TO AUTHORIZE THE STATE TREASURER TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION, TO REQUIRE "GARVEE" FUNDS TO BE DISTRIBUTED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, 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, AND TO CLARIFY THE DEFINITION OF GOVERNMENTAL UNIT FOR PURPOSES OF INTEREST RATE SWAP AGREEMENTS. (S.L. 2005-403)

H.B. 750, AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS. (S.L. 2005-404)

H.B. 1635, AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOMEMAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS. (S.L. 2005-405)

S.B. 868, AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND TO ALLOW FOR A REFUND OF EXCISE TAX ON UNSALABLE CIGARS. (S.L. 2005-406)

S.B. 528, AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS LOCATED IN AN ENTERPRISE TIER ONE AREA. (S.L. 2005-407)

S.B. 590, AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS. (S.L. 2005-408)

H.B. 1527, AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS. (S.L. 2005-409)

S.B. 757, AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA. (S.L. 2005-410)

S.B. 290, AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT. (S.L. 2005-411)

H.B. 735, 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. (S.L. 2005-412)

S.B. 1149, AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO EXTEND AND EXPAND THE CREDIT FOR INVESTMENT IN RENEWABLE ENERGY PROPERTY. (S.L. 2005-413)

September 21, 2005

S.B. 1048, AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005. (S.L. 2005-414)

September 22, 2005

H.B. 636, AN ACT TO REQUIRE DISCLOSURE OF MARKUPS OF ANATOMIC PATHOLOGY SERVICES BY PHYSICIANS, HOSPITALS, DENTISTS, AND PODIATRISTS. (S.L. 2005-415)

H.B. 1517, 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, AND TO MAKE IT A CRIMINAL OFFENSE FOR A BABY SITTING SERVICE TO BE OFFERED OR PROVIDED BY A SEX OFFENDER OR TO BE LOCATED IN THE HOME OF A SEX OFFENDER. (S.L. 2005-416)

S.B. 443, AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS. (S.L. 2005-417)

S.B. 518, AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTES. (S.L. 2005-418)

H.B. 1310, AN ACT TO PERMIT STUDENTS TO USE THEIR SAT SCORES OR PRAXIS I SCORES TO QUALIFY FOR ADMISSION TO TEACHER EDUCATION PROGRAMS. (S.L. 2005-419)

S.B. 911, AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION. (S.L. 2005-420)

H.B. 1207, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO

TEMPORE OF THE SENATE, TO MAKE TECHNICAL CHANGES TO VARIOUS TERMS, AND TO AMEND THE APPOINTMENT OF THE MEMBERSHIP OF THE EDENTON HISTORICAL COMMISSION. (S.L. 2005-421)

H.B. 1541, AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS. (S.L. 2005-422)

S.B. 1029, AN ACT TO CLARIFY AND ENHANCE THE LAWS RELATING TO DOMESTIC VIOLENCE, TO ENACT LAWS REGARDING DOMESTIC VIOLENCE VICTIMS AND TENANCY, TO CLARIFY THAT THE FAILURE TO FILE A COUNTERCLAIM IN A SMALL CLAIMS ACTION DOES NOT BAR THE CLAIM IN A SEPARATE ACTION AND TO MAKE CHANGES TO LANDLORD TENANT LAW. (S.L. 2005-423)

H.B. 646, AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES, AND TO AUTHORIZE THE DEPARTMENT OF INSURANCE TO HIRE A MEDICARE LOOKOUT PROGRAM COORDINATOR WITH FEDERAL GRANT FUNDING. (S.L. 2005-424)

H.B. 650, AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES, TO CLARIFY THE PROCEDURE FOR ASSIGNING COMPLEX BUSINESS CASES, TO AUTHORIZE A LARGER FEE FOR COMPLEX BUSINESS CASES, AND TO CHANGE THE DATE DISTRICT COURT JUDGES TAKE OFFICE. (S.L. 2005-425)

S.B. 814, AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES. (S.L. 2005-426)

H.B. 1493, AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY. (S.L. 2005-427)

H.B. 1115, 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 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 EXPRESSLY ALLOW ELECTRONIC POLLBOOKS; TO CLARIFY HOW WINNERS OF ELECTIONS SHALL BE DETERMINED; TO CLARIFY THAT A VOTER WHOSE NAME HAS BEEN REMOVED FROM THE REGISTRATION LIST MAY VOTE UPON AFFIRMING THAT THE VOTER HAS NOT MOVED FROM THE COUNTY; TO PROVIDE FOR THE CORRECTION OF AN OMISSION ON THE VOTER REGISTRATION FORM; TO AUTHORIZE PARTICIPATION IN THE 2010 CENSUS REDISTRICTING DATA PROGRAM; AND 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. (S.L. 2005-428)

S.B. 393, 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. (S.L. 2005-429)

H.B. 1128, AN ACT 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 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 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; 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; TO CLARIFY THE DEFINITION OF "CORPORATION"; AND TO PROVIDE TRAINING FOR TREASURERS OF POLITICAL COMMITTEES. (S.L. 2005-430)

S.B. 705, 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. (S.L. 2005-431)

S.B. 208, 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 FEE FOR A LIMITED PERMIT. (S.L. 2005-432)

H.B. 787, 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 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; TO ALLOW DOT TO SIGN A VOLUNTARY ANNEXATION PETITION WITH THE TOWN OF KNIGHTDALE; TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES LOCATED PRIMARILY WITHIN THE COUNTY TO EXERCISE MOST MUNICIPAL FUNCTIONS; AND TO AMEND THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK AND THE TREASURER. (S.L. 2005-433)

September 27, 2005

H.B. 248, AN ACT TO PROVIDE THAT CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE STORED AND SOLD BEHIND A PHARMACY COUNTER; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF CERTAIN PSEUDOEPHEDRINE PRODUCTS; TO AUTHORIZE THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADD OR DELETE SPECIFIC PSEUDOEPHEDRINE PRODUCTS FROM THE REQUIREMENTS OF THE ARTICLE, OR MODIFY SECURITY AND STORAGE MEASURES APPLICABLE TO SPECIFIC PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO CREATE THE LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS

DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS. (S.L. 2005-434)

H.B. 105, AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AND TO ALLOW INTERSTATE PASSENGER AIR CARRIERS A REFUND OF SALES AND USE TAXES ON FUEL. (S.L. 2005-435)

H.B. 1295, 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. (S.L. 2005-436)

H.B. 888, AN ACT TO INCREASE THE PENALTY FOR COCK-FIGHTING. (S.L. 2005-437)

H.B. 1277, 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. (S.L. 2005-438)

H.B. 1261, AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, TO CLARIFY THE AUTHORIZED EXPENDITURES FROM THE EMERGENCY TELEPHONE SYSTEM FUND, TO CAP WIRE 911 SERVICE CHARGES, AND TO STUDY ISSUES RELATED TO ARTICLE 1 OF CHAPTER 62A OF THE GENERAL STATUTES. (S.L. 2005-439)

H.B. 1281, AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS. (S.L. 2005-440)

H.B. 1029, AN ACT FACILITATING THE ESTABLISHMENT OF LOCAL GOVERNMENT PROGRAMS TO CLEAR STREAMS BY CLARIFYING LOCAL GOVERNMENT LIABILITY FOR SUCH ACTIONS AND TO ALLOW THE VILLAGE OF CLEMMONS AND THE TOWN OF KERNERSVILLE TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS IT MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES. (S.L. 2005-441)

S.B. 1134, AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE; TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING, THE EMERGING CARBON ECONOMY, AND 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 AUTHORIZE THE COMMISSION TO DEVELOP A RECOMMENDED GOAL. (S.L. 2005-442)

S.B. 998, 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. (S.L. 2005-443)

September 28, 2005

S.B. 725, AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD. (S.L. 2005-444)

S.B. 1117, AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT. (S.L. 2005-445)

September 29, 2005

H.B. 1076, 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. (S.L. 2005-446)

S.B. 681, AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES. (S.L. 2005-447)

H.B. 99, AN ACT TO AMEND THE WORKERS' COMPENSATION ACT AND TO CREATE THE STUDY COMMITTEE ON WORKERS' COMPENSATION BENEFITS. (S.L. 2005-448)

H.B. 1121, AN ACT TO PROVIDE FOR THE MERGER OF A HOSPITAL AUTHORITY CREATED BY A CITY AND A CHARITABLE OR RELIGIOUS CORPORATION OR A HOSPITAL AUTHORITY IN THE COUNTY IN WHICH THE CITY IS LOCATED AND RELATING TO PUBLIC HOSPITAL INVESTMENTS. (S.L. 2005-449)

H.B. 686, 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. (S.L. 2005-450)

H.B. 630, AN ACT TO REQUIRE MANUFACTURED HOME DEALERS TO ESTABLISH AND MAINTAIN ESCROW OR TRUST ACCOUNTS FOR BUYER DEPOSITS; TO CLARIFY THE CONTRACT NEGOTIATION PROCESS; AND TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MANUFACTURED HOUSING BOARD. (S.L. 2005-451)

H.B. 1213, AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES UNDER CERTAIN CIRCUMSTANCES MAY HAVE THOSE CHARGES EXPUNGED IF THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT. (S.L. 2005-452)

H.B. 768, 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. (S.L. 2005-453)

H.B. 1095, AN ACT TO ESTABLISH UNIFORM CRITERIA FOR DRINKING WATER, WASTEWATER, AND STORMWATER LOANS AND GRANTS, TO CLARIFY AND REVISE THE PROCEDURES THAT APPLY TO THESE LOANS AND GRANTS TO REFLECT THE EXHAUSTION OF THE 1998 CLEAN WATER BOND PROCEEDS, AND TO PROVIDE FOR GREATER COORDINATION AMONG AGENCIES THAT MAKE LOANS AND GRANTS FOR WATER PROJECTS BY ESTABLISHING THE WATER INFRASTRUCTURE COMMISSION. (S.L. 2005-454)

S.B. 1126, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2006, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE WAIVER, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION AND THE WILDLIFE RESOURCES COMMISSION TO JOINTLY DISPERSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE. (S.L. 2005-455)

September 30, 2005

S.B. 612, AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYISTS FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY

REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY. (S.L. 2005-456)

October 1, 2005

H.B. 855, 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. (S.L. 2005-457)

October 2, 2005

H.B. 911, AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM. (S.L. 2005-458)

S.B. 665, 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 PUBLIC HEALTH AUTHORITIES TO INCREASE THEIR MEMBERSHIP. (S.L. 2005-459)

H.B. 217, AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES. (S.L. 2005-460)

S.B. 486, AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES. (S.L. 2005-461)

The following bills became law without the approval of the Governor:

S.B. 629, AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS. (S.L. 2005-462 on October 3, 2005)

H.B. 1227, AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT AND TO AMEND MOTOR VEHICLE FRANCHISE LAWS. (S.L. 2005-463 on October 3, 2005)

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 41(b) states:

No bill shall be read more than once in the same day without the concurrence of two-thirds (2/3) of the members present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

- (1) When a member moves that the Rule be suspended, and this motion carries by at least a two-thirds vote of the members present.
- (2) When the Chair determines that there is no objection from any member present. This constitutes unanimous consent of those members present that Rule 41(b) be suspended.

In these cases, the bill is read a third time.

Denise G. Weeks
Principal Clerk

ONE HUNDRED TWENTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, October 12, 2005

Pursuant to a call of His Excellency, Governor Michael F. Easley, hereinafter recorded, the House of Representatives of the General Assembly of North Carolina convenes in its Hall in Reconvened Session, at the hour of ten o'clock, Wednesday, October 12, 2005, and is called to order by the Speaker of the House.

Prayer is offered by Representative Saunders.

The Speaker leads the Body in the Pledge of Allegiance.

Leaves of absence are granted Representatives Adams, Justus, McComas, McGee, Ross, and Walend for today.

The Reading Clerk reads the following proclamation by the Governor.

PROCLAMATION OF RECONVENED SESSION

Pursuant to the authority vested in the Governor by Article III, Section 5 (11) of the Constitution of North Carolina, and as required by Article II, Section 22 (7) the General Assembly shall reconvene on **Wednesday, October 12, 2005, at 10:00 a.m.** to reconsider House Bill 706 which was vetoed on September 29, 2005.

Done in Raleigh, North Carolina, on October 10, 2005.

S/ Michael F. Easley
Governor

SPECIAL MESSAGE TO THE SENATE

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

October 12, 2005

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

Senate Chamber
October 12, 2005

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives informing that Honorable Body that pursuant to the Proclamation issued by Governor Michael F. Easley on October 10, 2005, reconvening the 2005 Session of the General Assembly to reconsider **H.B. 706** (Ratified), AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS, which was vetoed on September 29, 2005, the Senate is organized and ready to proceed with the public business.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE GOVERNOR

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**
20301 Mail Service Center • Raleigh, NC 27699-0301

Michael F. Easley
Governor

September 29, 2005

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

House Bill 706, "An act to amend the teacher certification law to facilitate the hiring of teachers."

This bill reduces the North Carolina teaching standards to the lowest in America. It cheats our children out of a quality education and dishonestly classifies unqualified teachers as "highly qualified."

October 12, 2005

Further, it restricts the authority of the State Board of Education to certify teachers and puts it within the General Assembly.

Therefore, I veto the bill.

S/ Michael F. Easley

The bill, having been vetoed, is returned to the Clerk of the North Carolina House of Representatives on this 29th day of September 2005 at 11:41 a.m. for reconsideration by that body.

The Speaker refers the bill to the Committee on Rules, Calendar, and Operations of the House.

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.J.R. 1801**, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION, before the Body for immediate consideration.

Without objection, the resolution passes its second reading 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.

SPECIAL MESSAGE TO THE SENATE

The Speaker orders that a Special Message be sent to the Senate informing that Honorable Body that the House of Representatives meeting in the Reconvened Session of the 2005 General Assembly has concluded the public business for which it was reconvened and stands ready to adjourn.

Representative Culpepper moves, seconded by Representative Harrell, that the House adjourn, subject to the ratification of bills and the receipt of Messages from the Senate, to reconvene Tuesday, May 9, 2006, at 12:00 Noon.

The motion carries.

October 12, 2005

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

Senate Chamber
October 12, 2005

Mr. Speaker:

It is ordered that a message be sent your Honorable Body respectfully advising that the Senate has concluded the business of the 2005 Reconvened Session of the 2005 General Assembly and pursuant to **H.J.R. 1801**, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION, the Senate stands ready to adjourn subject to the receipt of House messages.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

ENROLLED BILLS

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

H.J.R. 1801, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION. (RESOLUTION 2005-59)

The House stands adjourned at 11:21 a.m.

Denise G. Weeks
Principal Clerk

October 12, 2005

A P P E N D I X
FIRST SESSION 2005



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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.

Be it resolved by the House of Representatives:

SECTION 1. Representative James B. Black of Mecklenburg County is elected Speaker of the House of Representatives.

SECTION 2. There is created the office of the Speaker Pro Tempore, and Representative Richard T. Morgan of Moore County is elected Speaker Pro Tempore.

SECTION 3. Notwithstanding any rule adopted by the House of Representatives, the Speaker Pro Tempore, in consultation with the Speaker, shall appoint such chairs and cochairs of committees and standing subcommittees as shall be designated by the Speaker for appointment by the Speaker Pro Tempore.

SECTION 4. Notwithstanding any rule adopted by the House of Representatives, in the case of a vacancy in the office of the Speaker of the House of Representatives, the Principal Clerk shall preside over the House until the House elects a Speaker.

SECTION 5. This resolution is effective upon adoption.

H.R. 2, A HOUSE RESOLUTION TO ESTABLISH THE OFFICE OF PRINCIPAL CLERK OF THE HOUSE OF REPRESENTATIVES AND TO ELECT MS. DENISE GALE WEEKS AS PRINCIPAL CLERK.

Be it resolved by the House of Representatives:

SECTION 1. The office of Principal Clerk of the House of Representatives is established.

SECTION 2. Ms. Denise Gale Weeks is elected Principal Clerk of the House of Representatives.

SECTION 3. This resolution is effective upon adoption.

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

Whereas, the Boy Scouts of America was officially incorporated by Chicago publisher, William D. Boyce, on February 8, 1910, and chartered by the United States Congress on June 15, 1916; and

Whereas, the mission of this national youth movement is serving others through its values-based program; and

Whereas, since its founding, the Boy Scouts of America has provided more than 110 million youth with the support, friendship, and mentoring necessary to live a happy and fulfilling life; and

Whereas, the Boy Scouts of America will be celebrating its Scouting Anniversary Week during February 6-12, 2005, with the theme "On My Honor, Timeless Values"; and

Whereas, also during this time, the Cub Scouts, a unit of the Boy Scouts of America, will be celebrating its 75th anniversary; and

Whereas, the Boy Scouts of America deserves recognition and acknowledgment for its service and dedication to America's youth; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of William D. Boyce and congratulates the Boy Scouts of America on its 95th anniversary and the Cub Scouts on its 75th anniversary.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the National Council of Boy Scouts of America.

SECTION 3. This resolution is effective upon adoption.

H.R. 318, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 2005 REGULAR SESSIONS.

Be it resolved by the House of Representatives:

SECTION 1. The permanent rules of the Regular Sessions of the House of Representatives of the 2005 General Assembly are:

PERMANENT RULES OF THE REGULAR SESSIONS OF THE HOUSE OF REPRESENTATIVES OF THE 2005 GENERAL ASSEMBLY OF NORTH CAROLINA

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- II. Conduct of Debate, 6-12
- III. Motions, 13-19
- IV. Voting, 20-25
- V. Committees, 26-30
- VI. Handling of Bills, 31-44.1
- VII. Legislative Officers and Employees, 45-49
- VIII. Privileges of the Hall, 50-53
- IX. General Rules, 54-62

I. Order of Business

RULE 1. Convening Hour, Limitation on Friday, Night, and Sunday Legislative Sessions. - The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January and February of 2005, no sessions may be held on Friday. No session shall continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and the Speaker shall adjourn the House without motion at that point, except that a motion may be made as to the time and day of next convening. No session shall be held on Sunday.

RULE 2. Opening the Session. - At the convening hour on each legislative day, the Speaker shall call the members to order and shall have the session opened with prayer. At the convening hour on the first day of each legislative week, the Speaker, or the Speaker's designee, shall lead the members in the Pledge of Allegiance to the American Flag.

RULE 3. Quorum. - (a) A quorum consists of a majority of the qualified members of the House.

(b) Should the point of a quorum be raised, the doors shall be closed, and the Clerk shall call the roll of the House, after which the names of those not responding shall again be called. In the absence of a quorum, 15 members are authorized to compel the attendance of absent members and may order that absentees for whom no sufficient excuses are made be taken into custody wherever they may be found by special messenger appointed for that purpose.

RULE 4. Approval of Journal. - (a) The Standing Committee on Rules, Calendar, and Operations of the House shall cause the Journal of the House to be examined daily before the hour of convening to determine if the proceedings of the previous day have been correctly recorded.

(b) Immediately following the opening prayer and upon appearance of a quorum, the Speaker shall call for the Journal report by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, or by a Representative designated by the Chair, as to whether the proceedings of the previous day have been correctly recorded. Without objection, the Speaker shall cause the Journal to stand approved.

RULE 5. Order of Business of the Day. - After the approval of the Journal of the preceding day, unless otherwise ordered by the Speaker, the House shall proceed to business in the following order:

- (1) The receiving of petitions, memorials, and papers addressed to the General Assembly or to the House;
- (1a) Messages from the Governor;
- (2) Ratification of bills;
- (3) Reports of standing committees and permanent sub-committees;

- (4) Reports of select committees;
- (5) Reports of referral by standing committee Chairs of bills to permanent subcommittees;
- (6) First reading and reference to committee of bills and resolutions;
- (7) Messages from the Senate;
- (8) Concurrence with Senate amendments or Senate committee substitutes;
- (9) The unfinished business of the preceding day;
- (10) Calendar (each category in accordance with Rule 40):
 - a. Local bills (roll call), third reading
 - b. Local bills (roll call), second reading
 - c. Local bills, third reading
 - d. Local bills, second reading
 - e. Public bills (roll call), third reading
 - f. Public bills (roll call), second reading
 - g. Public bills and resolutions, third reading
 - h. Public bills and resolutions, second reading;
- (11) Reading of notices and announcements.

II. Conduct of Debate

RULE 6. Duties and Powers of the Speaker. - The Speaker shall have general direction of the Hall. The Speaker may name any member to perform the duties of the chair, but substitution shall not extend beyond one day, except in the case of sickness or by leave of the House. If the Speaker is absent and has not designated a member to perform the duties of the chair, the Principal Clerk shall preside during such absence. In the case of a vacancy in the office of the Speaker of the House of Representatives, the Principal Clerk shall preside over the House until the House elects a Speaker.

RULE 7. Obtaining Floor. - (a) When any member desires recognition for any purpose, the member shall rise and respectfully address the Speaker. No member shall proceed until recognized by the Speaker for a purpose.

(b) When a member desires to interrupt a member having the floor, the member shall first obtain recognition by the Speaker and permission of the member occupying the floor, and when such recognition and permission have been obtained, he or she may propound a question to the member occupying the floor; but he or she shall not otherwise interrupt the member having the floor, except as provided in subsection (c) of this rule; and the Speaker shall, without the point of order being raised, enforce this rule.

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

- (1) A request that the member speaking yield for a question,
- (2) A point of order,
- (3) A parliamentary inquiry, or
- (4) A question of privilege.

RULE 8. Questions of Privilege. - Upon recognition by the Speaker for that purpose, any member may speak to a question of privilege for a time not to exceed three minutes. Questions of privilege shall be those affecting, first, the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members, individually, in their representative capacity only; and shall have precedence over all other questions, except motions to adjourn. Privilege may not be used to explain a vote or debate a bill. The Speaker shall determine if the question is one of privilege and shall, without the point of order being raised, enforce this rule.

RULE 9. Points of Order. - (a) The Speaker shall decide questions of order and may speak to points of order in preference to other members arising from their seats for that purpose. Any member may appeal from the ruling of the chair on questions of order; on such appeal no member may speak more than once, unless by leave of the House. A two-thirds vote of the members present shall be necessary to sustain any appeal from the ruling of the chair.

(b) When the Speaker calls a member to order, the member shall be seated, except that a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands. If the member appeals from the ruling of the chair and the decision by a two-thirds vote of the members present be in favor of the member called to order, the member may proceed; if otherwise, the member shall not; and if the case, in the judgment of the House, requires it, the member shall be liable to censure by the House.

RULE 10. Limitations on Debate. - (a) No member shall speak on, debate, or solicit cosponsors for a bill or resolution at its first reading.

(b) No member shall speak more than twice on the main question nor longer than 20 minutes for the first speech and 10 minutes for the second speech; nor shall the member speak more than twice upon an amendment or motion to reconsider, re-refer, appeal, or postpone or any motion on concurrence, and then not longer than 10 minutes for the first speech and five minutes for the second speech.

(c) A member may speak only once and for not more than 20 minutes on the question of the adoption of a minority report.

(d) The House, by consent of a majority of the members present, may suspend the operation of subsections (b) and (c) of this rule during any debate on any particular question before the House.

RULE 11. Reading of Papers. - When there is a call for the reading of the text of a paper which has been presented to the House and there is objection to such reading, the question shall be determined by a majority vote of the members of the House present. Except for protests permitted by the Constitution, no member may have material printed in the Journal until said material has been presented to the House and the printing approved by the House, and said material shall not exceed 1,000 words.

RULE 12. General Decorum. - (a) The Speaker shall preserve order and decorum.

(b) Decency of speech shall be observed and disrespect to personalities carefully avoided.

(c) When the Speaker is putting any question, or addressing the House, no person shall speak, stand up, walk out of, or cross the House nor, when a member is speaking, engage in disruptive discourse or pass between the member and the chair.

(d) Food or beverages shall not be permitted on the floor of the House during the first two hours of the daily session.

(e) The reading of newspapers shall not be permitted on the floor of the House while the House is in session.

(f) Smoking shall not be permitted on the floor of the House or in the galleries at any time. The consumption of food or beverages shall not be permitted in the galleries at any time.

(g) Special recitals and performances by musicians or other groups shall not be permitted on the floor of the House; and special guests of members of the House shall not be permitted on the floor of the House.

(h) Members shall observe appropriate attire, coat and tie for male members and dignified dress for female members.

(i) The use of wireless telephones shall not be permitted in the House Chamber.

(j) Placards, stickers, or signs not approved by the Speaker are not permitted in the House Chamber.

III. Motions

RULE 13. Motions Generally. - (a) Every motion shall be reduced to writing if the Speaker or any two members request it. No motion relating to a bill shall be in order which does not identify the bill by its number and short title.

(b) When a motion is made, it shall be stated by the Speaker, or, if written, it shall be handed to the chair and read aloud by the Speaker or Clerk before debate.

(c) After a motion has been stated by the Speaker or read by the Speaker or Clerk, it shall be in the possession of the House; but it may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which motion, when made by a member, shall be in possession of the House and shall not be withdrawn without leave of the House.

RULE 14. Motions, Order of Precedence. - When there are motions before the House, the order of precedence is as follows:

- To adjourn.
- To lay on the table.
- Previous question.
- To recess.
- To postpone indefinitely.
- To reconsider.
- To postpone to a day certain.
- To re-refer.
- To amend an amendment.
- To amend.
- To pass the bill.

No motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to re-refer, or to make a particular amendment, being decided, shall be again allowed at the same stage of the bill or proposition.

RULE 15. Motion to Adjourn. - (a) A motion to adjourn shall be seconded before the motion is put to the vote of the House.

(b) A motion to adjourn shall be decided without debate and shall always be in order, except when the House is voting or some member is speaking; but a motion to adjourn shall not follow a motion to adjourn until debate or some other business of the House has intervened.

RULE 16. Motion to Table. - (a) A motion to table shall be seconded before the motion is put to the vote of the House and is in order except when a motion to adjourn is before the House.

- (b) A motion to table shall be decided without debate.
- (c) A motion to table shall not be paired with a motion to reconsider.
- (d) A motion to table a bill shall constitute a motion to table the bill and all amendments thereto.
- (e) When the question before the House is the adoption of an amendment to a bill or resolution, a motion to table the bill is not in order; and a motion to table an amendment applies to the amendment only, and the motion may not expressly or by implication or construction be expanded to include a motion to table the bill also.
- (f) When a question has been tabled, it shall not thereafter be considered except on motion to reconsider under Rule 18 or to remove from the table approved by a two-thirds vote.

RULE 17. Motion to Postpone Indefinitely. - A motion to postpone indefinitely is in order except when a motion to adjourn or to lay on the table or for the previous question or to recess is before the House. However, after one motion to postpone indefinitely has been decided,

another motion to postpone indefinitely shall not be allowed at the same stage of the bill or proposition. When a question has been postponed indefinitely, it shall not thereafter be considered except on motion to reconsider under Rule 18 or to place on the favorable calendar approved by a two-thirds vote.

RULE 18. Motion to Reconsider. - (a) When a question has been decided, it is in order for any member to move for the reconsideration thereof on the same or the succeeding legislative day; provided that if the vote by which the motion was originally decided was taken by a recorded vote, only a member of the prevailing side may move for reconsideration.

(b) A motion to reconsider shall be determined by a majority vote, except the following shall require a two-thirds vote: a second or subsequent motion to reconsider and a motion to reconsider:

- (1) A vote upon a motion to table,
- (2) A motion to postpone indefinitely,
- (3) A motion to remove a bill from the unfavorable calendar,
- (4) A motion that a bill be read twice on the same day, or
- (5) A motion to remove from the table.

(c) A motion to reconsider the vote by which a person has been elected as Speaker or Speaker Pro Tempore shall not be in order. This subsection of this rule cannot be suspended.

RULE 19. Previous Question. - (a) The previous question may be called only by:

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

(b) The previous question shall be as follows: "Call for the previous question having been made, is the call sustained?" When the call for the previous question has been decided in the affirmative by a majority vote of the House, the question is on the passage of the bill, resolution, or other matter under consideration.

(c) The call for the previous question shall preclude all motions, amendments, and debate, except the motion to adjourn or motion to table.

(d) If the previous question is decided in the negative, the question remains under debate.

IV. Voting

RULE 20. Use of Electronic Voting System. - (a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

- (1) The passage as required by Article II, Section 23 of the North Carolina Constitution on second and third readings of any bill:
 - a. Raising money on the credit of the State,
 - b. Pledging the faith of the State for the payment of a debt,
 - c. Imposing a State tax, or
 - d. Authorizing a county, municipality, or other local governmental unit to
 1. Raise money on its credit,
 2. Pledge its faith for the payment of a debt, or
 3. Impose a local tax.
- (2) All measures affecting a fee imposed by the State or any subdivision thereof.
- (3) All questions on which a call for the ayes and noes under Rule 24(a) and Article II, Section 19 of the North Carolina Constitution has been sustained.
- (4) Both second and third readings of bills proposing amendment of the North Carolina Constitution or ratifying resolutions amending the United States Constitution.
- (5) The passage of a bill notwithstanding the Governor's veto thereof pursuant to Article II, Section 22 of the North Carolina Constitution.

(b) Votes on the following questions shall be taken on the electronic voting system:

- (1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading or if the reading occurs on a day or days following the second reading, all conference reports on public bills, all motions to lay public bills on the table, and all motions to postpone public bills indefinitely.
 - (2) Upon a call for division.
 - (3) Any other question upon direction of the Speaker or upon motion of any member supported by one-fifth of the members present.
- (c) When the electronic voting system is used, 15 seconds shall be allowed for voting on the question before the House, unless the Chair shall direct otherwise. The system shall be set to close automatically

when that time has expired. Once the system is locked, the vote shall be recorded and printed.

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

(e) When the electronic voting system is used, the Speaker shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the member must vote by the electronic voting system within the time allowed for that vote, unless the voting station assigned to a member is malfunctioning. The Speaker shall enforce this rule without exception. After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will now lock the machine and record the vote." After the machine is locked and the vote recorded, the Speaker shall announce the vote and declare the result.

(f) One copy of the machine printout of the vote record of all votes taken on the electronic voting system shall be filed in the office of the Principal Clerk, and two copies shall be filed in the Legislative Library where the copies shall be open to public inspection. A legible copy of the bill, amendment, or motion on which the vote was taken shall be filed with the printout of the vote in the Legislative Library.

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

(h) For the purpose of identifying motions on which the vote is taken on the electronic voting system, the motions are coded as follows:

- (1) To adjourn.
- (2) To lay on the table.
- (3) Previous question.
- (4) To recess.
- (5) To postpone indefinitely.
- (6) To reconsider.

- (7) To postpone to a day certain.
- (8) To re-refer.
- (9) To amend an amendment.
- (10) To amend.
- (11) To concur or not concur.
- (12) Miscellaneous.

RULE 21. Voice Votes; Stating Questions. - (a) All other votes except those required to be taken on the electronic voting system shall be taken by voice vote.

(b) When a voice vote is taken, the Speaker shall put the question substantially as follows: "Those in favor (as the question may be) will say 'Aye'", and after the affirmative voice has been expressed, "Those opposed will say 'No'".

(c) No statement, explanation, debate, motion, parliamentary inquiry, or point of order shall be allowed once the voice vote has begun. Any point of order or parliamentary inquiry may be raised, however, after the completion of the vote.

RULE 22. Determining Questions. - (a) Unless otherwise provided by the Constitution of North Carolina or by these rules, all questions shall be determined by a simple majority of the members present and voting.

(b) No member may vote unless the member is in the Chamber when the question is put. This subsection of this rule cannot be suspended.

RULE 23. Voting by Division. - Any member may call for a division of the members upon the question before the result of the vote has been announced. Upon a call for a division, the Speaker shall cause the number voting in the affirmative and in the negative to be determined. Upon a division and count of the House on any question, no member away from the member's seat shall be counted.

RULE 24. Roll Call Vote. - (a) Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote.

(b) Every member who is in the Hall of the House when the question is put shall vote upon a call of the ayes and noes, unless excused pursuant to Rule 24.1A.

RULE 24.1A. Excuse From Deliberations and Voting on a Bill. - (a) Any member shall, upon request, be excused from the deliberations and voting on a particular bill, but to do so must make that request after the second reading of the bill and before any motion or vote on the bill or any amendment thereto. If the reason for the request arises at some point later in the proceedings, the request may be made at that time.

(b) The member may make a brief oral statement of the reasons for making the request. The member may send forward to the Principal Clerk, on a form provided by the Clerk, a concise written statement of the reason for the request, and the Clerk shall include this statement in the Journal.

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

(d) A member may request that his or her excuse from deliberations on a particular bill be withdrawn.

RULE 24.1B. Division of Amendments. - Any member may call for an amendment to be divided into two or more amendments to be voted on separately, and the Speaker shall determine whether the amendment admits of such a division.

RULE 25. Voting by Speaker. - In all elections the Speaker may vote. In all other instances the Speaker may vote or may reserve this right until there is a tie in which event the Speaker may vote; but in no instance may the Speaker vote twice on the same question.

V. Committees

RULE 26. Standing Committees and Permanent Subcommittees Generally. - (a) The Speaker shall appoint a chair, or cochair, of every standing committee, permanent subcommittee, and select committee, if any. In the construction of these rules, the word "chair" as applied to a committee extends to and includes a cochair of the committee. The Speaker shall have the exclusive right and authority to establish select committees, but this does not exclude the right of the House by resolution to establish select committees.

(b) All permanent subcommittees of each standing committee shall be appointed by the Speaker, and the members appointed, along with the chair of the standing committee, shall constitute the standing committee of which the permanent subcommittee is a part. The Speaker shall appoint all members of permanent subcommittees at the beginning of the first regular session in a manner to reflect the partisan membership of the House.

(c) The Speaker shall appoint the members of all standing committees having no permanent subcommittees at the beginning of the first regular session in a manner to reflect the partisan membership of the House.

(d) Each chair of a permanent subcommittee shall be a vice-chair of the standing committee of which it is a permanent subcommittee. The Speaker may name other members as vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any standing committee not having permanent subcommittees.

(e) The chair of the standing committee shall be a voting member of each permanent subcommittee of the standing committee.

(f) Either the chair or acting chair, designated by the chair or by the Speaker, and five other members of the standing committee or permanent subcommittee, or a majority of the standing committee or permanent subcommittee, whichever is fewer, shall constitute a quorum of that standing committee or permanent subcommittee. For purposes of determining a quorum, the persons designated by the Speaker when serving only as ex officio members under subsection (h) of this rule, shall be counted among the membership of the committee or subcommittee only when present.

(g) In any joint meeting of the Senate and House committees or subcommittees, the House standing committee or permanent subcommittee reserves the right to vote separately.

(h) Four members designated by the Speaker at the time of appointments of chairs of standing committees are ex officio members of every standing committee and permanent subcommittee with the right to vote.

(i) This rule is subject to the provisions of House Resolution 1 of the 2005 Regular Session of the General Assembly, as applicable.

RULE 26.1. Mentions of Standing Committee Includes Select Committee. - Any reference in these rules to standing committees shall extend to select committees unless the context requires otherwise.

RULE 27. List of Standing Committees and Permanent Subcommittees. - The standing committees and permanent subcommittees thereof are:

Committees	Subcommittees
Aging	(None)
Agriculture	(None)
Alcoholic Beverage Control	(None)
Appropriations	-Capital -Education -General Government -Health and Human Services -Justice and Public Safety -Natural and Economic Resources -Transportation

Children, Youth and Families	(None)
Commerce	(None)
Education	-Community Colleges -Pre-School, Elementary and Secondary Education -Universities
Election Law and Campaign Finance Reform	(None)
Environment and Natural Resources	(None)
Ethics	(None)
Federal Relations and Trade Issues	(None)
Finance	(None)
Financial Institutions	(None)
Health	(None)
Insurance	(None)
Judiciary I	(None)
Judiciary II	(None)
Judiciary III	(None)
Judiciary IV	(None)
Local Government I	(None)
Local Government II	(None)
Military, Veterans and Indian Affairs	(None)
Pensions and Retirement	(None)

Public Utilities	(None)
Rules, Calendar, and Operations of the House	(None)
Science and Technology	(None)
State Government	(None)
State Personnel	(None)
Transportation	(None)
University Board of Governors Nominating	(None)
Ways and Means	(None)
Wildlife Resources	(None)

RULE 28. Standing Committee and Permanent Subcommittee Meetings. - (a) Standing committees and permanent subcommittees of standing committees shall be furnished with suitable meeting places pursuant to a schedule established by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House. Select committees shall be furnished with suitable meeting places as their needs require by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House.

(b) Subject to the provisions of subsection (c) of this rule, standing committees and permanent subcommittees thereof shall permit other members of the General Assembly, the press, and the general public to attend all sessions of said standing committees or permanent subcommittees.

(c) The Chair or other presiding officer shall have general direction of the meeting place of the standing committee or permanent subcommittee, and, in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the Chair or presiding officer shall have power to exclude from the session any individual or individuals so hindering the legislative business.

(d) Procedure in the standing committees and permanent subcommittees shall be governed by the rules of the House, so far as the same may be applicable to such procedure. Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth

of the members present, the question shall be decided by the ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically and shall be subject to Rule 21(c).

(e) No standing committee or permanent subcommittee shall meet on any day when the House shall not convene except by permission of the Speaker or by approval of the House by resolution adopted by a majority vote of the House.

(f) No standing committee or permanent subcommittee shall meet during any session of the House. Standing committees and permanent subcommittees shall meet at their regularly scheduled hour. No permanent subcommittee shall meet at the same time that its standing committee is meeting. Standing committees and permanent subcommittees may meet at other times as authorized by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House in order to assure the availability of the meeting room and that no conflicts will exist with the meetings of other bodies. All standing committee and permanent subcommittee meetings shall adjourn no later than:

- (1) 15 minutes preceding a regular session of the House, and
- (2) 10 minutes preceding the hour of the next regularly scheduled standing committee or permanent subcommittee meeting.

(g) Any call or notice of a standing committee or permanent subcommittee meeting between legislative sessions shall be mailed to each member of the standing committee or permanent subcommittee at least five days prior to such meeting. If a member of the body so requests in writing to the chair of the standing committee or permanent subcommittee, the member shall be notified by certified mail of the meetings.

(h) During standing committee and permanent subcommittee meetings, the chair may exercise the right to vote, or may reserve this right until there is a tie, in which event the chair may vote, but in no instance may the chair vote twice on the same question.

RULE 28.1. Ethics Committee Investigations Into Violations of the Open Meetings Law. - (a) On its own motion, or in response to signed and sworn complaint of any individual filed with the Standing Committee on Ethics, the Committee shall inquire into any alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter 143 of the General Statutes), as the same may be amended in the future.

(b) If, after such preliminary investigation as it may make, the Committee determines to proceed with an inquiry into the conduct of any individual, the Committee shall notify the individual as to the fact of the inquiry and the charges against the individual and shall schedule one or more hearings on the matter. The individual shall have the right to present

evidence, cross-examine witnesses, and be represented by counsel at any hearings.

(c) After the Committee has concluded its inquiries into the alleged violations, the Committee shall dispose of the matter by taking one of the following actions:

- (1) Dismiss the complaint and take no further action.
- (2) Issue a private letter of reprimand to the legislator, if the legislator unintentionally violated the provisions of the Open Meetings Law.
- (3) Issue a public letter of reprimand if the violation of the Open Meetings Law was intentional or if the legislator has previously received a private letter of reprimand. The Chair of the Committee on Ethics shall have the public letter of reprimand spread on the pages of the House Journal.
- (4) Refer the matter to the House for appropriate action.

RULE 29. Notice of Standing Committee and Permanent Subcommittee Meetings and Hearings. - Public notice of all standing committee and permanent subcommittee meetings shall be given in the House. The chair of the standing committee or permanent subcommittee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the standing committee or permanent subcommittee as to the date, time, and place of that meeting.

RULE 29.1. Public Hearings. - (a) Requests for a public hearing shall be made in writing to the chair of the standing committee and, if applicable, the chair of the permanent subcommittee to which the bill has been referred. The chair of the standing committee may schedule a public hearing by the standing committee as a whole after the adjournment of a regular daily House session. The chair of the permanent subcommittee may schedule a public hearing before the permanent subcommittee at its regularly scheduled hour. Denial of a request made by a House member may be appealed to the Speaker.

Notice shall be given not less than five calendar days prior to public hearings. These notices shall be issued as information for the press and shall be posted in the places designated by the Principal Clerk.

(b) Persons desiring to appear and be heard at a public hearing shall submit their requests to the chair of the standing committee or permanent subcommittee. The standing committee or permanent subcommittee chair may designate one or more members to arrange the order of appearance of interested parties. A brief written statement of testimony may be submitted without oral presentation and shall be incorporated into the minutes of the public hearing.

RULE 29.2. Minutes to Legislative Library. - The chair of a standing committee or a permanent subcommittee shall ensure that written

minutes are compiled for each of the body's meetings. The minutes shall indicate the members present and the actions taken at the meeting. Not later than 20 days after the adjournment of each session of the General Assembly, the chair shall deliver the minutes to the Legislative Library. The Speaker of the House may grant a reasonable extension of time for filing said minutes upon written application of the chair.

RULE 30. Standing Committee of the Whole House. - (a) A Standing Committee of the Whole House shall not be formed, except by suspension of the rules, if there be objection by any member.

(b) After passage of a motion to form a Standing Committee of the Whole House, the Speaker shall appoint a chair to preside in the standing committee, and the Speaker shall leave the dais.

(c) The rules of procedure in the House shall be observed in the Standing Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking and the previous question.

(d) In the Standing Committee of the Whole House, a motion that the standing committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

(e) When a bill is submitted to the Standing Committee of the Whole House, it shall be read and debated by sections, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Principal Clerk on a separate paper as the same shall be agreed to by the standing committee and be so reported to the House. After report, the bill shall again be subject to be debated and amended by sections before a question on its passage be taken.

VI. Handling of Bills

RULE 31. Introduction of Bills and Resolutions. - (a) All bills and resolutions shall be introduced by submitting same to the Principal Clerk's office on the legislative day prior to the first reading and reference thereof according to the following schedule: by 30 minutes after adjournment each Monday; and by 3:00 P.M. each Tuesday, Wednesday, Thursday, and Friday.

(b) Bills shall not become resolutions provided the Senate has a similar rule. Resolutions shall not become bills. Resolutions are not law but may be used when a law is not necessary for the purpose contained therein. Resolutions shall not be used to appropriate funds for any purpose, but may be used to create study commissions or committees or establish investigative committees, to honor deceased persons, and to adopt House rules and internal affairs. Resolutions cannot amend, repeal, or modify a statute; nor do they have life beyond the term of the session during which they are adopted.

(c) Every bill or resolution shall be read in regular order of business, except upon permission of the Speaker or on the report of a standing committee.

(d) All bills and resolutions shall show in their captions a brief descriptive statement of the true substance of same, which captions may thereafter be amended. Captions of public bills may be amended only by amendment proposed by the standing committee to which the bill was referred. Third reading shall not be had on any bill or resolution on the same day that such caption is amended.

(e) A Substitute Bill shall be covered with the same color jacket as the original bill and shall be prefaced as follows: "House Committee Substitute for_____".

(f) House Resolutions need not be read more than twice.

(g) All memorializing, celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, shall be excluded from introduction and consideration in the House.

(h) Any reference in these rules to bills shall extend to resolutions unless the context requires otherwise.

RULE 31.1. Deadlines on Introduction and Receipt; Single Subject Rule. - (a) All public bills or resolutions recommended by commissions or standing committees authorized or directed by act or resolution of the General Assembly to report to the 2005 Regular Session of the General Assembly, or to report prior to convening of that session, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on March 9, 2005, and must be introduced not later than 3:00 P.M. on March 16, 2005; and

(a1) All bills prepared to be introduced for departments, agencies, or institutions of the State must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on March 9, 2005, and must be introduced not later than 3:00 P.M. on March 16, 2005. A bill introduced under this subsection shall be identified as an Agency Bill after its short title.

(a2) All local bills must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on March 22, 2005, and must be introduced not later than 3:00 P.M. on March 30, 2005.

(b) All public bills which would not be required to be re-referred to the Appropriations or Finance Committees under Rule 38 must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on April 13, 2005, and must be introduced not later than 3:00 P.M. on April 20, 2005.

(c) All public bills which under Rule 38 would be required to be re-referred to the Appropriations Committee, or to both the Appropriations and Finance Committees, or to the Finance Committee, must have been

submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on May 4, 2005, and must be introduced not later than 3:00 P.M. on May 11, 2005. If any bill is eligible for introduction on account of the date only under this subsection, and the bill is amended so that qualifying appropriation or tax law change does not remain in the bill, it shall not be eligible for further consideration. For the purpose of this section, a "tax law change" includes any provision that would require a bill under Rule 38(b) to be referred to the Standing Committee on Finance.

(d) In order to be eligible for consideration by the House during the first Regular Session, all Senate bills other than finance or appropriations bills which would be required to be re-referred to the Appropriations or Finance Committees under Rule 38 or adjournment resolutions must be received and read on the floor of the House as a message from the Senate no later than May 19, 2005; provided that a message from the Senate received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this subsection and provided that the Senate has a similar rule.

(d1) Except by motion approved by a majority of members of the House present and voting, no public House bill other than the Current Operations Appropriations Act or the Capital Improvement Appropriations Act may contain more than one subject.

(e) This rule, other than subsection (d1), does not apply to bills establishing districts for Congress or State or local entities. This rule, other than subsection (d1), does not apply to measures ratifying an amendment or amendments to the Constitution of the United States.

RULE 32. Reference to Standing Committee and to Permanent Subcommittee; Serial Referrals. - (a) Each bill not introduced on the report of a standing committee shall immediately upon its first reading be referred by the Speaker to such standing committee or permanent subcommittee as the Speaker deems appropriate. The Speaker at the same time may order that, if the bill is reported with any favorable recommendation or without prejudice, it be re-referred automatically upon the committee report to another committee or permanent subcommittee designated in the order. Each joint resolution or House resolution not introduced on the report of a standing committee shall immediately upon its first reading either be referred by the Speaker to a standing committee or permanent subcommittee or be calendared on the date designated by the Speaker, as the Speaker deems appropriate.

(b) The standing committee chair may refer each bill referred to the standing committee to the permanent subcommittee specifically charged with the subject matter of the bill. A report of that referral shall be made in writing and submitted to the body pursuant to Rule 5(5). Except as provided in Rule 36, the permanent subcommittee to which the bill is

referred shall report the bill back to the full standing committee. That subcommittee report shall include one of the following recommendations:

- (1) Favorable, without prejudice, or unfavorable as to the original bill with the recommendation that the report be made to the standing committee;
- (2) Favorable, without prejudice, or unfavorable as to the original bill, as amended, with the recommendation that the report be made to the standing committee;
- (3) Favorable or without prejudice to the proposed committee substitute, and unfavorable to the original bill, with the recommendation that the report be made to the standing committee;
- (4) Favorable as to the original bill with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair;
- (5) Favorable to the original bill, as amended, with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair; or
- (6) Favorable to the proposed committee substitute with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair, and unfavorable to the original bill.

Any recommendation of favorable or without prejudice may include a recommendation of re-referral to another standing committee. After a bill is reported to a standing committee by a permanent subcommittee of that standing committee, the standing committee chair may re-refer the bill to another permanent subcommittee of that standing committee.

Upon recommendation to the standing committee, the bill shall be before that body for further action unless the permanent subcommittee chair reports the bill directly pursuant to Rule 36.

RULE 33. Papers Addressed to the House. - Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker. A brief statement of the contents thereof may be made orally by the introducer before reference to a committee, but such papers shall not be debated or decided on the day of their first being read unless the House shall direct otherwise.

RULE 34. Introduction of Resolutions and Bills, Copies Required. - (a) Whenever any resolution or bill is introduced, a duplicate copy thereof shall be attached thereto, and the Principal Clerk shall cause said duplicate copy to be numbered as the original resolution or bill is numbered and shall cause the same to be available at all times to the member introducing the same.

(b) Numbering of House Bills shall be designated as "H.B.____." (No. following). A Joint Resolution shall be designated as "H.J.R. ____." (No. following). A House Resolution shall be designated as "H.R.____." (No. following).

(c) Whenever any resolution or bill is filed for introduction, it shall be in a House bill jacket containing 30 copies and in the form designated by the Speaker. Any resolution or bill not accompanied by the required number of copies shall be returned immediately to the introducer. The Clerk shall stamp the copies with the number stamped upon the original bill.

RULE 35. Duplicating and Availability of Copies of Bills. -

(a) The Legislative Services Officer shall cause such bills as are introduced to be duplicated in such numbers as may be specified by the Speaker. The Legislative Services Officer shall cause one copy of each resolution and public bill for each member to be delivered to the member's committee assistant or legislative assistant who shall place it in the appropriate notebook on the member's desk. If a member so requests, a second copy shall be delivered to the member's committee assistant or legislative assistant who shall place it in the member's office. The remaining copies shall be placed in the Printed Bills Room and made available to the committees to which the bill is referred, to individual members on request, and to the general public.

(b) A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of the bill have been made available to the entire membership of the House.

RULE 35.1. Assessment Reports. - (a) Every bill or resolution proposing the establishment of an occupational or professional licensing board, as defined in Article 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a board shall have attached to the jacket of the original bill or resolution at the time of its consideration on second and third readings by the House or by any standing committee or permanent subcommittee of the House an assessment report from the Legislative Committee on New Licensing Boards pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board. Upon receipt of the request, the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days.

(b) Every legislative proposal introduced in the House or received in the House from the Senate, proposing the incorporation of a municipality shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the House or by any

committee of the House prior to a favorable report, a recommendation from the Joint Legislative Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of the General Statutes. The recommendation of the Joint Legislative Commission on Municipal Incorporations shall be made in accordance with the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes and shall include the findings required to be made by G.S. 120-166 through G.S. 120-170.

RULE 36. Report by Standing Committee or Permanent Subcommittee. - (a) **When Reports Required.** - All House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make except in the case where the principal introducer requests in writing to the chair of the standing committee or permanent subcommittee that the bill not be considered.

With the written approval of the chair of the standing committee and with the recommendation of the subcommittee pursuant to Rule 32(b)(4) through (6), the chair of the permanent subcommittee may report the bill directly to the floor with that recommendation. If a permanent subcommittee recommends reporting a bill to the floor and the chair of the standing committee fails to give approval, the bill shall be deemed to have been reported to the standing committee with the same recommendation as the subcommittee would have made to the House.

(b) **Favorable Report.** - When a standing committee or permanent subcommittee reports a bill with the recommendation that it be passed, the bill shall be placed on the favorable calendar on the day and in the order designated by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, but no later than the fourth legislative day after submission of the report or Senate message under Rule 43.2 or Rule 43.3(a), unless:

- (1) The bill is re-referred to the Committee on Appropriations or Committee on Finance under Rule 38 or was serially referred under Rule 32; or
- (2) The bill has not yet been placed on the calendar, and the Speaker refers the bill to another committee.

In order to place a bill on the calendar for a legislative day, notice shall be given by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House orally in the House or in writing to the Principal Clerk. When a committee substitute is adopted and receives a favorable report by the committee or permanent subcommittee, the standing committee or permanent subcommittee chair shall submit to the standing committee or permanent subcommittee the question of an unfavorable report on the original bill. The standing committee's or permanent subcommittee's action,

if any, on the original bill shall be reported at the same time the committee substitute is reported.

(c) **Report Without Prejudice.** - When a standing committee reports a bill without prejudice, the bill shall be placed on the favorable calendar in the same manner as provided in subsection (a) of this rule.

(d) **Postponed Indefinitely.** - When a standing committee reports a bill with the recommendation that it be postponed indefinitely and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(e) **Unfavorable Report.** - When a standing committee reports a bill with the recommendation that it not be passed and no minority report accompanies it, the bill shall be placed on the unfavorable calendar.

(f) **Minority Report.** - When a bill is reported by a standing committee with a recommendation that it not be passed or that it be postponed indefinitely but it is accompanied by a minority report signed by at least one-fourth of the members of the standing committee who were present and voting when the bill was considered in standing committee, the question before the House shall be: "The adoption of the minority report." If the minority report is adopted by majority vote, the bill shall be placed on the favorable calendar for consideration. If the minority report fails of adoption by a majority vote, the bill shall be placed on the unfavorable calendar.

RULE 36.1. Fiscal Notes. - (a) The Chair or Cochair of the Appropriations Committee, of the Finance Committee, or of the Standing Committee on Rules, Calendar, and Operations of the House, upon the floor of the House, may request that a fiscal analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in the possession of the House and that a fiscal note be attached to the measure, which request shall be allowed when, in the opinion of the Speaker, the fiscal effects of that measure are not apparent from the language of the measure.

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

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

(d) A sponsor of a bill or amendment may deliver a copy of the bill or amendment to the Fiscal Research Division for the preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when filed or to the amendment when its adoption is moved.

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

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

RULE 36.2. Actuarial Notes. - (a) Every bill or resolution proposing any change in the law relative to any:

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

shall have attached to it at the time of its consideration by any standing committee or permanent subcommittee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any standing committee or any permanent subcommittee, shall be separate therefrom, and shall be clearly designated as an actuarial note. A bill described in subdivision (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement upon its introduction in accordance with G.S. 120-111.3.

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

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the actuary employed by the system or program affected by the measure. Actuarial notes shall be prepared and transmitted to the sponsor of the measure not later than two weeks after the request is received, unless an extension of time is agreed to by the sponsor as being necessary in the preparation of the note. The actuarial note shall be attached

to the jacket of the measure. The provisions of this subsection may be waived by the measure's sponsor for a measure affecting local government retirement or pension plans not administered by the State or any local government program of hospital, medical, disability, or related benefits for local government employees not administered by the State.

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

(e) When any permanent subcommittee or standing committee reports a measure to which an actuarial note is attached at the time of permanent subcommittee or standing committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, the chair of the permanent subcommittee or standing committee reporting the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a State-administered retirement or pension system, or program of hospital, medical, disability, or related benefits for teachers or State employees, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

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

RULE 36.3. Local Legislation Affecting State Highway System. - A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

RULE 37. Removing Bill From Unfavorable Calendar. - A bill may be removed from the unfavorable calendar upon motion carried by a two-thirds vote. A motion to remove a bill from the unfavorable calendar is debatable.

RULE 38. Reports on Appropriation and Revenue Bills. - (a) All standing committees, other than the Standing Committees on Appropriations, when favorably reporting any bill or resolution which:

- (1) Carries an appropriation from the State; or

- (2) Requires or will require in the future substantial additional State monies from the General Fund or Highway Fund to implement its provisions shall indicate same in the report, and said bill or resolution shall be referred to the Standing Committees on Appropriations for a further report before being acted upon by the House.

(b) All standing committees, other than the Standing Committee on Finance, when favorably reporting any bill which in any way or manner raises revenue, reduces revenue, levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the issue of bonds or notes, whether public, public-local, or private, shall indicate same in the report, and said bill shall be referred to the Standing Committee on Finance for a further report before being acted upon by the House. This subsection shall not apply to bills only imposing fines, forfeitures, or penalties.

(c) Action on Amendment Before Re-Referral. - If any standing committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the House, must be referred to the Standing Committees on Appropriations or the Standing Committee on Finance, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

RULE 39. Recall of Bill From Standing Committee. - (a) When a House bill has been introduced and referred to a standing committee, or when a Senate bill has been referred to a standing committee, if after 10 legislative days the standing committee has failed to act thereon, then the introducer of the House bill or some member designated by the introducer, or some House member designated by the introducer of the Senate bill, may, after three legislative days' public notice given in the House and delivered in writing to the chair of the standing committee, on motion supported by a vote of three-fifths of the members of the House, recall the same from the standing committee to the floor of the House for consideration and such action thereon as a majority of the members present may direct.

(b) This rule shall not be temporarily suspended without one day's notice on the motion given in the House and delivered in writing to the chair of the standing committee, and to sustain that motion two-thirds of the members of the House shall be required.

RULE 39.1. Recall of Bill From Permanent Subcommittee. - When a House bill has been referred to a permanent subcommittee, if after 10 legislative days the subcommittee has failed to act thereon, or at any time, with the agreement of the subcommittee chair, the standing committee chair may re-refer the bill from that permanent subcommittee to another permanent subcommittee of the same standing committee provided the report of the re-referral shall be made pursuant to Rule 32.

RULE 39.2. Re-Referral of Bills From One Standing Committee to Another Standing Committee. - Upon consent of the sponsor of the bill, the Speaker, the chair of the standing committee from whom the bill is to be re-referred, and the chair of the standing committee to whom the bill is to be re-referred, the chair of the standing committee from whom the bill is to be re-referred or the Chair of the Standing Committee on Rules, Calendar, and Operations of the House may move for a re-referral to another standing committee, and the bill shall be re-referred upon vote of the majority present during a regular session of the House.

RULE 40. Calendars and Schedules of Business. - The Clerk of the House shall prepare a daily schedule of business, including the Calendar of Bills and Resolutions for consideration and debate that day, in accordance with the Order of Business of the Day (Rule 5). The Clerk shall number all bills and resolutions in the order in which they are introduced. All bills and resolutions shall be taken up as they appear in each category (Rule 5(10)) in the order they were placed on the Calendar under Rule 36(b).

RULE 41. Reading of Bills. - (a) Every bill shall receive three readings in the House prior to its passage. The first reading and reference to standing committee of a House bill shall occur on the next legislative day following its introduction. The first reading and reference to standing committee of a Senate bill shall occur on the next legislative day following its receipt on messages from the Senate. The Speaker shall give notice at each subsequent reading whether it is the second or third reading.

(b) No bill shall be read more than once on the same day without the concurrence of two-thirds of the members present and voting; provided, no bill governed by Article II, Section 23 of the North Carolina Constitution or described in Rule 20(a)(2) herein shall be read twice on one day under any circumstance.

RULE 42. Effect of a Defeated Bill. - (a) Subject to the provisions of subsection (b) of this rule, after a bill has:

- (1) Been tabled,
- (2) Been postponed indefinitely,
- (3) Failed to pass on any of its readings, or
- (4) Been placed on the unfavorable calendar,

the contents of that bill or the principal provisions of its subject matter shall not be considered in any other measure originating in the Senate or originating thereafter in the House. Upon the point of order being raised and sustained by the Chair, that measure shall be laid upon the table, and shall not be taken therefrom except by a two-thirds vote of the members present and voting.

(b) No local bill shall be held by the Chair to embody the contents of or the principal provisions of the subject matter of any statewide measure which has been laid on the table, has failed to pass on any of its readings, or has been placed on the unfavorable calendar.

RULE 43. Amendments. - No amendment to a measure before the House shall be in order unless the amendment is germane to the measure under consideration. A House amendment deleting a previously adopted House amendment shall not be in order, except that this sentence does not apply to amendments adopted under Rule 38(c).

If the Senate adopts an amendment or committee substitute to a House bill, the House may refuse to receive the bill on account of lack of germaneness if the Senate has a similar rule.

Only one principal (first degree) amendment shall be pending at any one time. If a subsequent or substitute principal amendment shall be offered, the Speaker shall rule it out of order. However, any member desiring to offer a subsequent or substitute principal amendment in opposition to the pending amendment may inform the House by way of argument against the pending amendment that if it is defeated the member proposes to offer another principal amendment, and the member may then read and explain such proposed amendment.

Perfecting (or second degree) amendments may be offered and considered without limitation as to number, and in the event of multiple perfecting amendments, they shall be voted upon in inverse order.

RULE 43.1. Engrossment. - Bills and resolutions, except those making appropriations, which originate in the House and which are amended, shall be engrossed before being sent to the Senate.

RULE 43.2. House Concurrence in Senate Amendments to House Bills. - When the House receives a Senate amendment to a bill originating in the House, it shall be placed on the calendar in accordance with Rule 36(b).

RULE 43.3. Committee Substitutes Adopted by the Senate to Bills Originating in the House; Procedure for Treatment of Material Amendments Thereto. - (a) Whenever the Senate has adopted a committee substitute for a bill originating in the House and has returned the bill to the House for concurrence in that committee substitute, it shall be placed on the calendar in accordance with Rule 36(b).

(b) The Speaker shall rule whether the committee substitute is a material amendment under Article II, Section 23 of the North Carolina Constitution which reads:

"Revenue bills. - No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal."

If the committee substitute was referred to standing committee, the standing committee shall:

- (1) Report the bill with the recommendation either that the House do concur or that the House do not concur; and
- (2) Advise the Speaker as to whether or not that committee substitute is a material amendment under Article II, Section 23 of the North Carolina Constitution.
- (c) If the committee substitute for a bill is not a material amendment, the question before the House shall be concurrence.
- (d) If the committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading, and the question before the House shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.
- (e) No committee substitute adopted by the Senate for a bill originating in the House may be amended by the House.

RULE 44. Conference Standing Committees. - (a) Whenever the House shall decline or refuse to concur in amendments put by the Senate to a bill originating in the House, or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the House, or whenever the Senate shall decline or refuse to concur in amendments put by the House to a bill originating in the Senate, or shall refuse to concur in a substitute adopted by the House for a bill originating in the Senate, a conference committee may be appointed by the Speaker upon the Speaker's own motion and shall be appointed upon request by the principal sponsor of the original bill, the chair of the House standing committee which reported the bill, or the sponsor of the amendment in which the Senate refused to concur; and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the House and Senate. In appointing members to conference committees, the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker.

(b) Only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. The conference report may be made by a majority of the House members of such conference committee and shall not be amended.

(c) If the conferees fail to agree or if either house fails to adopt the report of its conferees, new conferees may be appointed.

(d) Unless otherwise ordered by the Speaker, no vote shall be taken on adoption of a conference report until the next legislative day following the report.

RULE 44.1. Transmittal of Bills to Senate. - Unless ordered by the Speaker or two-thirds vote of the members present and voting, no bill

shall be sent from the House on the day of its passage, except on the last day of the session.

VII. Legislative Officers and Employees

RULE 45. Elected Officers. - (a) The House shall elect its Speaker from among its membership.

(b) The House shall elect its Speaker Pro Tempore from among its membership who shall perform such duties as the Speaker may assign.

(c) The House shall elect a Principal Clerk, who shall continue in office until another is elected. The Speaker may appoint a Reading Clerk and shall appoint a Sergeant-at-Arms, both of whom shall serve at the Speaker's pleasure. The Principal Clerk, Reading Clerk, and Sergeant-at-Arms shall have and perform duties and responsibilities, not inconsistent with these rules, as the Speaker may assign. Unless directed otherwise by the Speaker on behalf of the House, the Principal Clerk or an employee designated by the Principal Clerk shall receive House bills not approved by the Governor.

RULE 46. Assistants to Principal Clerk and Sergeant-at-Arms. - The Principal Clerk and the Sergeant-at-Arms may appoint, with the approval of the Speaker, such assistants as may be necessary to the efficient discharge of the duties of their respective offices.

RULE 47. Speaker's Staff; Chaplain; and Pages. - (a) The Speaker may appoint one or more staff members to the Speaker, a Chaplain of the House, and pages to wait upon the sessions of the House.

(b) When the House is not in session, the pages shall be under the supervision of the Supervisor of Pages.

(c) The Speaker, at the request of a member, may appoint honorary pages.

RULE 48. Member's Staff. - (a) Each standing committee and permanent subcommittee shall have a committee assistant. The committee assistant to a standing committee or permanent subcommittee shall serve as staff to the chair of the standing committee or permanent subcommittee.

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

(c) The selection and retention of committee assistants, legislative assistants, and office assistants shall be the sole prerogative of the individual member or members. Such staff shall file initial applications for employment with the Principal Clerk and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of such staff shall commence not earlier than the convening date of the General Assembly and shall terminate not later than the final adjournment or recess of the General Assembly unless employment for an extended period is approved by the Speaker. The committee assistants,

legislative assistants, and office assistants shall adhere to such uniform rules and regulations not inconsistent with these rules regarding hours and other conditions of employment as the Legislative Services Commission shall fix by appropriate regulations.

RULE 49. Compensation of Legislative Assistants. - No clerk, committee assistant, legislative assistant, office assistant, or other person employed or appointed under Rules 46, 47, and 48 hereof shall receive during such employment, appointment, or service any compensation from any department of the State government, and there shall not be voted, paid, or awarded any additional pay, bonus, or gratuity to any of them; but they shall receive only the pay now provided by law for such duties and services. This rule shall not apply to employment, appointment, or service or to the receipt of compensation or additional pay, bonus, or gratuity from another department of State government between regular sessions of the General Assembly.

VIII. Privileges of the Hall

RULE 50. Admittance to Floor. - No person except members, officers, and employees of the General Assembly who have been issued identification tags as provided by this rule, and former members of the General Assembly who are not registered under the provisions of Article 9 of Chapter 120 of the General Statutes, shall be allowed on the floor of the House during its session, unless permitted by the Speaker or otherwise provided by law. Employees of the General Assembly shall wear identification tags, approved by the Legislative Services Officer, when on the floor of the House.

RULE 51. Admittance of Press. - Reporters wishing to take down debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect this object, as shall not interfere with the convenience of the House. Reporters admitted to the floor of the House shall observe the same requirements of attire for members contained in Rule 12(h).

RULE 52. Extending Courtesies. - Courtesies of the floor, galleries, or lobby shall be extended at the discretion of the Speaker and only by the Speaker. Requests by members to extend these courtesies shall be typewritten and delivered to the Speaker. No member shall orally ask the Speaker to extend these courtesies during the daily session.

RULE 53. Order in House Chamber, Galleries, and Lobby. - In case of any disturbance or disorderly conduct in the House Chamber, galleries, or lobby, the Speaker or other presiding officer is empowered to order the same to be cleared to the extent they deem necessary.

IX. General Rules

RULE 54. Attendance of Members. - No member or officer of the House shall be absent from the service of the House without leave, unless from sickness or disability.

RULE 55. Documents to Be Signed by the Speaker. - All acts, addresses, and resolutions and all warrants and subpoenas issued by order of the House shall be signed by the Speaker or other presiding officer.

RULE 56. Printing or Reproducing Materials. - There shall be no printing or reproducing of paper(s) that are not legislative in essence except upon approval of the Speaker.

RULE 57. Placement or Circulation of Materials. - Persons other than members of the House shall not place or cause to be placed any materials on members' desks in the House Chamber without obtaining approval of the Speaker. Any material placed on members' desks in the House Chamber, or circulated to House members anywhere in the Legislative Building or the Legislative Office Building, shall bear the name of the originator.

RULE 58. Rules, Rescission, and Alteration. - (a) These rules shall not be permanently rescinded or altered except by House simple resolution passed by a two-thirds vote of the members present and voting. The introducer of the resolution must on the floor of the House give notice of intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the House upon two-thirds vote of the members present and voting may temporarily suspend any rule.

RULE 59. Cosponsorship of Bills and Resolutions. - (a) Any member wishing to cosponsor a bill or resolution which has been introduced may do so by appearing in the office of the Principal Clerk for such purpose within one-half hour following the adjournment of the session during which such bill or resolution was first read and referred.

(b) Members wishing to jointly sponsor legislation should indicate such to the drafter at the time the bill is requested or upon filing the bill with the Principal Clerk's office. The names of the members who are the primary sponsors shall be listed in the order requested by them, followed by the words (Primary Sponsors); and the remaining names of members cosponsoring shall follow. No more than four members may be listed as primary sponsors.

(c) No member shall permit anyone, other than that member's committee assistant, legislative assistant, office assistant, or another member, to have possession of and solicit for bill or resolution cosponsorship, the jacket of a bill or resolution.

RULE 60. Correcting of Typographical Errors. - The Legislative Services Officer may correct typographical errors appearing in House bills or resolutions provided that such corrections are made before ratification and do not conflict with any actions or rules of the Senate and

provided further that such correction be approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker, or other presiding officer.

RULE 61. Assignment of Seats. - After initial assignment of seats, a member shall continue to occupy the seat to which initially assigned until assigned a permanent seat; once assigned a permanent seat, the member shall occupy it for the entire biennial session. In event of vacancy, that member's successor will occupy the seat of the member replaced for the remainder of the biennial session.

RULE 61.1. Office Assignments. - The Chair of the Standing Committee on Rules, Calendar, and Operations of the House shall assign to each member an office space. When available, chairs of standing committees and permanent subcommittees shall be assigned an office adjacent to the room in which the standing committee or permanent subcommittee generally meets if the Chair so desires. The Speaker shall be assigned an office of his or her choice.

RULE 61.2. Convening and Assigning Seats in the New House. -
(a) The Principal Clerk of the previous House of Representatives shall convene the House of Representatives at 12:00 noon on the date established by law for the convening of each regular session and preside over the body until the members elect a Speaker. In the case of a vacancy, inability, or refusal to so serve, the duty shall devolve upon the Sergeant-at-Arms of the prior House, and in the case of a vacancy in that office, or inability or refusal to so serve, the duty shall devolve upon the Reading Clerk of the prior House.

(b) It shall be the duty of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House of the prior House to assign temporary seats to the members of the House of Representatives in its Chamber. In the case of the inability or refusal to serve of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker of the prior House of Representatives shall appoint a person to assign seats to members of the House of Representatives in its Chamber. In the event that the party that had a majority of members in the prior House will no longer have a majority of members in the new House, then the duty assigned in this subsection to the Chair of the Committee of the prior House shall instead be the duty of the person nominated as Speaker by the majority party caucus for the new House, or some member-elect designated by the Speaker-nominee. In the event no party will have a majority, then the duty assigned in this subsection to the Chair of the Committee of the prior House shall instead be the joint duty of one person chosen each by the caucuses of the two parties having the greatest numbers of members.

RULE 62. Matters Not Covered in These Rules. - Except as herein set out, the rules of Mason's Manual of Legislative Procedure shall govern the operation of the House.

SECTION 2. This resolution is effective upon adoption.

H.R. 341, 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.

Whereas, the World Trade Organization agreement placing quotas on imported textile and apparel products expired on January 1, 2005; and

Whereas, since the expiration of those quotas there has been a surge of textile and apparel imports into the United States, in particular imports from China; and

Whereas, independent studies and polling from the United States importing and retailing community show that China could capture from fifty to ninety percent total United States market share in textiles and apparel in short order unless the United States government imposes safeguards; and

Whereas, the preliminary monitoring data on textile and apparel imports compiled by U.S. Department of Commerce shows huge increases in the quantity of imports from China for the first quarter of 2005 in many product categories including an increase of 1,521% in the quantity of cotton trousers, a 1,257% increase in the quantity of cotton shirts, and a 308% increase in the quantity of underwear; and

Whereas, this increase in imports of textiles and apparel has disrupted the United States textile market; and

Whereas, since January 1, 2005, there have been an additional 14 plant closings in the United States, three of which were in North Carolina; and

Whereas, the United States government, as of April 6, 2005, has self-initiated a number of safeguard actions against Chinese imports; and

Whereas, the American textile industry has filed an additional seven petitions for safeguard protections; and

Whereas, the People's Republic of China is a signatory to the rules set by the World Trade Organization governing fair trade between sovereign nations and that that set of rules allows for the implementation of textile-specific safeguards against imports from China on the basis of market disruption or threat thereof; and

Whereas, exporters of textile products from the People's Republic of China have benefited from practices specifically prohibited by the World

Trade Organization, including government subsidies, intellectual property piracy, tax rebates, and currency manipulation; and

Whereas, these illegal and unfair practices have enabled Chinese producers to undercut world manufacturers with artificially low prices; and

Whereas, the American textile and apparel industry is the most innovative, efficient, and productive in the world, well able to compete within the sphere of legitimate, lawful global trade; and

Whereas, the American textile and apparel industry is crucial to the defense of the nation, providing over 8,000 separate items to the Armed Forces of the United States, the ability to do so being immediately threatened by predatory Chinese trade practices; and

Whereas, over 100,000 workers in North Carolina are employed in the textile and apparel industry and depend on fair trade policies and practices for their continued employment; and

Whereas, since the phase out of quotas began in 1995, North Carolina has experienced at least 290 plant closings or major layoffs in the textile and apparel industry resulting in approximately 60,000 persons losing their jobs; and

Whereas, the government of the People's Republic of China, in joining the World Trade Organization, explicitly agreed to desist from illegal trade strategies and to accept safeguard provisions in the event the disruption, or the threat of disruption to, of the American textile and apparel market could be shown; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives commends the United States government for initiating safeguard actions to protect the nation's textile industry.

SECTION 2. The House of Representatives strongly urges and requests the Committee on the Implementation of Textile Agreements to enact the safeguard provisions on textile and apparel categories on the basis of market disruption as petitioned by the American textile industry and as petitioned by the United States government.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the Committee on the Implementation of Textile Agreements and to North Carolina's congressional delegation.

SECTION 3. This resolution is effective upon adoption.

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.

Whereas, since its creation in 1996, the E-Rate has had overwhelming success in connecting our nation's schools and classrooms to the Internet; and

Whereas, the program continues to be a vital source of assistance in maintaining connectivity and enhancing learning; and

Whereas, prior to the program's inception, only 3% of the nation's classrooms were connected to the Internet, but today, 93% of classrooms are connected; and

Whereas, the Universal Service Administration Corporation (USAC), the entity that administers the E-Rate, estimates that 82% of public schools and 61% of public libraries receive E-Rate funds; and

Whereas, despite the program's remarkable success, schools and libraries still have considerable technology gaps and a continuing need for E-Rate assistance. Each year, applications for E-Rate funds far exceed the amount available for disbursement; and

Whereas, for the 2004 funding year alone, the Federal Communications Commission received more than 39,000 applications totaling \$4.3 billion in requests to help pay for telecommunications services and Internet services, which was \$2 billion more than available funding; and

Whereas, the E-Rate program has provided schools with \$10.3 billion since its creation and annually provides \$2.25 billion, making it the fourth largest source of non-State/nonlocal federal funding to schools; and

Whereas, North Carolina has received over \$231 million in E-Rate funds as of October 2004; and

Whereas, in 2004, the Federal Communications Commission began subjecting the E-Rate program to accounting rules that effectively stopped the flow of funds to schools and libraries; and

Whereas, at the end of 2004, Congress passed a one-year exemption from these rules for the E-Rate program; and

Whereas, a bill (S. 241) has been introduced in the United States Senate to create a permanent exemption for the E-Rate program; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives urges Congress to enact Senate Bill 241 to ensure that students and schools have the technology and connectivity necessary to succeed academically and to prepare tomorrow's workers.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to each member of North Carolina's congressional delegation.

SECTION 3. This resolution is effective upon adoption.

H.R. 1562, A HOUSE RESOLUTION HONORING THE MEMORY OF JOHN DEERE AND RECOGNIZING THE CONTRIBUTIONS OF DEERE & COMPANY.

Whereas, John Deere was born in Rutland, Vermont, on February 7, 1804, and was trained as a blacksmith; and

Whereas, John Deere developed the first successful steel plow, which had a tremendous impact on the growth of agriculture in the United States; and

Whereas, John Deere founded the company that bore his name in 1837, which later became Deere & Company in 1868; and

Whereas, Deere & Company is currently the world's leading manufacturer of agriculture and forestry equipment, a major manufacturer of construction equipment, and a leading supplier of equipment used in lawn, grounds, and turf care; and

Whereas, Deere & Company employs more than 46,000 employees worldwide and does business in more than 160 countries; and

Whereas, Deere & Company has made an impact in the State of North Carolina with more than 2,000 North Carolinians employed in four business operations across the State; and

Whereas, Cary is the location of the John Deere Commercial and Consumer Equipment Division's Worldwide Headquarters, which administers the manufacturing, marketing, and sale of commercial mowing products, homeowner lawn tractors, utility vehicles, utility tractors, and other machinery, and distributes these products to 60 countries; and

Whereas, in Kernersville, Deere & Company and Hitachi jointly manufacture hydraulic excavators, which are widely used in the construction industry; and

Whereas, in Fuquay-Varina, John Deere Turf Care produces a multitude of commercial and consumer grounds care products, which are mainly used for golf course maintenance; and

Whereas, Charlotte is the site of the Deere & Company's SouthEast Engineering Center, which focuses on engineering, technological development, testing, and supply management for agriculture, commercial, and consumer equipment; and

Whereas, there are 99 John Deere dealerships across the State that greatly contribute to the State's economy as employers, purchasers of goods and services, and as taxpaying businesses; and

Whereas, Deere & Company spends more than \$168 million annually through 630 North Carolina suppliers; and

Whereas, Deere & Company supports numerous charitable organizations throughout the State, enhancing the quality of life for North Carolina's citizens; and

Whereas, Deere & Company has upheld the values of quality, integrity, innovation, and commitment first shown by the company's founder, John Deere, for 168 years; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of John Deere, an innovator in agriculture and business, and commends the company he founded, Deere & Company, for its many contributions to the State of North Carolina.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the Director of Public Affairs of the John Deere Commercial and Consumer Equipment Division's Worldwide Headquarters.

SECTION 3. This resolution is effective upon adoption.

H.R. 1614, A HOUSE RESOLUTION ENDORSING THE RECOMMENDATIONS OF THE INTERGOVERNMENTAL POLICY ADVISORY COMMITTEE'S REPORT ON THE US-CENTRAL AMERICA FREE TRADE AGREEMENT.

Whereas, the Intergovernmental Policy Advisory Committee (IGPAC) recommended in its report on the US-Central America Free Trade Agreement (CAFTA) in March 2004 that the Trade Promotion Coordinating Committee (TPCC), the Trade Policy Review Group (TPRG), and the Trade Policy Staff Committee (TPSC) be expanded or reconfigured to include state and local government representation; and

Whereas, issues for the attention and action on the part of a newly expanded trade promotion and trade policy consultative process should include:

- (1) Establishing and fully funding a formal, regularly scheduled mechanism for US federal-state trade policy consultations in light of the increasing state role in trade policy formulation, negotiation, and dispute resolution.
- (2) Increasing awareness by state officials of the recent and ongoing efforts on the part of the United States Trade Representative (USTR) and other TPCC federal agencies to proactively discuss trade issues with national associations of state officials exercising regulatory functions.
- (3) Establishing a clear priority for federal support of high technology manufactured goods and services exports.

- (4) Assessing the comparative costs and benefits to the federal budget and US economy, particularly in terms of employment creation/retention and trade value, of the allocation of resources and trade protections to agricultural commodities, technology research and development, industrial goods, manufactured products, and services sectors.
- (5) Collecting and disseminating better national, state, regional, and zip-code-level data on merchandise and services exports and imports, and on international investment flows, deploying mapping technologies and other tools to better inform analysis and planning.
- (6) Encouraging TPCC federal agencies to: (i) deepen the state/federal trade development partnership; (ii) prioritize support by overseas posts for state-led trade initiatives in global markets; (iii) increase cooperation in domestic trade development program delivery; and (iv) integrate further Eximbank trade finance and delegated authority activities with those of states and the private sector, improving small firms' awareness of and access to trade financing.
- (7) Substantially transforming, expanding, and fully funding the Trade Adjustment Assistance program.
- (8) Emulating our nation's effective responses to natural disasters, in order to mobilize resources for economic disasters, TPCC and related entities should collaborate on the creation of an Economic Federal Emergency Management Agency.

Whereas, IGPAC also suggests that the USTR: (i) intensify the focus of its consultative process on reaching out to State Points of Contact, advisory committees, and other interested parties for their input as trade policy is being formulated and as trade agreement negotiations are being initiated; and (ii) utilize the existing corporate, government, and academic relationships of the US states abroad as a bridge to foster cooperation and understanding in preparation for future trade policy, trade capacity building, program development, and trade agreement initiatives and meetings; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives endorses the recommendations of the Intergovernmental Policy Advisory Committee's report on the US-Central America Free Trade Agreement from March 19, 2004.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the members of the North Carolina congressional

delegation, the United States Trade Representative, and the Chair of the Intergovernmental Policy Advisory Committee.

SECTION 3. This resolution is effective upon adoption.

H.R. 1782, A HOUSE RESOLUTION AMENDING THE PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES TO EXTEND THE CROSSOVER DATE.

Be it resolved by the House of Representatives:

SECTION 1. House Rule 31.1(d) of the 2005 Regular Session reads as rewritten:

"(d) In order to be eligible for consideration by the House during the first Regular Session, all Senate bills other than finance or appropriations bills which would be required to be re-referred to the Appropriations or Finance Committees under Rule 38 or adjournment resolutions must be received and read on the floor of the House as a message from the Senate no later than ~~May 19, June 2, 2005~~; provided that a message from the Senate received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this subsection and provided that the Senate has a similar rule."

SECTION 2. This resolution is effective upon adoption.

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.

Whereas, the Hmong-Lao are noted for their warrior tradition, loyalty, and bravery; and

Whereas, beginning in 1960, the United States recruited thousands of the Hmong-Lao to fight against the Communist Pathet Lao and North Vietnamese Army regulars in Laos; and

Whereas, the United States relied heavily on the Hmong-Lao Special Guerrilla Units to engage in direct combat with North Vietnamese troops from 1960 to 1975; and

Whereas, the Hmong-Lao conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat clashes with extreme casualties; and

Whereas, the Hmong-Lao, although outnumbered, fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail; and

Whereas, the Hmong-Lao protected United States personnel, guarded United States Air Force radar installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed United States pilots; and

Whereas, the Hmong-Lao fought against the Communist North Vietnamese who used Laos's territories to invade South Vietnam and the American troops; and

Whereas, more than 35,000 of the Hmong-Lao soldiers, 46,000 high-ranking Lao officers, government officials, and police lost their lives defending the democratic way of life, and many more were seriously injured, disabled, or died in the reeducation camp (prison); and

Whereas, thousands of Hmong-Lao suffered grievous injuries and permanent disabilities, and thousands more were captured and sent to Communist concentration camps; and

Whereas, after the conclusion of the war, many Hmong-Lao soldiers were the victims of acts of retribution and atrocities by the Pathet Lao, causing many of the Hmong-Lao to flee to neighboring Thailand and become refugees; and

Whereas, the Hmong-Lao are deserving of recognition and acknowledgement for their bravery, sacrifice, and loyalty to the United States exhibited by their people in Southeast Asia; and

Whereas, Colonel Khoua Vang represented the Hmong-Lao Special Guerrilla Units, serving as a leader of his people for almost two decades until Long Cheng fell on May 13, 1975, forcing him and other Hmong-Lao to flee to Nam Phong Dang, Thailand, where the United States transported a number of high ranking officials and their families by transport planes to remain until Ban Vinai Camp was established by the United Nations, and they were later able to come to the United States; and

Whereas, North Carolina has become the home for a large number of people of Hmong and Lao heritages, including Colonel Vang's son, Koob D. Vajh, and his family, as well as his former comrade in arms, Colonel Geu Vang, and his family; and

Whereas, the 107th United States Congress passed a resolution recognizing the contribution of the Hmong-Lao in defending freedom and democracy and supporting the goals of Hmong-Lao Recognition Day; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Colonel Khoua Vang, a former colonel in the Laotian Army.

SECTION 2. The House of Representatives encourages the people of North Carolina to recognize the contributions of the Hmong-Lao soldiers in the Vietnam War in defending freedom and democracy.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to Colonel Khoua Vang's son, Koob D. Vajh.

SECTION 4. This resolution is effective upon adoption.

H.R. 1784, A HOUSE RESOLUTION PROVIDING THAT THE HOUSE OF REPRESENTATIVES SHALL CONVENE IN EDENTON ON MAY 25, 2005.

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives shall convene on May 25, 2005, at 11:00 A.M. at the 1767 Courthouse at Edenton.

SECTION 2. This resolution is effective upon adoption.

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.

Whereas, the General Assembly convened in the Town of Edenton, which at the time was recognized as the capital of North Carolina, from 1722 to 1737, 1740 to 1741, and in 1743; and

Whereas, during the November 1766 Session of the General Assembly, a bill introduced by Joseph Hewes, an Edenton merchant and assemblyman, who would later become a signer of the Declaration of Independence, was passed to build a new courthouse in Edenton; and

Whereas, it is known that the Chowan County Courthouse was built in 1767, but early records give few details about the structure's builders, financing, or architect, although many believe the likely architect was John Hawks, who was also the architect for Tryon Palace in New Bern; and

Whereas, the Georgian style courthouse included a second floor assembly room, which was the largest fully paneled room in colonial America; and

Whereas, the courthouse, which was also used for county government functions, became the center of the community's social life and was the site where 12 lanterns were placed to celebrate the State's approval of the federal constitution in 1789; and

Whereas, during the late 1700s, some of Edenton's prominent citizens included: Hugh Williamson, a physician, who signed the federal constitution in 1787; Samuel Johnston, a member of the colonial assembly, who later served as Governor of North Carolina from 1787 to 1789 and as the State's first elected United States Senator from 1789 to 1793; and James Iredell, Sr., a State supreme court judge, who was later appointed to the first United States Supreme Court by President George Washington in 1790; and

Whereas, in 1819, during an official visit to the State, President James Monroe and his Secretary of War, John C. Calhoun, were entertained in the courthouse's assembly room; and

Whereas, 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; and

Whereas, the first floor of the courthouse was used continuously until 1996 when the courthouse was temporarily closed for renovations; and

Whereas, in 2001, archaeologists digging under the courthouse uncovered the foundation of the 1722 Council Chamber, the State's first capitol building used during the colonial era; and

Whereas, on October 8, 2004, the courthouse was reopened and rededicated to public use after undergoing an extensive restoration that was made possible by generous financial contributions, a grant from the Save America's Treasures program; and the collaborative efforts of Chowan County, the Town of Edenton, the Edenton Historical Commission, the citizens of Edenton, and the State of North Carolina; and

Whereas, on the occasion of its reopening, the North Carolina State Supreme Court held a session in the courthouse, the first time in 144 years the Supreme Court had met outside of Raleigh; and

Whereas, among other uses, the renovated courthouse will be used for nonjury court sessions as well as a meeting place for civic groups and nonprofit organizations; and

Whereas, the 1767 Chowan County Courthouse is the State's oldest government building and the nation's best preserved colonial courthouse; and

Whereas, although routinely called "the finest Georgian courthouse in the South," the 1767 courthouse is - as it always has been - a building far from routine; and

Whereas, the 1767 Chowan County Courthouse is the oldest courthouse still in continuous use in North America; and

Whereas, 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; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The North Carolina House of Representatives honors the memory of Edenton's historical leaders for their service to the State of North Carolina and to the nation.

SECTION 2. The North Carolina House of Representatives recognizes the importance of the 1767 Chowan County Courthouse and expresses its gratitude to those who contributed to the preservation of one of the State's most important historic treasures.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the Chowan County Board of Commissioners.

SECTION 4. This resolution is effective upon adoption.

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.

Whereas, international trade agreements have contributed to the loss of more than 65,000 jobs in the North Carolina textile and apparel industry since 2001; and

Whereas, imports of textile goods from China have increased dramatically since January 1, 2005, when the quotas restricting import levels for textile and apparel products expired pursuant to agreements negotiated through the World Trade Organization (WTO); and

Whereas, China's ability to flood the global market with cheap textile and apparel products is facilitated by its unfair subsidization of its textile and apparel manufacturers and its currency manipulation, in violation of WTO agreements; and

Whereas, North Carolina's political leaders have repeatedly called on the President and his administration to limit the unfair and illegal growth in Chinese imports; and

Whereas, the recent and dramatic increase in imports has disrupted the United States textile industry to the degree that the current administration has imposed safeguards as allowed under the WTO rules, to limit the growth in Chinese imports in certain categories to 7.5 percent a year; and

Whereas, these safeguards can provide North Carolina with vital time to diversify the State's economy and retool its textile industry, thereby reducing the State's vulnerability to global pressures and increasing the State's competitiveness worldwide; and

Whereas, the rise in Chinese imports since January 1, 2005, has been accompanied by an increase in the number of textile and apparel jobs lost in North Carolina, with more than 3,300 North Carolina announced job losses due to business closings and permanent layoffs in the first four months of this year; and

Whereas, the federal government has recognized its responsibility to assist workers who lose their jobs as a result of the globalization of trade with the transition to new, gainful employment through the creation of the U.S. Department of Labor's Trade Adjustment Assistance (TAA) program; and

Whereas, workers whose jobs are lost to China and other countries with which the United States may not have a preferential trade agreement are not currently eligible for the TAA program, and the resources provided by the TAA program are insufficient to meet its intended goals; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives urges the President of the United States and his administration to continue the imposition of China safeguards limiting the growth in imports of targeted textile and apparel products.

SECTION 2. The House of Representatives urges Congress to provide desperately needed assistance to North Carolina's dislocated textile and apparel workers through reforming the TAA program by:

- (1) Expanding eligibility to include workers whose jobs are lost to China and other countries with which the United States may not have a preferential trade agreement;
- (2) Raising the national funding cap on the TAA program in order to ensure that there are adequate dollars available to serve all workers who are eligible for services;
- (3) Increasing the Health Coverage Tax Credit to cover eighty percent (80%) of dislocated workers' health care premiums, so that more workers can afford to take advantage of the TAA program;
- (4) Providing automatic eligibility for the TAA program for textile and apparel workers; and
- (5) Allowing the State to use a portion of the TAA program funding for administrative purposes.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the President of the United States, the Committee on the Implementation of Textile Agreements, and the members of the North Carolina congressional delegation.

SECTION 4. This resolution is effective upon adoption.

H.R. 1788, A HOUSE RESOLUTION ELECTING BRADLEY ADCOCK, DUDLEY FLOOD, FRANK GRAINGER, CHARLES MERCER, JR., CRAIG SOUZA, FRED MILLS, IRVIN ROSEMAN, DAVID YOUNG, AND CHARLES HAYES TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Whereas, G.S. 116-6(a) directs the House of Representatives to elect eight members of the Board of Governors of The University of North Carolina this year; and

Whereas, G.S. 116-7 directs the chamber that originally elected a vacating member to elect a person to fill the vacancy; and

Whereas, the House of Representatives may determine its own procedure; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The following persons are elected to the Board of Governors of The University of North Carolina for terms commencing July 1, 2005, and ending June 30, 2009:

- (1) Bradley Adcock of Wake County.
- (2) Dudley Flood of Wake County.
- (3) Frank Grainger of Wake County.
- (4) Charles Mercer, Jr. of Wake County.
- (5) Craig Souza of Wake County.
- (6) Fred Mills of Cleveland/Mecklenburg Counties.
- (7) Irvin Roseman of New Hanover County.
- (8) David W. Young of Buncombe County.

SECTION 2. The following person is elected to the Board of Governors of The University of North Carolina for a term commencing July 1, 2005, and ending June 30, 2007:

- (1) Charles Hayes of Wake County.

SECTION 3. This resolution is effective upon adoption.

H.R. 1790, A HOUSE RESOLUTION CONDEMNING THE RECENT CROSS BURNINGS IN THE CITY OF DURHAM.

Whereas, during the evening of May 25, 2005, large crosses were found burning at three locations in the City of Durham; and

Whereas, the burning crosses were discovered near St. Luke's Episcopal Church on Hillandale Road, at South Roxboro Street and Martin Luther King Jr. Parkway, and at Dillard and Holloway Streets; and

Whereas, historically in this country, a burning cross has been used as a symbol of intimidation and racism; and

Whereas, the citizens of Durham quickly responded to the cross burnings by holding vigils and rallies to show their support for diversity and unity in their community; and

Whereas, the North Carolina House of Representatives joins the citizens of Durham in their efforts to fight against intolerance and hatred in favor of a more just and equitable society; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives condemns the cross burnings that occurred in the City of Durham on May 25, 2005, and encourages local, State, and federal law enforcement agencies to actively pursue all leads in finding those responsible for these incidents.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the Mayor of the City of Durham.

SECTION 3. This resolution is effective upon adoption.

H.R. 1791, A HOUSE RESOLUTION HONORING THE MEMORY OF PERSONS WITH DISABILITIES AND RECOGNIZING THE ALAMANCE COUNTY MAYORS' COMMITTEE FOR PERSONS WITH DISABILITIES ON THE FIFTEENTH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT.

Whereas, the Americans with Disabilities Act (ADA) was passed by the Congress of the United States of America on July 26, 1990; and

Whereas, hundreds of thousands of people in North Carolina and throughout America suffer from various kinds of disabilities; and

Whereas, in the past 15 years the Alamance County Mayors' Committee for Persons with Disabilities along with other statewide programs have done much to improve the lives of persons with disabilities and to heighten both the public's and medical community's awareness of disabilities in the State of North Carolina; and

Whereas, the ADA has opened all kinds of doors, literally and figuratively, for persons with disabilities; and

Whereas, ADA has mainstreamed children of all ages into normal schools instead of isolating and segregating them as in the past into special schools; and

Whereas, private and federal funds have gone into research for treatment and cures of many disabilities; and

Whereas, new equipment has been developed which makes life easier for people with disabilities; and

Whereas, the Alamance County Mayors' Committee for Persons with Disabilities has worked with many of the police departments in Alamance County to inaugurate handicapped ticketing programs and encourages all counties in the State to be vigilant in enforcing handicapped parking during the week of the 15th anniversary of ADA, which is Monday, July 25th to Sunday, July 31st; Now, therefore,
Be it resolved by the House of Representatives:

SECTION 1. The North Carolina House of Representatives honors the memory of the State's deceased disabled citizens for their contributions to Alamance County, North Carolina, and the nation.

SECTION 2. The North Carolina House of Representatives expresses appreciation to the Alamance County Mayors' Committee for Persons with Disabilities for its support of persons with disabilities on the fifteenth anniversary of the passage of the Americans with Disabilities Act.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the Alamance County Mayors' Committee for Persons with Disabilities.

SECTION 4. This resolution is effective upon adoption.

H.R. 1792, A HOUSE RESOLUTION URGING CONGRESS TO ENACT LEGISLATION PERTAINING TO SMALL BUSINESS HEALTH PLANS.

Whereas, for years, the main concern for small business owners has been to provide affordable health insurance for their employees; and

Whereas, of the 27 million working people who are uninsured, 63% of them are either self-employed or work for a small business that employs less than 100 people; and

Whereas, lack of competition and soaring administrative costs contribute to the inability of small businesses to provide health insurance for their employees; and

Whereas, uniform federal regulation of small business health plans would benefit small business owners, making health insurance more affordable and providing small business owners with greater health insurance options; and

Whereas, pending legislation before the United States Congress, the Small Business Health Fairness Act of 2005 (H.R. 525/S. 406), would provide for the establishment and governance of association health plans (also known as small business health plans), which are group health plans whose sponsors are trade, industry, professional, chamber of commerce, or similar business associations and which meet certain Employee Retirement Income Security Act (ERISA) certification requirements; and

Whereas, the legislation would allow health insurance issuers to offer coverage of the same policy type offered in connection with a particular association health plan to eligible employers, regardless of whether the employers are members of the particular association and regardless of State law; and

Whereas, small business plans would level the playing field and give participating small employers the same buying power as Fortune 500 companies and unions; and

Whereas, the Small Business Health Fairness Act of 2005 has bipartisan support; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The North Carolina House of Representatives urges Congress to enact the Small Business Health Fairness Act of 2005 or similar legislation.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to each member of North Carolina's congressional delegation.

SECTION 3. This resolution is effective upon adoption.

H.R. 1794, A HOUSE RESOLUTION SUPPORTING ENACTMENT OF THE PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2005 (SENATE BILL 1516) IN THE CONGRESS OF THE UNITED STATES.

Whereas, Senators Lott, Stevens, Lautenberg, Inouye, Hutchison, and Burns have introduced Senate Bill 1516, the Passenger Rail Investment and Improvement Act of 2005, in the Congress of the United States; and

Whereas, the United States Senate Committee on Science, Commerce, and Transportation has marked up the bill and endorsed its favorable consideration; and

Whereas, the legislation would reauthorize and reform Amtrak, provide for enhanced accountability, reduce operating subsidies by forty percent, make infrastructure investments which will improve both freight and passenger services, create a new capital program totaling \$1.4 billion over six years for states to improve and start new conventional and high-speed intercity passenger rail services, facilitate competitive service provisions, set standards for on-time performance, and provide remedies for chronic service delays; and

Whereas, the North Carolina House Interim Committee on Expanding Rail Service has reported to the North Carolina General Assembly that expansion of rail services can help promote economic development and mobility for our citizens; and

Whereas, Amtrak's national passenger rail system serves 16 cities and towns in North Carolina with six daily trains, two in partnership with North Carolina, providing safe, efficient, and affordable intercity mobility for hundreds of thousands of North Carolinians annually; and

Whereas, North Carolina and its cities and towns have partnered, for over a decade, with Amtrak to provide its citizens with higher levels of service, and continues to do so; and

Whereas, the North Carolina General Assembly, acting in concert with the Virginia General Assembly and pursuant to 49 U.S.C. § 24101, has authorized creation of the Virginia-North Carolina Interstate High Speed Rail Compact to develop high-speed rail transportation in Virginia and North Carolina, advocate for development of a federal funding partner, and provide State funds to support this development; and

Whereas, 15 chambers of commerce in six states, including those serving Raleigh, Greensboro, Winston-Salem, and Charlotte, have

created the Southeastern Economic Alliance to promote development of high-speed rail across the Southeastern United States; and

Whereas, the North Carolina Department of Transportation has analyzed and recommended extension of passenger service to connect Western North Carolina via Salisbury to Asheville and Southeastern North Carolina via Raleigh, Fayetteville, and Goldsboro to Wilmington; and

Whereas, 27 cities, 30 towns and villages, 17 counties, 18 transportation planning organizations and councils of government, 17 chambers of commerce, and 10 other State and local organizations have endorsed a resolution supporting creation of a comprehensive passenger rail system to serve the State of North Carolina; and

Whereas, the North Carolina Secretary's Rail Advisory Committee, acting through the Secretary of the North Carolina Department of Transportation, has asked the United States Secretary of Transportation to provide for stability in our nation's intercity passenger rail program and provide for a program of federal, State, and private investment in our freight and passenger railroad system; and

Whereas, North Carolina requires a predictable program of federal funding to help implement these improvements to the freight and passenger network; and

Whereas, North Carolina has heretofore invested State funds in excess of those required to match a program of federal funds; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives of the North Carolina General Assembly hereby endorses the Passenger Rail Investment and Improvement Act of 2005 (Senate Bill 1516) and memorializes and encourages the Congress of the United States to enact the legislation.

SECTION 2. The House of Representatives of the North Carolina General Assembly encourages the North Carolina delegation to the United States Congress to cosponsor this legislation and work industriously for its enactment.

SECTION 3. This resolution is effective upon adoption.

H.R. 1798, A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF TODD ALAN BLANCHARD, FALLEN FIREFIGHTER FOR THE EASTERN WAKE FIRE-RESCUE DEPARTMENT.

Whereas, Todd Alan Blanchard was born on April 26, 1974, in Greenfield, Massachusetts, to Allan Westley Blanchard and Marie Canon Blanchard; and

Whereas, Todd Alan Blanchard graduated from Turners Falls High School in Turners Falls, Massachusetts, and spent a number of years as a firefighter before moving to North Carolina; and

Whereas, Todd Alan Blanchard served as a firefighter for the Eastern Wake Fire-Rescue Department for two years; and

Whereas, Todd Alan Blanchard was killed in the line of duty on July 14, 2005; and

Whereas, Todd Alan Blanchard was admired and respected by the members of his profession and will be sorely missed by all who knew him; and

Whereas, Todd Alan Blanchard is survived by his parents; two daughters, Jessica Li Blanchard and Ryan Marie Blanchard; three brothers, Michael Blanchard, Allan Blanchard, Jr., and Norman Blanchard; one sister, Charlene B. Couture; and his fiancée, Allison Miller; Now, therefore, Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Todd Alan Blanchard and expresses its appreciation for his service in protecting the lives and property of the citizens of Eastern Wake County.

SECTION 2. The House of Representatives extends its deepest sympathy to the family of Todd Alan Blanchard for the loss of a beloved family member.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the family of Todd Alan Blanchard and the Eastern Wake Fire-Rescue Department.

SECTION 4. This resolution is effective upon adoption.

H.R. 1800, A HOUSE RESOLUTION ELECTING RAICHELLE GLOVER TO THE STATE BOARD OF COMMUNITY COLLEGES.

Be it resolved by the House of Representatives:

SECTION 1. Raichelle Glover is elected to the State Board of Community Colleges for a term of six years beginning July 1, 2005.

SECTION 2. This resolution is effective upon adoption.

**BOARDS AND COMMISSIONS
APPOINTMENTS**

(December 2, 2004 – February 28, 2006)

APPOINTED EXPIRES

ABANDONED CEMETERIES, COMMITTEE ON

G.S. 120-19.6(a1)

Rep. Carolyn K. Justus, Chair	2/10/2006	12/31/2006
Rep. Lorene Coates	2/10/2006	12/31/2006
Rep. Jim Gulley	2/10/2006	12/31/2006
Rep. Howard J. Hunter, Jr.	2/10/2006	12/31/2006
Rep. Linda P. Johnson	2/20/2006	12/31/2006

ABANDONED CEMETERIES, COMMITTEE ON-Contd.

Rep. Joe L. Kiser	2/10/2006	12/31/2006
Rep. Earline W. Parmon	2/10/2006	12/31/2006
Rep. Timothy L. Spear	2/10/2006	12/31/2006
Rep. Russell E. Tucker	2/10/2006	12/31/2006
Rep. Edith D. Warren	2/10/2006	12/31/2006
Mr. William Russell Davis	2/10/2006	12/31/2006
Mr. Guy McCook	2/10/2006	12/31/2006
Ms. Mary E. Perry	2/10/2006	12/31/2006
Mr. Ronnie Riddle	2/10/2006	12/31/2006

ACUPUNCTURE LICENSING BOARD

G.S. 90-453

Ms. Nan Cameron	(Reappointment)	9/23/2005	6/30/2008
(Licensed Acupuncturist position)			
Ms. Tracy Sturdivant	(Reappointment)	9/23/2005	6/30/2008
(Licensed Acupuncturist position)			

**ADMINISTRATIVE PROCEDURE OVERSIGHT
COMMITTEE, JOINT LEGISLATIVE**

G.S. 120-70.100(a)(2)

Rep. Melanie Wade Goodwin, Co-Chair	11/29/2005	1/14/2007
Rep. Larry M. Bell	(Reappointment) 11/29/2005	1/14/2007
Rep. Rick L. Eddins	(Reappointment) 11/29/2005	1/14/2007
Rep. Pryor Gibson	(Reappointment) 11/29/2005	1/14/2007
Rep. Earl Jones	11/29/2005	1/14/2007
Rep. Carolyn K. Justus	12/13/2004	1/19/2005
(Filling the unexpired term of Representative Don Munford)		
Rep. Carolyn K. Justus	(Reappointment) 11/29/2005	1/14/2007
Rep. Deborah K. Ross	11/29/2005	1/14/2007
Rep. Bonner L. Stiller	11/29/2005	1/14/2007

ADVISORY BUDGET COMMISSION

G.S. 143-4(a)

Rep. W. Pete Cunningham	(Reappointment) 9/22/2005	1/15/2007
Rep. Rick L. Eddins	(Reappointment) 9/22/2005	1/15/2007
Rep. W. Robert Grady	(Reappointment) 9/22/2005	1/15/2007
Rep. Maggie Jeffus	(Reappointment) 9/22/2005	1/15/2007
Rep. Bill Owens	(Reappointment) 9/22/2005	1/15/2007

AGING, NORTH CAROLINA STUDY COMMISSION ON

G.S. 120-182(2)

Rep. Beverly M. Earle, Co-Chair	9/12/2005	6/30/2007
Rep. Alice L. Bordsen	9/12/2005	6/30/2007

AGING, NORTH CAROLINA STUDY COMMISSION ON-Contd.

Rep. Debbie A. Clary	(Reappointment)	9/12/2005	6/30/2007
Rep. Bob England, M.D.		9/12/2005	6/30/2007
Rep. Jennifer Weiss	(Reappointment)	9/12/2005	6/30/2007
Ms. Regina Buffy Fisher		2/22/2006	6/30/2007
(Filling the unexpired term of Ms. Katherine Fox Price)			
(Public member position)			
Ms. Linda Howard	(Reappointment)	9/12/2005	6/30/2007
(Planner/provider for older adults position)			
Ms. Katherine Fox Price	(Reappointment)	9/12/2005	6/30/2007
(Public member position) (Resigned effective 2/22/2006)			
Ms. Florence Gray Soltys	(Reappointment)	9/12/2005	6/30/2007
(Planner/provider for older adults position)			

**AGRICULTURE AND FORESTRY AWARENESS
STUDY COMMISSION**

G. S. 120-150(3)(4)

Rep. Dewey L. Hill, Co-Chair		9/12/2005	9/30/2007
(Reappointment)			
Rep. R. Phillip Haire	(Reappointment)	9/12/2005	9/30/2007
Rep. Roger West	(Reappointment)	9/12/2005	9/30/2007
Rep. Arthur Williams		9/12/2005	9/30/2007

APPRAISAL BOARD, NORTH CAROLINA

G.S. 93E-1-5(a)

Mr. Winston T. Morgan		9/23/2005	6/30/2008
(Real Estate appraiser position)			

**ART, BOARD OF TRUSTEES FOR THE
NORTH CAROLINA MUSEUM OF**

G.S. 140-5.13

Ms. Joyce Omer	(Reappointment)	9/23/2005	6/30/2007
(Public member position)			

**ATHLETIC TRAINER EXAMINERS, NORTH CAROLINA
BOARD OF**

G.S. 90-524(b)(2)

Mr. Kevin D. Allran	(Reappointment)	9/23/2005	6/30/2008
(Certified athletic trainer position)			
Dr. John Mangum	(Reappointment)	9/23/2005	6/30/2008
(Family practice physician or pediatrician position)			
Mr. Jason J. Ramirez	(Reappointment)	9/23/2005	6/30/2008
(Certified athletic trainer position)			

**BIOTECHNOLOGY CENTER BOARD OF DIRECTORS,
NORTH CAROLINA**

By-laws

Mr. John Atkins, III	(Reappointment)	8/29/2005	6/30/2007
Mr. John F. DelGiorno	(Reappointment)	8/29/2005	6/30/2007
Hon. James G. Martin, Jr.	(Reappointment)	8/29/2005	6/30/2007
(Resigned effective 11/21/2005)			
Dr. Stephen R. Mosier		1/27/2006	6/30/2007
(Filling the unexpired term of Hon. James G. Martin)			

BRIDGE AUTHORITY, NORTH CAROLINA

G.S. 136-89.161(3)(b)

Mr. Swain G. Hamlet	(Reappointment)	9/23/2005	6/30/2009
(Public member position)			

BUILDING COMMISSION, STATE

G.S. 143-135.25(c)(3)

Mr. John Marvin Thompson		9/23/2005	6/30/2008
(Association of General Contractors' representative position)			

BUSINESS AND EDUCATION TECHNOLOGY ALLIANCE

G.S. 115C-102.15(b)(11)

Rep. Paul Miller	(Reappointment)	1/4/2006	7/1/2007
Rep. Joe P. Tolson		1/4/2006	7/1/2007
Mr. Dennis Carter		1/4/2006	7/1/2007
Dr. Kathryn M. Moore	(Reappointment)	1/4/2006	7/1/2007
Dr. Rodney Shotwell	(Reappointment)	1/4/2006	7/1/2007
Mr. Scott S. Smith		1/4/2006	7/1/2007

**CANCER COORDINATION AND CONTROL
ADVISORY COMMITTEE**

G.S. 130A-33.50(b)

Rep. Arlie F. Culp		11/2/2005	6/30/2007
Rep. Carolyn H. Justice		11/2/2005	6/30/2007
Dr. Leroy S. Darkes		11/2/2005	6/30/2007

**CAPITAL FACILITIES FINANCE AGENCY
NORTH CAROLINA BOARD OF DIRECTORS**

G.S. 159D-38(a)

Mr. David Fountain	(Reappointment)	9/23/2005	7/31/2009
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**CAPITAL IMPROVEMENTS, JOINT LEGISLATIVE
OVERSIGHT COMMITTEE ON**

G.S. 120-258(1)

Rep. James W. Crawford, Jr., Co-Chair		11/23/2005	1/24/2007
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**CAPITAL IMPROVEMENTS, JOINT LEGISLATIVE
OVERSIGHT COMMITTEE ON-Contd.**

Rep. Thomas E. Wright, Co-Chair		11/23/2005	1/24/2007
Rep. Larry M. Bell	(Reappointment)	11/23/2005	1/24/2007
Rep. Maggie Jeffus	(Reappointment)	11/23/2005	1/24/2007
Rep. Paul Luebke	(Reappointment)	11/23/2005	1/24/2007
Rep. Bill Owens	(Reappointment)	11/23/2005	1/24/2007
Rep. Wilma M. Sherrill	(Reappointment)	11/23/2005	1/24/2007
Rep. Roger West	(Reappointment)	11/23/2005	1/24/2007

CAPITAL PLANNING COMMISSION, NORTH CAROLINA

G.S. 143B-374.(a)

Rep. Bernard Allen		9/26/2005	1/15/2007
Rep. Rick L. Eddins	(Reappointment)	9/26/2005	1/15/2007
Rep. Richard T. Morgan	(Reappointment)	9/26/2005	1/15/2007
Rep. Deborah K. Ross	(Reappointment)	9/26/2005	1/15/2007
Rep. Jennifer Weiss	(Reappointment)	9/26/2005	1/15/2007

CENTENNIAL AUTHORITY

G.S. 160A-480.3

Ms. Judi K. Grainger		9/23/2005	6/30/2009
(Public member position)			
Mr. Ray N. Rouse, III	(Reappointment)	9/23/2005	6/30/2009
(Representative of the board of trustees of the constituent institution of the University of North Carolina whose main campus is located within the County position)			

CHILD CARE COMMISSION

G.S. 143B-168.4(a)

Ms. Mary Roberts	(Reappointment)	12/1/2005	6/30/2007
(Non-profit provider position)			
Ms. Dawn Wallace	(Reappointment)	9/23/2005	6/30/2007
(For-profit provider position)			

CHILD FATALITY TASK FORCE, NORTH CAROLINA

G.S. 7B-1402(b)(24)

Rep. Debbie A. Clary		2/8/2006	1/31/2008
Rep. Lorene Coates	(Reappointment)	2/8/2006	1/31/2008
Rep. Beverly M. Earle		2/8/2006	1/31/2008
Rep. Howard J. Hunter, Jr.		2/8/2006	1/31/2008
Rep. Carolyn K. Justus	(Reappointment)	2/8/2006	1/31/2008
Rep. Garland E. Pierce		2/8/2006	1/31/2008
Ms. Kelly Craddock	(Reappointment)	2/8/2006	1/31/2008

CHILD FATALITY TASK FORCE, NORTH CAROLINA-Contd.

Ms. Marla Dorrel	(Reappointment)	2/8/2006	1/31/2008
Sergeant John Guard	(Reappointment)	2/8/2006	1/31/2008
Dr. Elaine Cabinum-Foeller		1/20/2005	1/31/2006
Dr. Elaine Cabinum-Foeller		2/8/2006	1/31/2008
	(Reappointment)		
Ms. Jennifer Tolle-Whiteside		2/8/2006	1/31/2008
	(Reappointment)		

**CHILDREN BOARD OF DIRECTORS, NORTH CAROLINA
PARTNERSHIP FOR**

G.S. 143B-168.12(a)(1)(f)(k)			
Ms. Mary B. Harris		2/15/2006	12/31/2008
Rev. James R. Horton	(Reappointment)	9/23/2005	12/31/2008
	(Representative of the faith community position)		
Ms. Sue Russell	(Reappointment)	9/23/2005	12/31/2008
	(In the parent position)		
Mr. Robert Shinn	(Reappointment)	9/23/2005	12/31/2008
	(In the Board Chair of local partnership position)		
Ms. Lorraine Tweed		2/15/2006	12/31/2008

**CHILDREN, COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL**

G.S. 115C-121(b)			
Rep. Edith D. Warren	(Reappointment)	8/30/2005	6/30/2007
Ms. Deborah D. Privette	(Reappointment)	8/30/2005	6/30/2007
	(Parent of a child with a disability position)		

CHIROPRACTIC EXAMINERS, STATE BOARD OF

G.S. 90-139(a)			
Dr. Dennis L. Hall, Sr.	(Reappointment)	9/23/2005	6/30/2007
	(Practicing doctor of chiropractic position)		

**CLEAN WATER MANAGEMENT TRUST FUND BOARD
OF TRUSTEES**

G.S. 113-145.5(b)(18)			
Mr. Robert D. Howard	(Reappointment)	9/23/2005	6/30/2009
	(Public member position)		
Mr. Charles Johnson		9/23/2005	6/30/2006
	(Public member position)		
Mr. John Peter Rascoe, III		9/23/2005	6/30/2009
	(Public member position)		

**CORRECTIONS, CRIME CONTROL AND JUVENILE JUSTICE,
JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON**

G.S. 120-70.93(2)

Rep. R. Phillip Haire, Co-Chair	9/12/2005	1/19/2007
(Reappointment)		
Rep. Joe L. Kiser, Co-Chair	9/12/2005	1/19/2007
Rep. Bill Culpepper (Reappointment)	9/12/2005	1/19/2007
(Resigned effective 1/3/2006)		
Rep. Margaret Highsmith Dickson	1/10/2006	1/19/2007
(Replaced Rep. Bill Culpepper)		
Rep. Dewey L. Hill (Reappointment)	9/12/2005	1/19/2007
Rep. Earl Jones	9/12/2005	1/19/2007
Rep. Carolyn K. Justus (Reappointment)	9/12/2005	1/19/2007
Rep. Henry M. Michaux, Jr.	9/12/2005	1/19/2007
(Reappointment)		
Rep. R. Tracy Walker (Reappointment)	9/12/2005	1/19/2007

COURTS COMMISSION, NORTH CAROLINA

G.S. 7A-506(d)

Rep. Timothy L. Spear	2/3/2006	6/30/2007
(Replaced Rep. Bill Culpepper)		

**CRIMINAL JUSTICE EDUCATION AND TRAINING
STANDARDS COMMISSION**

G.S. 17C-3

Mr. Vernon Julius Bryant (Reappointment)	9/23/2005	6/30/2007
(Division of Community Corrections position)		
Mr. James Festerman	9/23/2005	6/30/2007
(Citizen position)		
Mr. Gary Mason (Reappointment)	9/23/2005	6/30/2007
(Citizen position)		
Mr. Kevin Wallace (Reappointment)	9/23/2005	6/30/2007
(Division of Community Corrections position)		

**CRIMINAL JUSTICE INFORMATION NETWORK
GOVERNING BOARD**

G.S. 143-661

Ms. Leslie C. Stanfield (Reappointment)	9/23/2005	6/30/2009
(County official position)		

DEAF AND HARD OF HEARING, COUNCIL FOR THE

G.S. 143B-216.32(a)

Rep. Martha B. Alexander (Reappointment)	8/30/2005	6/30/2009
Rep. Maggie Jeffus (Reappointment)	8/30/2005	6/30/2009

DIETETICS AND NUTRITION, NORTH CAROLINA BOARD OF

G.S. 90-354

Ms. Janet A. Roberts	(Reappointment)	9/23/2005	6/30/2008
(Clinical dietician position)			

**DISABILITIES, GOVERNOR'S ADVOCACY COUNCIL
FOR PERSONS WITH**

G.S. 143B-403.2

Ms. Ruth Cook		9/23/2005	6/30/2007
(At-large member position)			
Mr. Jeffrey Cooper	(Reappointment)	9/23/2005	6/30/2007
(At-large member position)			
Mr. Carl Dobson	(Reappointment)	9/23/2005	6/30/2007
(Persons with physical disabilities representative position)			
Mr. Richard G. Greb	(Reappointment)	9/23/2005	6/30/2007
(Persons with mental illness position)			
Ms. Denise Little		9/23/2005	6/30/2007
(Persons with developmental disabilities representative position)			
Ms. Shirley Diffie Lowder		9/23/2005	6/30/2007
(At-large member position)			
Ms. Laura Thompson-Quinn	(Reappointment)	9/23/2005	6/30/2007
(Representative of persons with mental retardation position)			

**DISCIPLINARY HEARING COMMISSION OF THE NORTH
CAROLINA STATE BAR**

G.S. 84-28.1(a)

Ms. Rebecca Brownlee		9/23/2005	6/30/2006
(Citizen not licensed to practice law position)			
Mr. Michael Houser		9/23/2005	6/30/2006
(Citizen not licensed to practice law position)			

DOMESTIC VIOLENCE COMMISSION

G.S. 143B-394.15

Ms. Maria Pinto		9/23/2005	8/31/2007
(Cultural and linguistic minority position)			
Hon. Michael Sabiston	(Reappointment)	9/23/2005	8/31/2007
(District Court Judge position)			

**DOMESTIC VIOLENCE, JOINT LEGISLATIVE
COMMITTEE ON**

G.S. 120-267(a)

Rep. Marian N. McLawhorn, Co-Chair		1/18/2006	1/14/2007
Rep. Jean Farmer-Butterfield		1/18/2006	1/14/2007
Rep. Maggie Jeffus		1/18/2006	1/14/2007

DOMESTIC VIOLENCE, JOINT LEGISLATIVE-Contd.

Rep. Mary E. McAllister	1/18/2006	1/14/2007
Rep. Earline W. Parmon	1/18/2006	1/14/2007
Rep. Garland E. Pierce	1/18/2006	1/14/2007
Rep. Deborah K. Ross	1/18/2006	1/14/2007
Rep. Wilma M. Sherrill	1/18/2006	1/14/2007

E-NC AUTHORITY

G.S. 143B-437.46		
Mr. Herbert Crenshaw (Public member position)	(Reappointment) 9/23/2005	12/31/2006

EARLY CHILDHOOD VISION CARE, GOVERNOR'S COMMISSION ON

G.S. 143B-216.67(b)(2)		
Dr. David R. Anderson (Optometrist licensed to practice in the State)	11/1/2005	8/30/2006

EASTERN REGION DEVELOPMENT COMMISSION, NORTH CAROLINA'S

G.S. 158-35(a)(4) and 158-35(b)		
Mr. John D. Chaffee	1/13/2006	6/30/2007
Mr. Billy Wooten	1/13/2006	6/30/2007

ECONOMIC DEVELOPMENT CENTER, INC., RURAL

Article V, Section 2 of the By-Laws		
Rep. Bruce Goforth (Reappointment)	10/18/2005	12/31/2006
Rep. Howard J. Hunter, Jr.	10/18/2005	12/31/2006
Rep. Ronnie Sutton (Reappointment)	10/18/2005	12/31/2006

ECONOMIC DEVELOPMENT COMMISSION, NORTHEASTERN NORTH CAROLINA REGIONAL

G.S. 158-8.2		
Mr. William Askew, Jr. (Public member position)	(Reappointment) 9/23/2005	6/30/2007
Mr. Joe Landino (Public member position)	(Reappointment) 9/23/2005	6/30/2007
Mr. John E. Schrote (Public member position)	(Reappointment) 9/23/2005	6/30/2007

ECONOMIC DEVELOPMENT COMMISSION, SOUTHEASTERN NORTH CAROLINA

G.S. 158-8.3(b)(3)		
Mr. Roger F. Hall (Public member position)	(Reappointment) 9/23/2005	6/30/2009

**ECONOMIC DEVELOPMENT COMMISSION,
SOUTHEASTERN-Contd.**

Mr. James L. F. Smith	(Reappointment)	9/23/2005	6/30/2009
(Public member position)			
Mr. Kermit D. Williamson	(Reappointment)	9/23/2005	6/30/2009
(Public member position)			

**ECONOMIC DEVELOPMENT COMMISSION,
WESTERN NORTH CAROLINA**

G.S. 158-8.1(b)(3)			
Mr. George Couch	(Reappointment)	9/23/2005	6/30/2009
(Public member position)			
Mr. Mike Fulenwider		9/23/2005	6/30/2009
(Public member position)			
Mr. J. Craig Madison	(Reappointment)	9/23/2005	6/30/2009
(Public member position)			

**ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE,
JOINT LEGISLATIVE**

G.S. 120-70.132(a)			
Rep. Jim Harrell, III, Co-Chair		11/23/2005	1/24/2007
Rep. Lucy T. Allen		11/23/2005	1/24/2007
Rep. Dale R. Folwell		11/23/2005	1/24/2007
Rep. Julia C. Howard		11/23/2005	1/24/2007
Rep. Earl Jones		11/23/2005	1/24/2007
Rep. Bill Owens		11/23/2005	1/24/2007

EDENTON HISTORICAL COMMISSION

G.S. 143B-98			
Ms. Erika Churchill		12/16/2005	Pleasure of
Ms. Dianna W. Jessup		12/16/2005	Appointing
Mr. Keith Sorensen		12/16/2005	Authority
Ms. Lou S. Sykes		12/16/2005	

EDUCATION COMMISSION OF THE STATES

G.S. 115C-104 Article III (1)			
Rep. Marvin W. Lucas		9/23/2005	6/30/2006

EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.80(2)			
Rep. Douglas Y. Yongue, Co-Chair		9/12/2005	1/19/2007
(Reappointment)			
Rep. Larry M. Bell	(Reappointment)	9/12/2005	1/19/2007

EDUCATION OVERSIGHT COMMITTEE-Contd.

Rep. Rick Glazier		9/12/2005	1/19/2007
Rep. W. Robert Grady	(Reappointment)	9/12/2005	1/19/2007
Rep. Verla Insko	(Reappointment)	9/12/2005	1/19/2007
Rep. Maggie Jeffus	(Reappointment)	9/12/2005	1/19/2007
Rep. Marian N. McLawhorn		9/12/2005	1/19/2007
Rep. Louis M. Pate, Jr.	(Reappointment)	9/12/2005	1/19/2007
Rep. John Sauls	(Reappointment)	9/12/2005	1/19/2007
Rep. Joe P. Tolson	(Reappointment)	9/12/2005	1/19/2007
Rep. Edith D. Warren		9/12/2005	1/19/2007

Advisory Members - Non-Voting

Rep. Becky Carney		9/13/2005	1/19/2007
Rep. Marvin W. Lucas		9/13/2005	1/19/2007
Rep. Jean R. Preston		9/13/2005	1/19/2007

EMPLOYEE HOSPITAL AND MEDICAL BENEFITS, COMMITTEE ON

G.S. 135-38 (a)(2a)

Rep. Thomas E. Wright, Co-Chair		3/9/2005	1/14/2007
Rep. Bernard Allen		3/9/2005	1/14/2007
Rep. Beverly M. Earle	(Reappointment)	3/9/2005	1/14/2007
Rep. Bob England, M.D.		3/9/2005	1/14/2007
Rep. Edd Nye	(Reappointment)	3/9/2005	1/14/2007
Rep. Mitchell S. Setzer		3/9/2005	1/14/2007

ENERGY AND FUEL COSTS, JOINT SELECT COMMITTEE ON

G.S. 120-19.6 (a1)

Rep. Nelson Cole, Co-Chair		12/30/2005	2/1/2006
Rep. Drew Saunders, Co-Chair		12/30/2005	2/1/2006
Rep. Bernard Allen		12/30/2005	2/1/2006
Rep. Lucy T. Allen		12/30/2005	2/1/2006
Rep. Becky Carney		12/30/2005	2/1/2006
Rep. Lorene Coates		12/30/2005	2/1/2006
Rep. James W. Crawford, Jr.		12/30/2005	2/1/2006
Rep. Margaret Highsmith Dickson		12/30/2005	2/1/2006
Rep. Beverly M. Earle		12/30/2005	2/1/2006
Rep. Rick L. Eddins		12/30/2005	2/1/2006
Rep. Bruce Goforth		12/30/2005	2/1/2006
Rep. W. Robert Grady		12/30/2005	2/1/2006
Rep. Earl Jones		12/30/2005	2/1/2006
Rep. Daniel F. McComas		12/30/2005	2/1/2006
Rep. Marian N. McLawhorn		12/30/2005	2/1/2006
Rep. Karen B. Ray		12/30/2005	2/1/2006

ENERGY AND FUEL COSTS-Contd.

Rep. Wilma M. Sherrill	12/30/2005	2/1/2006
Rep. Fred F. Steen, II	12/30/2005	2/1/2006
Rep. Roger West	12/30/2005	2/1/2006
Rep. Thomas E. Wright	12/30/2005	2/1/2006

Advisory Members - Non-Voting

Rep. Alma Adams	12/30/2005	2/1/2006
Rep. Jeff Barnhart	12/30/2005	2/1/2006
Rep. Pryor Gibson	12/30/2005	2/1/2006
Rep. Earline W. Parmon	12/30/2005	2/1/2006
Rep. Douglas Y. Yongue	12/30/2005	2/1/2006

ENVIRONMENTAL MANAGEMENT COMMISSION

G.S. 143B-283(d)

Mr. John S. Curry	9/23/2005	6/30/2007
Mr. Steven D. Weber	9/23/2005	6/30/2007

ENVIRONMENTAL REVIEW COMMISSION

G.S. 120-70.42

Rep. Pryor Gibson, Co-Chair	9/12/2005	1/19/2007
(Reappointment)		
Rep. Joe Hackney (Reappointment)	9/12/2005	1/19/2007
Rep. Jim Harrell, III	9/12/2005	1/19/2007
Rep. Pricey Harrison	9/12/2005	1/19/2007
Rep. Howard J. Hunter, Jr.	9/12/2005	1/19/2007
Rep. Carolyn H. Justice (Reappointment)	9/12/2005	1/19/2007
Rep. Daniel F. McComas (Reappointment)	9/12/2005	1/19/2007
Rep. Edith D. Warren	9/12/2005	1/19/2007

EQUAL ACCESS TO JUSTICE COMMISSION

Authority by the Chief Justice of the Supreme Court

Rep. Martha B. Alexander	1/17/2006	10/31/2008
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EQUINE INDUSTRY, JOINT STUDY COMMITTEE ON THE

G.S. 120-19.6(a1)

Rep. Nelson Cole, Co-Chair	12/11/2005	12/31/2006
Rep. Margaret Highsmith Dickson	12/11/2005	12/31/2006
Rep. Garland E. Pierce	12/11/2005	12/31/2006
Rep. Edith D. Warren	12/11/2005	12/31/2006
Hon. James T. Fain, III	12/11/2005	12/31/2006
(Representing the North Carolina Department of Commerce)		
Mr. Jim Goodmon	12/11/2005	12/31/2006
(Public member position)		

EQUINE INDUSTRY-Contd.

Mr. Tom Hendrickson (Representing the North Carolina Thoroughbred Association)	12/11/2005	12/31/2006
Mr. Thomas W. Lambeth (Representing the North Carolina Rural Economic Development Center)	12/11/2005	12/31/2006
Mr. Johns Martin (Public member position)	2/7/2006	12/31/2006
Mr. Glenn Petty (Representing the North Carolina Horse Council)	12/11/2005	12/31/2006
Mr. Cullie Tarleton (Public member)	1/18/2006	12/31/2006
Mr. Mike Yoder (Representing the North Carolina Quarter Horse Association)	12/11/2005	12/31/2006

ETHICS COMMITTEE, LEGISLATIVE

G.S. 120-99		
Rep. Nelson Cole, Co-Chair (Replacing Rep. Bill Culpepper)	1/10/2006	1/14/2007
Rep. Bill Culpepper, Co-Chair (Resigned effective 1/3/2006)	5/16/2005	1/14/2007
Rep. Susan C. Fisher	5/16/2005	1/14/2007
Rep. Julia C. Howard	5/16/2005	1/14/2007
Rep. Carolyn K. Justus	5/16/2005	1/14/2007
Rep. Marvin W. Lucas	5/16/2005	1/14/2007

FUNERAL SERVICE, NORTH CAROLINA BOARD OF

G.S. 90-210.18A(b)(5)		
Mr. George S. Parrott (Person who is not licensed under this Article or employed by a person who is licensed under this Article)	1/1/2005	12/30/2005
Mr. George S. Parrott (Reappointment) (Public member position)	9/23/2005	6/30/2008

**FUTURE STRATEGIES FOR NORTH CAROLINA, JOINT
LEGISLATIVE COMMISSION ON**

G.S. 120-84.7		
Rep. Martha B. Alexander (Reappointment)	9/12/2005	1/19/2007
Rep. Phillip Frye (Reappointment)	9/12/2005	1/19/2007
Rep. R. Phillip Haire (Reappointment)	9/12/2005	1/19/2007
Rep. Earl Jones	9/12/2005	1/19/2007
Rep. Earline W. Parmon	9/12/2005	1/19/2007
Rep. Russell E. Tucker (Reappointment)	9/12/2005	1/19/2007

GENERAL STATUTES COMMISSION

G.S. 164-14(a)(6)

Rep. Bill Culpepper (Reappointment) 8/30/2005 5/31/2007

Rep. Deborah K. Ross 1/10/2006 5/31/2007

(Replacing Rep. Bill Culpepper)

**GEOGRAPHIC INFORMATION COORDINATING COUNCIL,
NORTH CAROLINA**

G.S. 143-726 (c)

Mr. Herbert P. McKim, Jr. 2/28/2006 12/31/2006

Ms. Anne W. Payne (Reappointment) 2/28/2006 12/31/2006

Mr. Ronald C. York 2/28/2006 12/31/2006

**GLOBAL CLIMATE CHANGE, JOINT LEGISLATIVE
STUDY COMMISSION ON**

Session Law 2005-442, Section 1.(2)

Rep. Joe Hackney, Co-Chair 11/30/2005 11/1/2006

Rep. Becky Carney 11/30/2005 11/1/2006

Rep. Pricey Harrison 11/30/2005 11/1/2006

Rep. Wilma M. Sherrill 11/30/2005 11/1/2006

Rep. Alice Graham Underhill 11/30/2005 11/1/2006

Rep. W. A. (Winkie) Wilkins 11/30/2005 11/1/2006

Mr. Thomas F. Cecich 11/30/2005 11/1/2006

Mr. Robert J. Glaser 11/30/2005 11/1/2006

Ms. Susan Tompkins 11/30/2005 11/1/2006

**GLOBAL TRANSPARK AUTHORITY BOARD OF DIRECTORS,
NORTH CAROLINA**

G.S. 63A-3

Mr. R. Gene Braswell (Reappointment) 9/23/2005 6/30/2009

(Public member position)

**GOVERNMENTAL OPERATIONS, JOINT LEGISLATIVE
COMMITTEE ON**

G.S. 120-74, 75

Rep. Martha B. Alexander 2/22/2005 1/15/2007

Rep. Harold J. Brubaker 2/22/2005 1/15/2007

Rep. Nelson Cole 2/22/2005 1/15/2007

Rep. James W. Crawford, Jr. 2/22/2005 1/15/2007

Rep. Bill Culpepper 2/22/2005 1/15/2007

(Resigned effective 1/3/2006)

Rep. W. Pete Cunningham 2/22/2005 1/15/2007

Rep. Beverly M. Earle 2/22/2005 1/15/2007

Rep. R. Phillip Haire 2/22/2005 1/15/2007

GOVERNMENTAL OPERATIONS-Contd.

Rep. Julia C. Howard	2/22/2005	1/15/2007
Rep. Daniel F. McComas	2/22/2005	1/15/2007
Rep. Marian N. McLawhorn	2/22/2005	1/15/2007
Rep. Henry M. Michaux, Jr.	2/22/2005	1/15/2007
Rep. Edd Nye	2/22/2005	1/15/2007
Rep. Bill Owens	2/22/2005	1/15/2007
Rep. Wilma M. Sherrill	2/22/2005	1/15/2007
Rep. Thomas E. Wright	2/22/2005	1/15/2007

**GOVERNMENTAL OPERATIONS - SUBCOMMITTEE ON
EDUCATION/HEALTH & HUMAN RESOURCES**

G.S. 120-74

Rep. Edd Nye, Co-Chair (Reappointment)	3/7/2005	1/15/2007
Rep. Martha B. Alexander (Reappointment)	3/7/2005	1/15/2007
Rep. Beverly M. Earle	3/7/2005	1/15/2007
Rep. Marian N. McLawhorn	3/7/2005	1/15/2007

Advisory Members - Non-Voting

Rep. Maggie Jeffus	3/7/2005	1/15/2007
Rep. Joe P. Tolson	3/7/2005	1/15/2007
Rep. Douglas Y. Yongue	3/7/2005	1/15/2007

**GOVERNMENTAL OPERATIONS - SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY**

G.S. 120-74

Rep. Bill Culpepper, Co-Chair (Reappointment) (Resigned effective 1/3/2006)	3/21/2005	1/15/2007
Rep. R. Phillip Haire (Appointed as Co-Chair) (Replacing Rep. Bill Culpepper)	1/18/2006	1/15/2007
Rep. Harold J. Brubaker (Reappointment)	3/21/2005	1/15/2007
Rep. W. Pete Cunningham (Reappointment)	3/7/2005	1/15/2007
Rep. R. Phillip Haire (Appointed as Member)	3/7/2005	1/15/2007
Rep. Dewey L. Hill (Replacing Rep. Bill Culpepper as Member)	1/18/2006	1/15/2007

Advisory Members - Non-Voting

Rep. Pryor Gibson	3/7/2005	1/15/2007
Rep. Hugh Holliman	3/7/2005	1/15/2007
Rep. Edith D. Warren	3/7/2005	1/15/2007

**GOVERNMENTAL OPERATIONS - SUBCOMMITTEE ON
STATEWIDE/CAPITAL/GENERAL GOVERNMENT**

G.S. 120-74

Rep. Thomas E. Wright, Co-Chair	3/21/2005	1/15/2007
	(Reappointment)	
Rep. Julia C. Howard	(Reappointment) 3/7/2005	1/15/2007
Rep. Henry M. Michaux, Jr.	3/7/2005	1/15/2007
Rep. Wilma M. Sherrill	(Reappointment) 3/7/2005	1/15/2007
Advisory Members - Non-Voting		
Rep. Alma Adams	3/7/2005	1/15/2007
Rep. Walter G. Church, Sr.	6/16/2005	1/15/2007
Rep. Rick Glazier	1/18/2006	1/15/2007
Rep. Dewey L. Hill	3/7/2005	1/15/2007
Rep. Deborah K. Ross	3/7/2005	1/15/2007

**GOVERNMENTAL OPERATIONS - SUBCOMMITTEE ON
NATURAL AND ECONOMIC RESOURCES/TRANSPORTATION**

G.S. 120-74

Rep. Bill Owens, Co-Chair	3/21/2005	1/15/2007
	(Reappointment)	
Rep. Nelson Cole	(Reappointment) 3/21/2005	1/15/2007
Rep. James W. Crawford, Jr.	(Reappointment) 3/7/2005	1/15/2007
Rep. Daniel F. McComas	(Reappointment) 3/21/2005	1/15/2007
Advisory Members - Non-Voting		
Rep. Lorene Coates	3/7/2005	1/15/2007
Rep. Howard J. Hunter, Jr.	3/7/2005	1/15/2007
Rep. Drew Saunders	3/7/2005	1/15/2007

**GROWTH STRATEGIES OVERSIGHT COMMITTEE,
JOINT LEGISLATIVE**

G.S. 120-70.120(2)

Rep. Earl Jones, Co-Chair	9/12/2005	1/19/2007
Rep. Jean Farmer-Butterfield	9/12/2005	1/19/2007
Rep. Joe Hackney	(Reappointment) 9/12/2005	1/19/2007
Rep. Wm. C. "Bill" McGee	(Reappointment) 9/12/2005	1/19/2007
Rep. Marian N. McLawhorn	(Reappointment) 9/12/2005	1/19/2007
Rep. W. Eugene Wilson	9/12/2005	1/19/2007

HEALTH AND WELLNESS TRUST FUND COMMISSION

G.S. 147-86.32(b)(3)(a)

Dr. Anita L. Jackson	(Reappointment) 12/2/2004	6/30/2008
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**HEALTH CARE OVERSIGHT COMMITTEE,
JOINT LEGISLATIVE**

G.S. 120-70.112(a)

Rep. Thomas E. Wright, Co-Chair	9/12/2005	1/19/2007
(Reappointment)		
Rep. Jeff Barnhart	(Reappointment) 9/12/2005	1/19/2007
Rep. Bill Daughtridge	(Reappointment) 9/12/2005	1/19/2007
Rep. Beverly M. Earle	9/12/2005	1/19/2007
Rep. Mark W. Hollo	9/12/2005	1/19/2007
Rep. Verla Insko	(Reappointment) 9/12/2005	1/19/2007
Rep. Edd Nye	(Reappointment) 9/12/2005	1/19/2007
Rep. William L. Wainwright	(Reappointment) 9/12/2005	1/19/2007

**HEALTH INSURANCE INNOVATIONS COMMISSION,
NORTH CAROLINA**

Session Law 2004-175, Section 2, (1)

Mr. Ches Gwinn, Co-Chair	3/21/2005	9/30/2006
(Public Member)		
Mr. E. Bruce Beasley	3/21/2005	9/30/2006
(Small Business Representative)		
Mr. Mark SantaCrose	3/21/2005	9/30/2006
(Health Insurer Representative)		
Mr. Rufus Edmisten	3/21/2005	9/30/2006
(Public Member)		
Mr. Rich Summers	3/21/2005	9/30/2006
(Representative of Insurance Brokers or Agents)		
Dr. Rebecca Wartman	3/21/2005	9/30/2006
(Member of the Health and Wellness Trust Fund)		

**HEART DISEASE AND STROKE PREVENTION TASK
FORCE, JUSTUS-WARREN**

G.S. 143B-216.60

Rep. Arthur Williams	9/23/2005	6/30/2007
Ms. Karen Anne McCall	9/23/2005	6/30/2007
(Stroke survivor position)		
Hon. Norman A. Mitchell, Sr.	9/23/2005	6/30/2007
(County Commissioner position)		

HIGHER EDUCATION BOND OVERSIGHT COMMITTEE

G.S. 116D-5(a)(1)

Mr. Charles T. Davidson	(Reappointment) 1/26/2006	1/14/2007
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HOLOCAUST, NORTH CAROLINA COUNCIL ON THE

G.S. 143A-48.1(b)

Mr. James A. Brenner	2/14/2006	6/30/2007
Dr. Ronald H. Levine	1/10/2005	6/30/2005
Ms. Frances L. Ramsey	(Reappointment) 9/22/2005	6/30/2007
Mr. Thomas Schick	(Reappointment) 9/22/2005	6/30/2007
Mr. David Shefler	9/22/2005	6/30/2007
Mr. Lowell Simon	(Reappointment) 9/22/2005	6/30/2007

HOME INSPECTOR LICENSURE BOARD, NORTH CAROLINA

G.S. 143-151.46(a)(1)

Mr. Gerald W. Canipe	(Reappointment) 9/23/2005	6/30/2009
(Home Inspector position)		

**HOUSING FINANCE AGENCY BOARD OF DIRECTORS,
NORTH CAROLINA**

G.S. 122A-4(c)

Mr. Matthew B. Harrell	9/23/2005	6/30/2007
(In the industry and public member position)		
Mr. William Fitzgerald, III	(Reappointment) 9/23/2005	6/30/2007
(Public member position)		
Mr. William C. Lackey, Jr.	9/23/2005	6/30/2007
(In the experienced as a licensed real estate broker position)		
Mr. Mark McGoldrick	(Reappointment) 9/23/2005	6/30/2007
(In the mortgage servicing institution position)		

HURRICANE RELIEF, JOINT SELECT COMMITTEE ON

G.S. 120-19.6 and Rule 26(a) of the Rules of the House of Representatives

Rep. R. Phillip Haire, Co-Chair	12/2/2004	Convening of
Rep. Susan C. Fisher	12/2/2004	the 2005 G.A.
Rep. Bruce Goforth	12/2/2004	or Final Report
Rep. Ray Rapp	12/2/2004	

INFORMATION TECHNOLOGY ADVISORY BOARD

G.S. 147-33.72G(a)

Mr. Joseph A. Cooper, Jr.	12/22/2004	Pleasure of
Ms. Dede F. Ramoneda	12/20/2004	the Speaker

**INFORMATION TECHNOLOGY, JOINT LEGISLATIVE
OVERSIGHT COMMITTEE ON**

G.S. 120-232(a)(2)

Rep. Joe P. Tolson, Co-Chair	3/30/2005	1/15/2007
Rep. Debbie A. Clary	3/30/2005	1/15/2007
Rep. Mark K. Hilton	3/30/2005	1/15/2007

INFORMATION TECHNOLOGY-Contd.

Rep. Paul Miller	3/30/2005	1/15/2007
Rep. Earline W. Parmon	3/30/2005	1/15/2007
Rep. Russell E. Tucker	3/30/2005	1/15/2007
Rep. Edith D. Warren	3/30/2005	1/15/2007
Rep. Thomas E. Wright	3/30/2005	1/15/2007

INTERNSHIP COUNCIL, NORTH CAROLINA

G.S. 143B-418		
Rep. Paul Luebke	(Reappointment) 8/30/2005	6/30/2007

INTERPRETER AND TRANSLITERATOR LICENSING BOARD, NORTH CAROLINA

G.S. 90D-5		
Ms. Deborah H. Batts	(Reappointment) 9/23/2005	6/30/2008
(Interpreter training program facility position)		
Ms. Tzena Keyes	(Reappointment) 9/23/2005	6/30/2008
(Licensed interpreter with K-12 experience position)		
Mr. Robert P. Taylor	9/23/2005	6/30/2008
(Public member position)		

JUDICIAL COUNCIL, STATE

G.S. 7A-409(a)(12)		
Mr. Dumont Clarke	1/1/2005	12/31/2009
(Attorney position)		

LEGISLATIVE RESEARCH COMMISSION

G.S. 120-30.10(a)		
Rep. James W. Crawford, Jr.	(Reappointment) 9/12/2005	12/19/2007
Rep. Beverly M. Earle	(Reappointment) 9/12/2005	12/19/2007
Rep. Rick L. Eddins	(Reappointment) 9/12/2005	12/19/2007
Rep. W. Robert Grady	9/12/2005	12/19/2007
Rep. Richard T. Morgan	(Reappointment) 9/12/2005	12/19/2007

LEGISLATIVE SERVICES COMMISSION

G.S. 120-31(a)		
Rep. Becky Carney	9/12/2005	12/31/2006
Rep. Bill Culpepper	(Reappointment) 9/12/2005	12/31/2006
(Resigned effective 1/3/2006)		
Rep. Julia C. Howard	(Reappointment) 9/12/2005	12/31/2006
Rep. Richard T. Morgan	(Reappointment) 9/28/2005	12/31/2006
Rep. Bill Owens	9/12/2005	12/31/2006
Rep. Wilma M. Sherrill	(Reappointment) 9/12/2005	12/31/2006
Rep. William L. Wainwright	(Reappointment) 9/12/2005	12/31/2006

LICENSE TO GIVE TRUST FUND COMMISSION

G.S. 20-7.5

Mr. Cecil Luther Dills	9/23/2005	12/31/2006
(Public member position)		

LICENSING BOARDS, LEGISLATIVE COMMITTEE ON NEW

G.S. 120-149.6 (b)

Rep. Drew Saunders, Chair	4/18/2005	1/15/2007
Rep. Harold J. Brubaker	4/18/2005	1/15/2007
Rep. Becky Carney	4/18/2005	1/15/2007
Rep. Bruce Goforth	4/18/2005	1/15/2007
Rep. Earline W. Parmon	4/18/2005	1/15/2007

LOCAL GOVERNMENT COMMISSION

G.S. 159-3

Mr. David Huskins	(Reappointment) 9/23/2005	6/30/2009
(Public member position)		

LOCKSMITH LICENSING BOARD, NORTH CAROLINA

G.S. 74F-5

Mr. Dennis N. Green	(Reappointment) 9/23/2005	12/31/2008
(Locksmith Association position)		

LOTTERY COMMISSION, NORTH CAROLINA STATE

G.S. 143-47.7

Mr. Max O. Cogburn Jr.	12/16/2005	8/31/2007
(Retail sales, experience as owner/manager position)		
(Filling unexpired term of Gordon S. Myers)		
Mr. Kevin Geddings	9/22/2005	8/31/2008
(Resigned effective 11/1/2005)		
Mr. Gordon S. Myers	9/22/2005	8/31/2007
(Resigned effective 11/14/2005)		
Dr. James H. Woodward	11/3/2005	8/31/2008
(Filling unexpired term of Kevin Geddings)		

**MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND
SUBSTANCE ABUSE SERVICES, COMMISSION FOR**

G.S. 143B-148

Ms. W. Ann Forbes	(Reappointment) 9/23/2005	6/30/2008
(Public member position)		

**MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND
SUBSTANCE ABUSE SERVICES, JOINT LEGISLATIVE
OVERSIGHT COMMITTEE ON**

G.S. 120-240(b)(2)

Rep. Verla Insko, Co-Chair	(Reappointment) 9/12/2005	1/19/2007
Rep. Martha B. Alexander	(Reappointment) 9/12/2005	1/19/2007
Rep. Jeff Barnhart	(Reappointment) 9/12/2005	1/19/2007
Rep. Beverly M. Earle	(Reappointment) 9/12/2005	1/19/2007
Rep. Bob England, M.D.	9/12/2005	1/19/2007
Rep. Carolyn H. Justice	(Reappointment) 9/12/2005	1/19/2007
Rep. Edd Nye	(Reappointment) 9/12/2005	1/19/2007
Rep. Fred F. Steen, II	9/12/2005	1/19/2007

**METHAMPHETAMINE ABUSE, LEGISLATIVE
COMMISSION ON**

G.S. 15A-736.1 Section 7(c)(2)

Rep. Nelson Cole, Co-Chair	2/17/2006	8/31/2008
Rep. Rick Glazier, Vice-Chair	2/17/2006	8/31/2008
Ms. Barbara Bradley	2/17/2006	8/31/2007
(Representative from a child advocacy organization in the State)		
Chief Tandy Carter	2/17/2006	8/31/2008
(Representative from the North Carolina Association of Chiefs of Police)		
Sheriff Raymond Hamrick	2/17/2006	8/31/2008
(Representative from the North Carolina Sheriff's Association)		
Mr. Thomas J. Keith	2/17/2006	8/31/2007
(Representative from the Conference of District Attorneys of North Carolina)		
Mr. Teross Young	2/17/2006	8/31/2007
(Representative from the North Carolina Retail Merchants Association)		

NATURAL HERITAGE TRUST FUND BOARD OF TRUSTEES

G.S. 113-77.8

Mr. Alan Briggs	(Reappointment) 9/23/2005	12/31/2011
(Public member position)		

**NURSING BOARD OF DIRECTORS, THE NORTH
CAROLINA CENTER FOR**

G.S. 90-171.71

Ms. Stacy Flannery	(Reappointment) 9/23/2005	6/30/2008
(Public member position)		
Ms. Gwendolyn F. Stewart	9/23/2005	6/30/2008
(Long-term care representative position)		

NURSING SCHOLARS COMMISSION, NORTH CAROLINA

G.S. 90-171.60

Ms. Patricia Gayle Floyd	(Reappointment) 9/23/2005	6/30/2009
(Public member position)		
Dr. Evelyn Pet Pruden	(Reappointment) 9/23/2005	6/30/2009
(Public member position)		

PARKS AND RECREATION AUTHORITY, NORTH CAROLINA

G.S. 143B-313.2(a)(5)

Mr. John Ronald Kincaid	(Reappointment) 9/23/2005	6/30/2008
(Public member position)		
Mrs. Lisa Weston	1/18/2005	6/30/2006
(Filling the unexpired term of Jimmy Jacumin)		

PERFORMING ARTS CENTER FOUNDATION, NORTH CAROLINA BLUMENTHAL

Bylaws

Ms. Patricia Cotham	(Reappointment) 8/30/2005	11/30/2007
(Center's Board of Trustees)		

PETROLEUM UNDERGROUND STORAGE TANK FUNDS COUNCIL, NORTH CAROLINA

G.S. 143-215.94O(3)

Mr. Thomas S. Blue	(Reappointment) 9/23/2005	6/30/2007
(Environmental advocacy position)		
Mr. Bennie Gupton	(Reappointment) 9/23/2005	6/30/2007
(Owner of a non-commercial petroleum underground storage tank position)		
Mr. Waheedul Haq	9/23/2005	6/30/2007
(Service station owner position)		
Mr. Ralph Heath	9/23/2005	6/30/2007
(Underground storage tank remediation specialist position)		
Mr. Lloyd Williams, Jr.	(Reappointment) 9/23/2005	6/30/2007
(Motor fuel service station dealer position)		

PORTS AUTHORITY, NORTH CAROLINA STATE

G.S. 143B-452

Mr. Jesse Smith Capel	9/23/2005	6/30/2007
(Public member position)		

PRIVATE PROTECTIVE SERVICES BOARD

G.S. 74C-4

Mr. James C. Stevens	9/23/2005	6/30/2008
(Licensee position)		

**PROFESSIONAL EMPLOYER ORGANIZATION
ADVISORY COUNCIL**

G.S. 58-89A-10. (9) and (b)(1)(d)

Mr. William D. English	3/21/2005	12/31/2007
(Representative of the professional employer services industry with less than 3,000 assigned employees)		

PROGRESS BOARD, NORTH CAROLINA

G.S. 143B-372.1(b)(3)

Mr. Dan Owens	9/22/2005	6/30/2009
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PROPERTY TAX COMMISSION

G.S. 105-288

Mr. Wade F. Wilmoth	(Reappointment) 9/23/2005	6/30/2007
(Public member position)		

PUBLIC EMPLOYEE DEFERRED COMPENSATION, BOARD OF TRUSTEES OF THE NORTH CAROLINA

G.S. 143B-426.24

Mr. Gene Hoots	9/23/2005	6/30/2007
(Public member position)		

PUBLIC SCHOOL FORUM OF NORTH CAROLINA BOARD OF DIRECTORS

Bylaws

Rep. Larry M. Bell	2/2/2005	12/31/2006
Rep. Rick Glazier	2/2/2005	12/31/2006
Rep. Jean R. Preston	(Reappointment) 2/2/2005	12/31/2006
Rep. Douglas Y. Yongue	(Reappointment) 2/2/2005	12/31/2006

PUBLIC TELECOMMUNICATIONS, NORTH CAROLINA AGENCY FOR

G.S. 143B-426.9

Mr. James H. Edwards	9/23/2005	6/30/2007
(Public member position)		

RAIL COMMISSION, VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED

G.S. 136-222

Rep. Nelson Cole	9/23/2005	Pleasure of Appointing Authority
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SCHOOL TECHNOLOGY-Contd.

Rep. Linda P. Johnson	9/26/2005	6/30/2007
Mr. Frank Daniels, III (Public member position)	(Reappointment) 9/26/2005	6/30/2007
Ms. Angela Rice Jones (Filling the unexpired term of Ms. Emily Kent) (Public member position)	2/28/2006	6/30/2007
Ms. Marsha Davis Jones (Public member position)	(Reappointment) 9/26/2005	6/30/2007
Dr. Arthur Kamm (Public member position)	12/2/2004	6/30/2005
Dr. Arthur Kamm (Public member position)	(Reappointment) 9/26/2005	6/30/2007
Ms. Emily Kent (Public member position)	(Reappointment) 9/26/2005	6/30/2007
	(Resigned effective 2/28/2006)	

SCIENCE AND TECHNOLOGY, NORTH CAROLINA BOARD OF

G.S. 143B-472.80

Mr. Jameson Wells (Public member position)	(Reappointment) 9/23/2005	6/30/2007
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SEAFOOD AND AQUACULTURE, JOINT LEGISLATIVE COMMISSION ON

G.S. 120-70.61

Rep. William L. Wainwright, Co-Chair (Reappointment)	8/29/2005	1/15/2007
Rep. Dewey L. Hill (Reappointment)	8/29/2005	1/15/2007
Rep. Carolyn H. Justice (Reappointment)	9/12/2005	1/15/2007
Rep. Alice Graham Underhill	9/12/2005	1/15/2007

SEAFOOD INDUSTRIAL PARK AUTHORITY, NORTH CAROLINA

G.S. 113-315.25

Mr. Gilbert Baccus, Jr. (Public member position)	(Reappointment) 9/23/2005	6/30/2007
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SENTENCING AND POLICY ADVISORY COMMISSION, NORTH CAROLINA

G.S. 164-37(12)

Rep. R. Phillip Haire (Reappointment)	8/29/2005	6/30/2007
Rep. Carolyn K. Justus (Reappointment)	8/29/2005	6/30/2007
Rep. Henry M. Michaux, Jr.	8/29/2005	6/30/2007
Mr. Morris McKnight (Reappointment)	8/29/2005	6/30/2007

**SHERIFFS' EDUCATION AND TRAINING STANDARDS
COMMISSION, NORTH CAROLINA**

G.S. 17E-3(a)(2)
Sheriff Stephen Bunn (Reappointment) 9/23/2005 6/30/2008
(Public member position)

**SOIL SCIENTISTS, NORTH CAROLINA BOARD
FOR LICENSING**

G.S. 89F-4
Mr. Anthony G. Copeland 9/23/2005 6/30/2008
(Member of public who is not a licensed soil scientist position)

SOUTHERN GROWTH POLICIES BOARD

G.S. 143-492(b)(2)
Rep. Alice L. Bordsen 11/29/2005 12/31/2006

STATE CAPITOL FOUNDATION, INC.

By-laws
Rep. Becky Carney 6/10/2005 10/31/2006

**STATE CONTESTED ELECTION, JOINT SELECT COMMITTEE
ON COUNCIL OF**

Session Law 2005-3 and Rule 26 (a) of the Rules of the House
of Representatives

Rep. Deborah K. Ross, Co-Chair 5/16/2005
Rep. Joe Hackney 5/16/2005
Rep. Carolyn H. Justice 5/16/2005
Rep. Henry M. Michaux, Jr. 5/16/2005
Rep. Bonner L. Stiller 5/16/2005

STATE GUARDIANSHIP LAWS, HOUSE STUDY COMMITTEE ON

G.S. 120-19.6(a1)
Rep. Alice L. Bordsen, Co-Chair 2/17/2006 12/31/2006
Rep. Jean Farmer-Butterfield, Co-Chair 2/17/2006 12/31/2006
Rep. Debbie A. Clary 2/17/2006 12/31/2006
Rep. Mark W. Hollo 2/17/2006 12/31/2006
Rep. Melanie Wade Goodwin 2/17/2006 12/31/2006
Rep. Mary E. McAllister 2/17/2006 12/31/2006
Rep. Karen B. Ray 2/17/2006 12/31/2006
Rep. Jennifer Weiss 2/17/2006 12/31/2006
Ms. Lynne Berry 2/17/2006 12/31/2006
(Division of Aging and Adult Services, DHHS position)
Ms. Ruth Cook 2/17/2006 12/31/2006

STATE GUARDIANSHIP LAWS-Contd.

Mr. John Hardy (Area Director for MH, DD, and Substance Abuse Services position)	2/17/2006	12/31/2006
Mr. A. Frank Johns (Attorney with experience in guardianship position)	2/17/2006	12/31/2006
Mr. Larry K. Johnson (Director, County Department of Social Services position)	2/17/2006	12/31/2006
Mr. Darlyne Menscer, M.D. (Physician with a specialty in Geriatrics position)	2/17/2006	12/31/2006
Mr. Peter Powell (Administrative Office of the Courts position)	2/17/2006	12/31/2006
Hon. June Ray (Clerk of Superior Court position)	2/17/2006	12/31/2006

STATE PERSONNEL COMMISSION

G.S. 126-2

Mr. K. Dean Shatley (Licensed Attorney position)	9/23/2005	6/30/2010
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STATE PERSONNEL, HOUSE STUDY COMMITTEE ON

G.S. 120-19.6(a1)

Rep. Bernard Allen, Co-Chair	2/24/2006	12/31/2006
Rep. Maggie Jeffus, Co-Chair	2/24/2006	12/31/2006
Rep. Jeff Barnhart	2/24/2006	12/31/2006
Rep. Walter G. Church, Sr.	2/24/2006	12/31/2006
Rep. Linda Coleman	2/24/2006	12/31/2006
Rep. Pryor Gibson	2/24/2006	12/31/2006
Rep. W. Robert Grady	2/24/2006	12/31/2006
Rep. Garland E. Pierce	2/24/2006	12/31/2006
Rep. Drew Saunders	2/24/2006	12/31/2006
Rep. Mitchell S. Setzer	2/24/2006	12/31/2006
Rep. William L. Wainwright	2/24/2006	12/31/2006
Rep. Michael H. Wray	2/24/2006	12/31/2006
Mr. Ronald C. Condrey	2/24/2006	12/31/2006
Ms. Nanette Patterson	2/24/2006	12/31/2006
Ms. Ann Lemmon	2/24/2006	12/31/2006

**STATE PROPERTY/SALE OF STATE PROPERTY,
COMMISSION ON**

G.S. 143-735

Mr. James H. Pou Bailey, Jr. (Reappointment) (Public member position)	9/23/2005	8/14/2007
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STATE PROPERTY/SALE OF STATE PROPERTY-Contd.

Mr. Tony H. Jarrett (Public member position)	(Reappointment) 9/23/2005	8/14/2007
Mr. Kenneth A. Johnson (Public member position)	(Reappointment) 9/23/2005	8/14/2007
Mr. Trip Smithdeal (Public member position)	(Reappointment) 9/23/2005	8/14/2007

**TEACHER ACADEMY BOARD OF TRUSTEES,
NORTH CAROLINA**

G.S. 116-30.01(c)(6)

Ms. Tina Beacham (Public member position)	9/23/2005	6/30/2009
Ms. Tricia A. Cotham (Public member position)	(Reappointment) 9/23/2005	6/30/2007
Ms. Linda Hardison (Public member position)	(Reappointment) 9/23/2005	6/30/2009
Ms. Harriett McDowell (Public member position)	(Reappointment) 9/23/2005	6/30/2007

**TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE
MAJOR MEDICAL PLAN, BOARD OF TRUSTEES OF THE**

G.S. 135-39(c)

Ms. Trudy Mitchell (Public member position)	(Reappointment) 9/23/2005	6/30/2007
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**TEACHERS' AND STATE EMPLOYEES' RETIREMENT
SYSTEM BOARD OF TRUSTEES**

G.S. 135-6

Mr. Edward S. Goode, Jr. (Non-State or Local government employee position)	9/23/2005	6/30/2007
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**TEACHING BOARD OF TRUSTEES, NORTH CAROLINA
CENTER FOR THE ADVANCEMENT OF**

G.S. 116-74.6

Mayor Cheryle G. Cheek (Public member position)	(Reappointment) 9/23/2005	6/30/2009
Ms. Sheryn S. Northey (Public member position)	(Reappointment) 9/23/2005	6/30/2009

TEACHING FELLOWS COMMISSION, NORTH CAROLINA

G.S. 115C-363.23

Ms. Stephanie Lemon (Public member position)	9/23/2005	6/30/2009
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**THERAPEUTIC RECREATION CERTIFICATION, NORTH
CAROLINA STATE BOARD**

G.S. 90C-5(b)(3)

Ms. Janet Baldwin (Reappointment) 9/23/2005 6/30/2008
(Practicing therapeutic recreation specialist position)

TOBACCO TRUST FUND COMMISSION

G.S. 143-717(b)(3)(b)

Mr. Gary Ealey 9/27/2006 6/30/2007
(Burley tobacco farmer) (Filling unexpired term of Mr. Stokes Austin)

**TRANSPORTATION OVERSIGHT COMMITTEE,
JOINT LEGISLATIVE**

G. S. 120-70.50

Rep. Nelson Cole, Co-Chair	3/30/2005	1/15/2007
Rep. Cary D. Allred	3/30/2005	1/15/2007
Rep. Becky Carney	3/30/2005	1/15/2007
Rep. Lorene Coates (Reappointment)	3/30/2005	1/15/2007
Rep. James W. Crawford, Jr. (Reappointment)	3/30/2005	1/15/2007
Rep. Earl Jones	3/30/2005	1/15/2007
Rep. Daniel F. McComas (Reappointment)	3/30/2005	1/15/2007
Rep. Drew Saunders (Reappointment)	3/30/2005	1/15/2007
Rep. Bonner L. Stiller (Reappointment)	3/30/2005	1/15/2007

TRAVEL AND TOURISM BOARD OF NORTH CAROLINA

G.S. 143B-434.1(c)(11)

Ms. Cindy Curry (Tourism attractions position)	1/1/2005	12/31/2007
Mr. Mohammad Jenatian (Reappointment) (Public member position)	1/1/2005	12/31/2007

**UNIVERSITY OF NORTH CAROLINA CENTER FOR PUBLIC
TELEVISION, BOARD OF TRUSTEES OF THE**

G.S. 116-37.1

Mr. James Olin Treadaway, Jr. (Reappointment) 9/23/2005 6/30/2007
(Public member position)

UTILITY REVIEW COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.2

Rep. Drew Saunders, Co-Chair (Reappointment)	9/12/2005	1/19/2007
Rep. Harold J. Brubaker (Reappointment)	9/12/2005	1/19/2007

UTILITY REVIEW COMMITTEE-Contd.

Rep. Becky Carney		9/12/2005	1/19/2007
Rep. Daniel F. McComas	(Reappointment)	9/12/2005	1/19/2007
Rep. Thomas E. Wright	(Reappointment)	9/12/2005	1/19/2007

VAGABOND SCHOOL OF DRAMA, INC., BOARD OF TRUSTEES

Bylaws

Rep. R. Phillip Haire	(Reappointment)	6/1/2005	1/14/2007
Rep. Susan C. Fisher		6/1/2005	1/14/2007

WILDLIFE RESOURCES COMMISSION

G.S. 143-241

Mr. Charles W. Bennett	(Reappointment)	9/23/2005	6/30/2007
(Public member position)			
Mr. Cameron M. Harris		9/23/2005	6/30/2007
(Public member position)			
Mr. Durwood S. Laughinghouse		9/23/2005	6/30/2007
(Public member position)			
Mr. Edward Wadsworth Wood		9/23/2005	6/30/2007
(Public member position)			

WILMINGTON RACE STUDY COMMISSION, 1898

G.S. 120-19.6

Rep. Thomas E. Wright, Co-Chair		1/6/2006	5/31/2006
(Reappointment)			
Hon. Kever Clark	(Reappointment)	1/6/2006	5/31/2006
Ms. Lottie Clinton	(Reappointment)	1/6/2006	5/31/2006
Mr. Kenneth Davis	(Reappointment)	1/6/2006	5/31/2006
Ms. Ruth Haas	(Reappointment)	1/6/2006	5/31/2006
Dr. John H. Haley	(Reappointment)	1/6/2006	5/31/2006
Ms. Helyn R. Lofton	(Reappointment)	1/6/2006	5/31/2006
Mr. Harper Peterson	(Reappointment)	1/6/2006	5/31/2006
Mr. Leo Shepard	(Reappointment)	1/6/2006	5/31/2006
Mr. Alfred Thomas	(Reappointment)	1/6/2006	5/31/2006

WIRELESS 911 BOARD

G.S. 62A-22(a)(2)

Mr. James Green, III		2/2/2006	6/30/2009
(CMRS provider)			
Sheriff W. Allen Whitaker	(Reappointment)	2/2/2006	6/30/2009

WORKFORCE NEEDS, JOINT SELECT COMMITTEE ON

G. S. 120-19.6, and Rule 26(a) of the Rules of the House
of Representatives

Rep. Curtis Blackwood, Co-Chair 12/7/2004 1/15/2005
(Filling the unexpired term of Rep. David Lewis)

NORTH CAROLINA HOUSE OF REPRESENTATIVES**OFFICE OF THE SPEAKER**

**TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA
HOUSE OF REPRESENTATIVES**

**CREATION OF THE HOUSE SELECT STUDY
COMMITTEE ON CAPITAL PUNISHMENT**

Section 1. Pursuant to the authority vested in me by North Carolina General Statute (G.S.) 120-19.6, I hereby establish the: **House Select Study Committee on Capital Punishment**, hereafter referred to as "Select Committee."

Section 2. The Select Committee shall be composed of the twenty-six members listed below.

Rep. Joe Hackney, Co-Chair	Rep. Beverly Earle, Co-Chair
Rep. W. Pete Cunningham, Vice-Chair	Rep. Daniel McComas
Rep. Jeffrey L. Barnhart	Rep. Henry M. Michaux, Jr.
Rep. Walter G. Church, Sr.	Rep. Bill Owens
Rep. Nelson Cole	Rep. Earline W. Parmon
Rep. Arlie F. Culp	Rep. Wilma M. Sherrill
Rep. Rick L. Eddins	Rep. Bonner L. Stiller
Rep. Richard B. Glazier	Rep. Ronnie N. Sutton
Rep. Pricey Harrison	Rep. Joe P. Tolson
Rep. L. Hugh Holliman	Rep. Douglas S. Vinson
Rep. Marvin W. Lucas	Rep. William L. Wainwright
Rep. Paul Luebke	Rep. Jennifer Weiss
	Rep. Roger West
	Rep. W. A. Wilkins

Section 3. The Select Committee may study all aspects of capital punishment. The study shall include an examination and report on:

- (1) The adequacy of counsel in all stages of capital cases and the sufficiency of guidelines for the appointment and performance

- of such counsel appointed prior to the enactment of current guidelines and qualifications.
- (2) The process for judicial review of the merits of constitutional claims in State post-conviction and federal habeas corpus proceedings.
 - (3) Any disproportionate racial impact from any aspect of capital case processing.
 - (4) Whether there is discrimination in capital sentencing on the basis of the victim or defendant's race.
 - (5) Prosecutorial misconduct as a factor in the imposition of the death penalty.
 - (6) The presence of innocent persons on death row.
 - (7) Whether the felony murder rule should be applied in capital cases.
 - (8) Any other appropriate or relevant subject.

Section 4. The Select Committee shall meet upon the call of its Chairs. A quorum of the Select Committee shall be eleven members.

Section 5. The expenses of the Select Committee including per diem, subsistence, travel allowances, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 6. The members of the Select Committee serve at the pleasure of the Speaker of the House. The Speaker of the House may dissolve the Select Committee at any time.

Section 7. The Legislative Services Office shall assign professional and clerical staff to the assist the Select Committee in its work. The House of Representatives' Supervisor of Clerks shall assign clerical support staff to the Select Committee.

Section 8. The Select Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Select Committee may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

Section 9. The Select Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Select Committee in the State Legislative Building or the Legislative Office Building.

Section 10. The Select Committee shall submit a final written report of its findings and recommendations on or before December 31, 2006. All reports shall be filed with the Speaker of the House of Representatives and

the Legislative Librarian. Upon the earlier of the filing its final report or December 31, 2006, the Select Committee shall terminate.

Effective this 9th day of November, 2005.

/S/ James B. Black
Speaker, North Carolina House of Representatives

NORTH CAROLINA HOUSE OF REPRESENTATIVES

OFFICE OF THE SPEAKER

**TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA
HOUSE OF REPRESENTATIVES**

**HOUSE SELECT COMMITTEE ON COMPLEMENTARY
AND ALTERNATIVE MEDICINE**

Section 1. The House Select Committee on Complementary and Alternative Medicine (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6 and Rule 26(a) of the Rules of Representatives of the 2005 General Assembly.

Section 2. The Committee consists of the ten members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker of the House. The Speaker of the House may dissolve the Committee at any time.

Representative Earline W. Parmon, Chair
Representative Russell E. Tucker, Vice-Chair
Representative Alice L. Bordsen
Representative Rick L. Eddins
Representative Bill Faison
Representative Susan C. Fisher
Representative Pricey Harrison
Representative Louis M. Pate, Jr.
Representative Fred F. Steen, II
Representative Larry Womble

Section 3. The Committee shall study the following:

1. Types of complementary and alternative health care services currently being offered and used in North Carolina.
2. Ways to remove current restrictions and facilitate access of consumers to complementary and alternative health care practitioners who are providing health care services not currently covered by existing medical licensing laws.
3. The impact of Health Freedom legislation in other states including Oklahoma, Minnesota, Rhode Island, California, and Idaho.
4. Any other matter that the Committee deems appropriate or necessary to provide proper information to the General Assembly on the subject of the study.

Section 4. The Committee shall meet upon the call of its Chair. A quorum of the Committee shall be a majority of its members.

Section 5. The Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Committee in the State Legislative Building or the Legislative Office Building.

Section 10. The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2006, by filing a copy of the report with the Speaker's Office, the House Principal

Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before December 31, 2006, by filing the final report with the Speaker's Office, the House Principal Clerk, and the Legislative Library. The Committee terminates on December 31, 2006, or upon the filing of its final report, whichever occurs first.

Effective this 23rd day of February, 2006.

/S/ James B. Black
Speaker

NORTH CAROLINA HOUSE OF REPRESENTATIVES

OFFICE OF THE SPEAKER

**TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA
HOUSE OF REPRESENTATIVES**

**HOUSE SELECT COMMITTEE ON EDUCATION OF
STUDENTS WITH DISABILITIES**

Section 1. The **House Select Committee on Education of Students With Disabilities** is established by the Speaker, effective December 1, 2005, as a select committee of the House pursuant to G.S. 120-19.6(a) and Rule 26(a) of the Rules of the House of Representatives of the 2005 General Assembly.

Section 2. The Select Committee consists of twelve members. The individuals listed below are appointed as members of the Select Committee. Members serve at the pleasure of the Speaker of the House of Representatives.

Representative Rick Glazier, Chair	Representative Maggie Jeffus
Representative Bernard Allen	Representative Linda P. Johnson
Representative Larry M. Bell	Representative Earline W. Parmon
Representative Becky Carney	Representative Jean R. Preston
Representative Arlie F. Culp	Representative Edith D. Warren
Representative Jean Farmer-Butterfield	Representative Laura I. Wiley

Section 3. The Select Committee may meet during the interim period between regular sessions upon the call of its chair.

Section 4. The Select Committee shall study and recommend revisions to the General Statutes governing the education of students with disabilities for the following purposes:

- (1) To update definitions and requirements to ensure that the public schools and education programs for students with disabilities are meeting these students' special needs.
- (2) To provide a consistent statutory maximum age for students with disabilities entitled to a free appropriate public education.
- (3) To reflect higher education expectations for children with disabilities and the requirements of the State's school accountability program.
- (4) To ensure that schools and school systems are held accountable for the educational progress of students with disabilities.
- (5) To determine whether the Department of Public Instruction has adopted guidelines that have had an unfunded fiscal impact on local school systems, and if so, how to address this in the future.
- (6) To ensure that the General Statutes are consistent with federal law governing the education of all children, including exceptional children.

Section 5. The Select Committee shall report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before December 31, 2006, by filing a report with the Speaker's offices, the House Principal Clerk, and the Legislative Library. The Select Committee terminates on December 31, 2006, or upon the filing of its final report, whichever occurs first.

Section 6. The Select Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

Section 7. Members of the Select Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

Section 8. The expenses of the Select Committee are considered expenses incurred for the operation of the House of Representatives and shall be paid pursuant to G.S. 120-35 from funds available to the House for its operations. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical

expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the Speaker of the House of Representatives.

/S/ James B. Black
Speaker

**MARC BASNIGHT, PRESIDENT PRO TEMPORE
NORTH CAROLINA SENATE**

**JAMES B. BLACK, SPEAKER
NORTH CAROLINA HOUSE OF REPRESENTATIVES**

**JOINT INTERIM STUDY COMMITTEE ON
EMERGENCY PREPAREDNESS AND DISASTER
MANAGEMENT RECOVERY**

Section 1. The **Joint Interim Study Committee on Emergency Preparedness and Disaster Management Recovery** (hereinafter "Committee") is established by the President Pro Tempore of the Senate and the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1).

Section 2. The Committee consists of the 38 members listed below, 19 of whom are appointed by the President Pro Tempore of the Senate and 19 of whom are appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the appointing officer.

President Pro Tempore Appointments	Speaker of the House Appointments
Senator Martin L. Nesbitt, Jr., Co-Chair	Representative W. Pete Cunningham, Co-Chair
Senator Vernon Malone, Vice-Chair	Representative Rick Glazier, Vice-Chair
Senator Julia Boseman, Vice Chair	Representative R. Phillip Haire, Vice-Chair
Senator Tom Apodaca	Representative William L. Wainwright, Vice-Chair
Senator C.W. "Pete" Bland	Representative Linda Coleman
Senator Harry Brown	Representative Bruce Goforth
Senator Katie G. Dorsett	Representative Edward Jones
Senator Fletcher L. Hartsell	Representative Joe L. Kiser
Senator S. Clark Jenkins	Representative Grier Martin

Senator Jeanne H. Lucas	Representative Mary E. McAllister
Senator Keith Presnell	Representative Daniel F. McComas
Senator John J. Snow, Jr.	Representative Louis M. Pate, Jr.
Duke Geraghty, President, Starco Realty & Construction Co.	Representative Ray Rapp
Bill Gentry, Director, Community Preparedness and Disaster Management Program, UNC-CH School of Public Health	Representative Alice Graham Underhill
Leah Devlin, Acting State Health Director and Director, Division of Public Health	Representative Roger West
H. Douglas Hoell, Director, State Division of Emergency Management	Representative Michael H. Wray
Maj. Gen. William E. Ingram, Jr., The Adjutant General, North Carolina National Guard	Jeff Frazier, U. S. Strategic Channel Master, Justice and Public Safety Office, CISCO Systems, (Wake County)
Spencer Rogers, NC Sea Grant	Thomas McCarthy, Chief of Police, Fayetteville
Randy Thompson, Emergency Management Director, Brunswick County & President, NC Emergency Management Association	Mike McGee, McGee Bros. Co., Inc., (Union County)

Section 3. The Committee shall study issues related to emergency preparedness and disaster management recovery, including:

(1) Whether the State building code sufficiently addresses issues related to commercial and residential construction in hurricane and flood prone areas.

(2) The public health infrastructure in place to respond to natural and non-natural disasters, including pandemic flu preparation and response. A study of the pandemic flu preparation and response should include an assessment of potential threat; funding and mechanisms needed to produce and distribute a vaccine for the avian flu; review of quarantine and isolation laws and processes; coordination issues for local and state public health officials; coordination between state departments of public health, crime control and public safety, and agriculture; establishment of public education infrastructure for any necessary emergency vaccination program; assessment of needs of public health infrastructure and hospital capacity to respond.

(3) Hurricane preparedness, evacuation and response.

(4) Energy security, including: identifying the State's energy profile, determining the State's essential energy facilities and their connections, evaluating potential threats and the possible consequences of disruptive events; reviewing long-term strategies; outlining strategies for communication to the media and public; offering response options for each type of emergency; identifying the response measures and options that industry and government can take; coordination on a local, State and federal level issues; ensuring protection from cyber attack of computer control systems; monitoring of State's energy supply.

(5) Bioterrorism preparedness and response.

(6) Flood and natural disaster preparation and response.

(7) Any other topic the Committee believes is related to its purpose.

Section 4. The Committee shall meet upon the call of its House and Senate Co-chairs. A quorum of the Committee shall be a majority of its members. The Committee may be organized into Subcommittees in order to facilitate discussion and to develop recommendations on the several important specialized issues for statewide consideration.

Section 5. The Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

Section 7. The expenses of the Committee shall be considered expenses incurred for the joint operation of the General Assembly. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. All expenses of the Committee shall be paid from the Legislative Services Commission's Reserve for Studies.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The

House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Committee in the State Legislative Building or the Legislative Office Building.

Section 10. The Committee may submit an interim report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before May 1, 2006, by filing a copy of the report with the President Pro Tempore's office, the Speaker's office, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before December 31, 2006, by filing a copy of the report with the President Pro Tempore's office, the Speaker's office, and the Legislative Library. The Committee shall terminate upon December 31, 2006, or upon the filing of its final report, whichever occurs first.

Effective this 3rd day of February, 2006.

/S/ Marc Basnight
President Pro Tempore

/S/ James B. Black
Speaker

NORTH CAROLINA HOUSE OF REPRESENTATIVES

OFFICE OF THE SPEAKER

**TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA
HOUSE OF REPRESENTATIVES**

HOUSE SELECT COMMITTEE ON EMINENT DOMAIN POWERS

Section 1. The **House Select Committee on Eminent Domain Powers** (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6 and Rule 26(a) of the Rules of Representatives of the 2005 General Assembly.

Section 2. The Committee consists of the eleven members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker of the House. The Speaker of the House may dissolve the Committee at any time.

Representative Bruce Goforth - Co-Chair
Representative Wilma M. Sherrill - Co-Chair
Representative Lucy T. Allen
Representative David Almond
Representative Nelson Cole
Representative W. Robert Grady
Representative Julia C. Howard
Representative Henry M. Michaux, Jr.
Representative Edward Jones
Representative Deborah K. Ross
Representative Drew Saunders
Representative Alice Graham Underhill

Section 3. The Committee shall study the following in connection with the use of the power of eminent domain by local governments and other entities in the State:

(1) The effect of the ruling of the United States Supreme Court in the case of *Kelo v. City of New London* on the use of the power of eminent domain granted by the State to local governments and other entities.

(2) The uses of eminent domain that should be allowed to local governments and other entities and the restrictions that should be placed upon those uses.

(3) The procedures used in the condemnation of private property and whether or not those procedures afford ample rights to property owners for the protection of their property and whether those procedures provide for the payment of the true market value of property that is condemned for a public purpose.

(4) The means by which property owners whose property is sought to be condemned may be placed on an even footing with the condemning local government or other entity so that the property owners are not overwhelmed by the power of the public purse in the procurement of expert witnesses and legal representation.

(5) Whether changes in the laws or constitution of the State are needed and, if so, what those changes should be.

(6) Any other matters the Committee deems relevant to this subject.

Section 4. The Committee shall meet upon the call of its Co-chairs. A quorum of the Committee shall be a majority of its members.

Section 5. The Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The House of Representatives' Director of Legislative Assistants shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Committee in the State Legislative Building or the Legislative Office Building.

Section 10. The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2006, by filing a copy of the report with the Speaker's Office, the House Principal Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before December 31, 2006, by filing the final report with the Speaker's Office, the House Principal Clerk, and the Legislative Library. The Committee terminates on December 31, 2006, or upon the filing of its final report, whichever occurs first.

Effective this 6th day of December, 2005.

/S/ James B. Black
Speaker

NORTH CAROLINA HOUSE OF REPRESENTATIVES

OFFICE OF THE SPEAKER

**TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA
HOUSE OF REPRESENTATIVES**

**HOUSE SELECT COMMITTEE ON ETHICS AND
GOVERNMENTAL REFORM**

Section 1. The **House Select Committee on Ethics and Governmental Reform** is established by the Speaker, effective December 5, 2005, as a select committee of the House pursuant to G.S. 120-19.6(a) and Rule 26(a) of the Rules of the House of Representatives of the 2005 General Assembly.

Section 2. The Select Committee consists of 23 members. The individuals listed below are appointed as members of the Select Committee. Members serve at the pleasure of the Speaker of the House of Representatives.

Representative Joe Hackney, Co-Chair	Representative Carolyn H. Justice
Representative Julia C. Howard, Co-Chair	Representative Marvin W. Lucas
Representative Jeff Barnhart	Representative Marian N. McLawhorn
Representative Larry M. Bell	Representative Paul Luebke
Representative Harold J. Brubaker	Representative Grier Martin
Representative Lorene Coates	Representative Edd Nye
Representative Beverly M. Earle	Representative Deborah K. Ross
Representative Rick L. Eddins	Representative John Sauls
Representative Susan C. Fisher	Representative Mitchell S. Setzer
Representative Pryor Gibson	Representative Wilma M. Sherrill
Representative Pricey Harrison	Representative Fred F. Steen
	Representative Roger West

Section 3. The Select Committee may meet during the interim period between regular sessions upon the call of its chair.

Section 4. The Select Committee shall:

1. Examine the provisions of the 2005 rewrite of the lobbying law, S.L. 2005-456 (Senate Bill 612) to determine if portions of that law could be implemented prior to its original effective date of January 1, 2007 and determine whether any additional areas of lobbying regulation should be clarified or

strengthened, including prohibiting lobbyists from raising funds for or personally contributing to political campaigns, and from holding any position in a legislative or executive branch campaign.

2. Examine the appropriateness of the scope of the State Ethics Board over executive branch actions, including the determination of whether this agency created by gubernatorial executive order should be codified into law and whether appointees made by any appointing authority to executive boards and commissions should be required under oath to submit to the State Ethics Board written statements of economic interest prior to assuming office.
3. Review needed changes to the Legislative Ethics Act, including reviewing the economic interest disclosure requirements for legislators to find ways to make these disclosures more comprehensive, improving the means by which this information is made available to the public, examining whether criminal punishments should be imposed for willfully providing false information or intentionally hiding information on a statement of economic interest, and assessing whether ethics training should be required for legislators and staff of the General Assembly on a regular basis.
4. Explore current campaign finance and election laws and recommend changes that will foster clarity and transparency, including imposing restrictions on how a candidate can spend leftover funds from a political campaign, ending the practice of using blank payee checks to contribute to candidates, and lowering the threshold requirement for full disclosure on campaign reports for individual contributions from \$100 to \$50.

Section 5. The Select Committee shall report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before the convening of the 2006 Regular Session of the 2005 General Assembly, by filing a report with the Speaker's office, the House Principal Clerk, and the Legislative Library. The Select Committee terminates on May 9, 2006, or upon the filing of its final report, whichever occurs first.

Section 6. The Select Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

Section 7. Members of the Select Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

Section 8. The expenses of the Select Committee are considered expenses incurred for the operation of the House of Representatives and shall be paid pursuant to G.S. 120-35 from funds available to the House for its operations. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the Speaker of the House of Representatives.

/S/ James B. Black
Speaker

NORTH CAROLINA HOUSE OF REPRESENTATIVES

OFFICE OF THE SPEAKER

**TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA
HOUSE OF REPRESENTATIVES**

HOUSE SELECT COMMITTEE ON EXPANDING RAIL SERVICE

Section 1. The **House Select Committee on Expanding Rail Service** (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6 and Rule 26(a) of the Rules of Representatives of the 2005 General Assembly.

Section 2. The Committee consists of the eighteen members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker of the House. The Speaker of the House may dissolve the Committee at any time.

Representative Louis M. Pate, Jr., Co-Chair	Representative Becky Carney Representative Melanie Wade Goodwin
Representative Ray Rapp, Co-Chair	Representative Mark K. Hilton
Representative Margaret Highsmith Dickson, Vice Chair	Representative Deborah K. Ross Representative Fred F. Steen, II
Representative Cary D. Allred	Representative Bonner L. Stiller
Representative Beverly M. Earle	Representative Ronnie Sutton

Representative Rick L. Eddins Representative Thomas E. Wright
Representative Bruce Goforth Representative Jean Farmer-Butterfield
Representative Earline W. Parmon Representative Nelson Cole

Section 3. The Committee shall study the following:

(1) The costs and benefits of expanding and upgrading rail freight service in the State, including the effect the expanded service would have on economic development in the State.

(2) The feasibility, cost, and benefits of establishing commuter rail service in the State to transport workers to cities from outlying areas, including the effect the commuter service would have on increasing the economic opportunities of those who live in the outlying areas.

(3) The cost and benefits of expanding passenger rail service to the western and eastern areas of the State, including the effect the expanded service would have on tourism.

(4) Ways to preserve unused or abandoned rail corridors for future rail needs.

Section 4. Committee shall meet upon the call of its Co-chairs. A quorum of the Committee shall be a majority of its members.

Section 5. The Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The House of Representatives' Director of Legislative Assistants shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to

the Committee in the State Legislative Building or the Legislative Office Building.

Section 10. The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2006, by filing a copy of the report with the Speaker's Office, the House Principal Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before December 31, 2006, by filing the final report with the Speaker's Office, the House Principal Clerk, and the Legislative Library. The Committee terminates on December 31, 2006, or upon the filing of its final report, whichever occurs first.

Effective this 7th day of December, 2005.

/S/ James B. Black
Speaker

NORTH CAROLINA HOUSE OF REPRESENTATIVES

OFFICE OF THE SPEAKER

**TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA
HOUSE OF REPRESENTATIVES**

HOUSE SELECT COMMITTEE ON HEALTH CARE

WHEREAS, health care costs and health care quality are pressing issues facing North Carolina citizens, businesses, and all levels of government; and

WHEREAS, affordable access to health care is a growing concern for many North Carolina families; and

WHEREAS, many communities in rural and urban North Carolina lack reliable access to physicians and other health care providers and the shortage of health care professionals is a growing concern in the State; and

WHEREAS, the State Health Plan is the primary vehicle for providing health care services for thousands of State employees and teachers and

therefore the effectiveness of the State Health Plan is critically important for many North Carolina families and North Carolina taxpayers; and

WHEREAS, promoting quality health care for every North Carolinian is essential for our State's economic growth; and

WHEREAS, all the parties involved in the delivery of health care need to address the issues affecting patient safety in health care delivery; and

WHEREAS, Medicaid remains the primary method by which many elderly, poor, and disabled North Carolina citizens receive basic health care treatment and Medicaid spending is a growing component of the State's Budget;

NOW THEREFORE,

Section 1. The **House Select Committee on Health Care** ("Select Committee") is established by the Speaker of the House of Representatives, effective November 3, 2005, as a select committee of the House pursuant to G.S. 120-19.6(a) and Rule 26(a) of the Rules of the House of Representatives of the 2005 General Assembly.

Section 2. The Select Committee consists of 56 members and six subcommittees. The individuals listed below are appointed as members of the Select Committee and its subcommittees, as indicated. The members of the Select Committee serve at the pleasure of the Speaker of the House. The Speaker of the House may dissolve the Select Committee at any time.

Representative Nye, Co-Chair
Representative Wright, Co-Chair
Representative England, Co-Chair

Health Care - Subcommittee on Medicaid

Representative Nye - Co-Chair	Representative Earle - Co-Chair
Representative Dickson	Representative Howard
Representative Owens	Representative Rapp
Representative Sutton	Representative Walend
Representative Culp	

Health Care - Subcommittee on the Cost of Health Care and Health Insurance for Employees and Employers

Representative Holliman - Co-Chair	Representative Underhill - Co-Chair
Representative Faison	Representative Grady
Representative Goforth	Representative McGee

Representative Sherrill
Representative Bordsen

Representative Bell

Health Care - Subcommittee on Safety, Quality, Accountability

Representative Culpepper - Co-Chair
Representative Brubaker
Representative Justice
Representative Ross

Representative L. Allen - Co-Chair
Representative Tucker
Representative Justus
Representative Warren

Health Care - Subcommittee on Healthcare Workforce

Representative Tolson - Co-Chair
Representative Clary
Representative Farmer-Butterfield
Representative McLawhorn
Representative Adams

Representative Carney - Co-Chair
Representative Current
Representative Hollo
Representative Wilkins

Health Care - Subcommittee on Access

Representative England - Co-Chair
Representative Fisher
Representative Setzer
Representative Williams
Representative Barnhart
Representative McAllister
Representative B. Allen

Representative Insko - Co-Chair
Representative Pate
Representative Weiss
Representative Womble
Representative Coates
Representative Walker

Health Care - Subcommittee on the State Health Plan

Representative Wright - Chair
Representative Coleman
Representative Eddins
Representative Gulley
Representative Haire

Representative Church
Representative Crawford
Representative Folwell
Representative Michaux

Section 3. The Select Committee and its appropriate subcommittees shall study the following issues:

1. The ability of North Carolina citizens to obtain quality, affordable health care services and to have access to doctors and other health professionals in all areas of the State.
2. The increasing burden of health care costs, including the cost of prescription medications, for individuals, families, and employers.
3. The effectiveness of the State Health Plan in providing State employees and their families with quality health care services and improving their overall health while remaining affordable for employees and the State.

4. Ways to improve the safety and quality of health care services in North Carolina and efforts to enhance the accountability of all parties in the health care field.
5. How individuals transition between Medicaid and Medicare and how that transition affects the individual's health and finances and the State's expenditures on Medicaid.
6. Increasing the number of professionals available to provide dental, pharmacy, and health care services in North Carolina, overcoming barriers contributing to provider shortages, and retaining quality health care providers.
7. Any other issues related to health care as determined by the Co-chairs.

Section 4. In undertaking this study, the Select Committee may review the work and consider any findings and recommendations of previous study commissions, committees, and task forces that relate to the issues outlined above.

Section 5. The Select Committee shall meet upon the call of its Co-chairs. A quorum of the Select Committee shall be a majority of its members. A subcommittee shall meet upon the call of the subcommittee chair. A quorum of a subcommittee shall be a majority of its members.

Section 6. The Select Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

Section 7. The expenses of the Select Committee including per diem, subsistence, travel allowances for Select Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Select Committee in its work. The House of Representatives' Supervisor of Clerks shall assign clerical support staff to the Committee.

Section 9. The Select Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate

meeting space to the Select Committee in the State Legislative Building or the Legislative Office Building.

Section 10. Each subcommittee may submit an interim report to the Select Committee on or before April 15, 2006. Each subcommittee shall submit a final subcommittee report to the Select Committee on or before December 1, 2006.

Section 11. The Select Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2006, by filing a copy of the report with the Speaker's Office, the House Principal Clerk, and the Legislative Library. The Select Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before December 31, 2006, by filing the final report with the Speaker's Office, the House Principal Clerk, and the Legislative Library. The Select Committee terminates on December 31, 2006, or upon the filing of its final report, whichever occurs first.

Effective this 9th day of November, 2005.

/S/ James B. Black
Speaker

NORTH CAROLINA HOUSE OF REPRESENTATIVES

OFFICE OF THE SPEAKER

**TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA
HOUSE OF REPRESENTATIVES**

HOUSE SELECT COMMITTEE ON HOME FORECLOSURES

Section 1. The House Select Committee on Home Foreclosures (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6 and Rule 26(a) of the Rules of Representatives of the 2005 General Assembly.

Section 2. The Committee consists of the 20 members listed below, appointed by the Speaker of the House of Representatives.

Members serve at the pleasure of the Speaker of the House. The Speaker of the House may dissolve the Committee at any time.

Representative Walter G. Church, Sr., Chair
Representative Becky Carney, Vice-Chair
Representative W. Robert Grady, Vice-Chair
Representative Martha B. Alexander
Representative Lucy T. Allen
Representative Harold J. Brubaker
Representative W. Pete Cunningham
Representative Margaret Highsmith Dickson
Representative Rick L. Eddins
Representative Melanie Wade Goodwin
Representative Dewey L. Hill
Representative Edward Jones
Representative Daniel F. McComas
Representative Henry M. Michaux, Jr.
Representative Drew Saunders
Representative Timothy L. Spear
Representative Fred F. Steen, II
Representative Ronnie Sutton
Representative Jennifer Weiss
Representative Larry Womble

Section 3. The Committee shall study the causes of home foreclosures in North Carolina and the appropriate role of State government in helping homeowners remain in their residences. The Committee shall:

1. Review the growing problem of home foreclosures across North Carolina.
2. Identify the causes of the rise in home foreclosures and determine whether industry workers are contributing to the problem.
3. Evaluate mortgage and borrowing trends to help first time homebuyers obtain mortgages.
4. Consider ways of collaborating with the State's banking community to prevent a loss of public confidence in the mortgage lending industry.
5. Identify other trends in home foreclosures.
6. Consider counties' ability to provide information on each foreclosed loan.

Section 4. The Committee shall meet upon the call of its Chair. A quorum of the Committee shall be a majority of its members.

Section 5. The Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Committee in the State Legislative Building or the Legislative Office Building.

Section 10. The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2006, by filing a copy of the report with the Speaker's Office, the House Principal Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before December 31, 2006, by filing the final report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee terminates on December 31, 2006, or upon the filing of its final report, whichever occurs first.

Effective this 3rd day of February, 2006.

/S/ James B. Black
Speaker

NORTH CAROLINA HOUSE OF REPRESENTATIVES**OFFICE OF THE SPEAKER****TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA
HOUSE OF REPRESENTATIVES****HOUSE SELECT COMMITTEE ON SEX OFFENDER
REGISTRATION LAWS**

Section 1. The House Select Committee on Sex Offender Registration Laws (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6 and Rule 26(a) of the Rules of Representatives of the 2005 General Assembly.

Section 2. The Committee consists of the nine members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker of the House. The Speaker of the House may dissolve the Committee at any time.

Representative Bruce Goforth, Co-Chair
Representative Karen B. Ray, Co-Chair
Representative Jean Farmer-Butterfield
Representative Rick Glazier
Representative W. Robert Grady
Representative Julia C. Howard
Representative Edward Jones
Representative Joe L. Kiser
Representative Grier Martin

Section 3. The Committee shall study the sex offender registration laws in North Carolina. In connection with this study, the Committee shall:

1. Review the list of offenses for which registration is required in North Carolina and determine whether offenses should be added to or deleted from the registration requirement.
2. Consider increasing or decreasing the amount of time an individual must remain on the registry.
3. Examine the procedure for termination of the registration requirement.
4. Consider ways to improve the verification of information on the registry.

5. Evaluate whether law enforcement should have an affirmative duty to notify residents, schools, or other interested parties that a sex offender lives in the neighborhood.
6. Identify methods that can be used to track sex offender locations, including the use of Global Positioning System (GPS) devices to monitor sex offenders, even after they have served their sentences.
7. Study the issue of registration fees.
8. Consider prohibiting sex offenders from working in jobs that involve direct contact with children.
9. Evaluate proposals that require sex offenders to stay a certain distance from schools and daycare centers.
10. Compare the sex offender registration laws in North Carolina with the laws of other states.

Section 4. The Committee shall meet upon the call of its Co-Chairs. A quorum of the Committee shall be a majority of its members.

Section 5. The Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Committee in the State Legislative Building or the Legislative Office Building.

Section 10. The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2006, by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before December 31, 2006, by filing the final report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee terminates on December 31, 2006, or upon the filing of its final report, whichever occurs first.

Effective this 9th day of February, 2006.

/S/ James B. Black
Speaker

(This Select Committee was appointed by Speakers Black and Morgan at the end of the 2003-2004 Session.)

NORTH CAROLINA HOUSE OF REPRESENTATIVES

OFFICE OF THE SPEAKERS

**TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA
HOUSE OF REPRESENTATIVES**

HOUSE SELECT COMMITTEE ON STREET GANG PREVENTION

Section 1. The **House Select Committee on Street Gang Prevention** is established by the Speakers, effective December 1, 2004, as a select committee of the House pursuant to G.S. 120-19.6(a) and Rule 26(a) of the Rules of the House of Representatives of the 2003 General Assembly.

Section 2. The Select Committee consists of twelve members. The individuals listed below are appointed as members of the Select Committee. Members serve at the pleasure of the Speakers of the House of Representatives.

Rep. Phillip Frye, Co-Chair	Rep. Nelson Cole
Rep. Mickey Michaux, Jr., Co-Chair	Rep. Margaret Dickson
Rep. Alma Adams	Rep. Rick Eddins
Rep. Curtis Blackwood	Rep. Earl Jones

Rep. Becky Carney
Rep. Debbie Clary

Rep. Mitchell Setzer
Rep. Tracy Walker

Section 3. The Select Committee may meet during the interim period between regular sessions upon the call of its cochairs.

Section 4. The Select Committee shall study effective ways to eradicate the criminal activity of street gangs, focusing on patterns of criminal gang activity and upon the organized nature of street gangs. In conducting this study, the Select Committee shall consider House Bill 732 of the 2003 Session of the North Carolina General Assembly.

Section 5. The Select Committee shall report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before January 19, 2005, by filing a report with the Speakers' offices, the House Principal Clerk, and the Legislative Library. The Select Committee terminates on January 19, 2005, or upon the filing of its final report, whichever occurs first.

Section 6. The Select Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

Section 7. Members of the Select Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

Section 8. The expenses of the Select Committee are considered expenses incurred for the operation of the House of Representatives and shall be paid pursuant to G.S. 120-35 from funds available to the House for its operations. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the Speakers of the House of Representatives.

/S/ James B. Black
Speaker

/S/ Richard T. Morgan
Speaker

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 217**

H217-CCSLH-2, AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-166 reads as rewritten:

"§ 20-166. Duty to stop in event of accident or collision; furnishing information or assistance to injured person, etc.; persons assisting exempt from civil liability.

(a) The driver of any vehicle who knows or reasonably should know:

- (1) That the vehicle which he or she is operating is involved in an accident or collision; and
- (2) That the accident or collision has resulted in injury or death to any person;

shall immediately stop his or her vehicle at the scene of the accident or collision. ~~He~~ The driver shall remain with the vehicle at the scene of the accident until a law-enforcement officer completes ~~his~~ the investigation of the accident or collision or authorizes ~~him~~ the driver to leave; leave and the vehicle to be removed, unless remaining at the scene places the driver or others at significant risk of injury.

Prior to the completion of the investigation of the accident by a law enforcement officer, or the consent of the officer to leave, the driver may not facilitate, allow, or agree to the removal of the vehicle from the scene for any purpose other than to call for a law enforcement officer, to call for medical assistance or medical treatment as set forth in subsection (b) of this section, or to remove oneself or others from significant risk of injury. Provided, however, that he may leave to call for a law enforcement officer or for medical assistance or medical treatment as set forth in (b), but If the driver does leave for a reason permitted by this subsection, then the driver must return with the vehicle to the accident scene within a reasonable period of ~~time~~ time, unless otherwise instructed by a law enforcement officer. A willful violation of this subsection shall be punished as a Class H felony.

(b) In addition to complying with the requirement of ~~(a)~~ subsection (a) of this section, the driver as set forth in subsection (a) shall give his or her name, address, driver's license number and the license plate number of ~~his~~ the vehicle to the person struck or the driver or occupants of any vehicle collided with, provided that ~~such~~ the person or persons are physically and mentally capable of receiving such information, and shall render to any person injured in such accident or collision reasonable assistance, including the calling for medical assistance if it is apparent that such assistance is necessary or is requested by the injured person. A violation of this subsection is a Class 1 misdemeanor.

(c) The driver of any vehicle, when he or she knows or reasonably should know that the vehicle which he or she is operating is involved in an accident or collision, which accident or collision, results:

- (1) Only in damage to property; or

- (2) In injury or death to any person, but only if the operator of the vehicle did not know and did not have reason to know of the death or injury;

shall immediately stop ~~his~~the vehicle at the scene of the accident or collision. If the accident is a reportable accident, the driver shall remain with the vehicle at the scene of the accident until a law enforcement officer completes the investigation of the accident or authorizes the driver to leave and the vehicle to be removed, unless remaining at the scene places the driver or others at significant risk of injury.

Prior to the completion of the investigation of the accident by a law enforcement officer, or the consent of the officer to leave, the driver may not facilitate, allow, or agree to the removal of the vehicle from the scene, for any purpose other than to call for a law enforcement officer, to call for medical assistance or medical treatment, or to remove oneself or others from significant risk of injury. If the driver does leave for a reason permitted by this subsection, then the driver must return with the vehicle to the accident scene within a reasonable period of time, unless otherwise instructed by a law enforcement officer. A willful violation of this subsection is a Class 1 misdemeanor.

(c1) In addition to complying with the requirement of ~~(e)~~subsection (c) of this section, the driver as set forth in subsection (c) shall give his or her name, address, driver's license number and the license plate number of his vehicle to the driver or occupants of any other vehicle involved in the accident or collision or to any person whose property is damaged in the accident or collision. If the damaged property is a parked and unattended vehicle and the name and location of the owner is not known to or readily ascertainable by the driver of the responsible vehicle, the ~~said~~ driver shall furnish the information required by this subsection to the nearest available peace officer, or, in the alternative, and provided ~~he~~the driver thereafter within 48 hours fully complies with G.S. 20-166.1(c), shall immediately place a paper-writing containing ~~said~~the information in a conspicuous place upon or in the damaged vehicle. If the damaged property is a guardrail, utility pole, or other fixed object owned by the Department of Transportation, a public utility, or other public service corporation to which report cannot readily be made at the scene, it shall be sufficient if the responsible driver shall furnish the information required to the nearest peace officer or make written report thereof containing ~~said~~the information by U.S. certified mail, return receipt requested, to the North Carolina Division of Motor Vehicles within five days following ~~said~~the collision. A violation of this subsection is a Class 1 misdemeanor.

(c2) ~~If~~Notwithstanding subsections (a) and (c) of this section, if an accident or collision occurs on a main lane, ramp, shoulder, median, or adjacent area of a highway, each vehicle shall be moved as soon as possible out of the travel lane and onto the shoulder or to a designated accident

investigation site to complete the requirements of this section and minimize interference with traffic if all of the following apply:

- (1) The accident or collision has not resulted in injury or death to any person or the drivers did not know or have reason to know of any injury or death.
- (2) Each vehicle can be normally and safely driven. For purposes of this subsection, a vehicle can be normally and safely driven if it does not require towing and can be operated under its own power and in its usual manner, without additional damage or hazard to the vehicle, other traffic, or the roadway.

(d) Any person who renders first aid or emergency assistance at the scene of a motor vehicle accident on any street or highway to any person injured as a result of ~~such the~~ accident, shall not be liable in civil damages for any acts or omissions relating to ~~such the~~ services rendered, unless ~~such the~~ acts or omissions amount to wanton conduct or intentional wrongdoing.

(e) The Division of Motor Vehicles shall revoke the drivers license of a person convicted of violating subsection (a) of this section for a period of one year, unless the court makes a finding that a longer period of revocation is appropriate under the circumstances of the case. If the court makes this finding, the Division of Motor Vehicles shall revoke that person's drivers license for two years. Upon a first conviction only for a violation of subsection (a) of this section, a trial judge may allow limited driving privileges in the manner set forth in G.S. 20-179.3(b)(2) during any period of time during which the drivers license is revoked."

SECTION 2. Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-166.2. Duty of passenger to remain at the scene of an accident.

(a) The passenger of any vehicle who knows or reasonably should know that the vehicle in which he or she is a passenger is involved in an accident or collision shall not willfully leave the scene of the accident by acting as the driver of a vehicle involved in the accident until a law enforcement officer completes the investigation of the accident or collision or authorizes the passenger to leave, unless remaining at the scene places the passenger or others at significant risk of injury.

Prior to the completion of the investigation of the accident by a law enforcement officer, or the consent of the officer to leave, the passenger may not facilitate, allow, or agree to the removal of the vehicle from the scene, for any purpose other than to call for a law enforcement officer, to call for medical assistance or medical treatment as set forth in subsection (b) of this section, or to remove oneself or others from a significant risk of injury. If the passenger does leave the scene of an accident by driving a vehicle involved in the accident for a reason permitted by this subsection, the passenger must return with the vehicle to the accident scene within a

reasonable period of time, unless otherwise instructed by a law enforcement officer. A willful violation of this subsection is a Class H felony if the accident or collision is described in G.S. 20-166(a). A willful violation of this subsection is a Class 1 misdemeanor if the accident or collision is a reportable accident described in G.S. 20-166(c).

(b) In addition to complying with the requirement of subsection (a) of this section, the passenger shall give the passenger's name, address, drivers license number, and the license plate number of the vehicle in which the passenger was riding, if possible, to the person struck or the driver or occupants of any vehicle collided with, provided that the person or persons are physically and mentally capable of receiving the information, and shall render to any person injured in the accident or collision reasonable assistance, including the calling for medical assistance if it is apparent that such assistance is necessary or is requested by the injured person. A violation of this subsection is a Class 1 misdemeanor."

SECTION 3. This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1004**

H1004-CCS-LYF-1, AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; AND TO CREATE AN ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE TO PERFORM A COMPREHENSIVE STUDY OF THE ECONOMIC DEVELOPMENT INCENTIVES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 105-129.2A(a) reads as rewritten:

"(a) Sunset. - This Article is repealed effective for business activities that occur on or after January 1, ~~2006~~2008."

SECTION 1.(b) G.S. 105-129.2A, as amended by subsection (a) of this section, is amended by adding a new subsection to read:

"(a3) Sunset for Certain Taxpayers Located in Development Zones. - Notwithstanding subsection (a) of this section, in the case of a taxpayer that satisfies all of the conditions of this subsection, this Article is repealed effective for business activities that occur on or after January 1, 2010.

(1) Before January 1, 2006, the taxpayer signs a letter of commitment with the Department of Commerce describing a proposed new or expanding project and specifying the

- amount to be invested in real property and machinery and equipment, the number of new jobs to be created, and a proposed timetable for making the investment and creating the jobs.
- (2) Before January 1, 2006, the Secretary of Commerce makes a written determination that the taxpayer is expected to purchase, lease, or construct and place in service in an eligible business at a location within a development zone within a three-year period at least ten million dollars (\$10,000,000) of real property and machinery and equipment and that the taxpayer will create at least 300 new jobs at the location within a three-year period beginning when the property is first placed in service in an eligible business.
- (3) Before January 1, 2006, the taxpayer places at least four million dollars (\$4,000,000) of real property and machinery and equipment in service at the location and creates at least 20 new jobs at the location."

SECTION 2. G.S. 105-129.4(d) reads as rewritten:

"(d) Forfeiture. - A taxpayer forfeits a credit allowed under this Article if the taxpayer was not eligible for the credit for the calendar year in which the taxpayer engaged in the activity for which the credit was claimed. In addition, a taxpayer forfeits a large investment enhancement of a tax credit if the taxpayer fails to timely make the required level of investment under subsection (b1) of this section. If an eligible major industry fails to timely make the required level of investment under G.S. 105-129.2(8a), the taxpayer forfeits all credits allowed under this Article that it would not otherwise have been eligible for if it were not an eligible major industry. If a taxpayer that is subject to the later repeal date of this Article under G.S. 105-129.2A(a3) fails to timely make the required level of investment or to timely create the required number of new jobs, the taxpayer forfeits all credits allowed under this Article that it would not otherwise have been eligible for if it were not subject to the later repeal date under G.S. 105-129.2A(a3). A taxpayer forfeits the credit for substantial investment in other property allowed under G.S. 105-129.12A if the taxpayer fails to timely create the number of required new jobs or to timely make the required level of investment under subsection (b5) of this section. A taxpayer forfeits the technology commercialization credit allowed under G.S. 105-129.9A if the taxpayer fails to make the level of investment required by subsection (e) of that section within the required period or if the taxpayer fails to meet the terms of its licensing agreement with a research university. If a taxpayer claimed a twenty percent (20%) technology commercialization credit under G.S. 105-129.9A(d) and fails to make the level of investment required under that subsection within the required

period, but does make the level of investment required under subsection (e) of that section within the required period, the taxpayer forfeits one-fourth of the twenty percent (20%) credit.

A taxpayer that forfeits a credit under this Article is liable for all past taxes avoided as a result of the credit plus interest at the rate established under G.S. 105-241.1(i), computed from the date the taxes would have been due if the credit had not been allowed. The past taxes and interest are due 30 days after the date the credit is forfeited; a taxpayer that fails to pay the past taxes and interest by the due date is subject to the penalties provided in G.S. 105-236. If a taxpayer forfeits the credit for creating jobs, the technology commercialization credit, or the credit for investing in machinery and equipment, the taxpayer also forfeits any credit for worker training claimed for the jobs for which the credit for creating jobs was claimed or the jobs at the location with respect to which the technology commercialization credit or the credit for investing in machinery and equipment was claimed."

SECTION 3. G.S. 143B-437.62 reads as rewritten:

"§ 143B-437.62. Expiration.

The authority of the Committee to enter into new agreements expires January 1, ~~2006~~2008."

SECTION 4. G.S. 105-129.3 is amended by adding a new subsection to read:

"(f) Exceptions for Certain Counties with High Unemployment. – Notwithstanding the provisions of this section, a county whose rank in a ranking of counties by average rate of unemployment for the preceding 12 months, from highest to lowest, is one of the 10 highest in the State is designated an enterprise tier one area."

SECTION 5. G.S. 143B-437.53(c) reads as rewritten:

"(c) Health Insurance. - A business is eligible for a grant under this Part only if the business provides health insurance for all of the applicable full-time employees of the project with respect to which the grant is made. For the purposes of this subsection, an applicable full-time employee is one who earns from the business less than one hundred fifty thousand dollars (\$150,000) in taxable compensation on an annualized basis or three and one-half times the annualized average State wage for all insured private employers in the State employing between 250 and 1,000 employees, whichever is greater. For the purposes of this subsection, a business provides health insurance if it pays at least fifty percent (50%) of the premiums for health care coverage that equals or exceeds the minimum provisions of the basic health care plan of coverage recommended by the Small Employer Carrier Committee pursuant to G.S. 58-50-125.

Each year that a business receives a grant under this Part, the business must provide with the submission required under G.S. 143B-437.58 a certification that the business continues to provide health insurance, as

required by this subsection, for all applicable full-time employees of the project with respect to which the grant is made. If the business ceases to provide the required health insurance to all full-time employees of the project with respect to which a grant is made, insurance, the Committee shall amend or terminate the agreement as provided in G.S. 143B-437.59."

SECTION 6. G.S. 105-129.3(e)(1) reads as rewritten:

"(e) Exceptions for Certain Small Counties. - The following exceptions to the provisions of this section apply to small counties:

- (1) A county that ~~meets both of the conditions set out below~~ has a population of less than 12,000 is designated an enterprise tier one ~~area~~area:
 - a. ~~Its population is less than 12,000.~~
 - b. ~~More than sixteen percent (16%) of its population is below the federal poverty level according to the most recent federal decennial census."~~

SECTION 7. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 120.

"Joint Legislative Economic Development Oversight Committee.

"§ 120-70.130. Creation and membership of Joint Legislative Economic Development Oversight Committee.

The Joint Legislative Economic Development Oversight Committee is established. The Committee consists of 12 members as follows:

- (1) Six members of the Senate appointed by the President Pro Tempore of the Senate; and
- (2) Six members of the House of Representatives appointed by the Speaker of the House of Representatives.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 2007 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until a successor is appointed. A vacancy shall be filled by the officer who made the original appointment.

"§ 120-70.131. Purpose and powers of Committee.

(a) The Joint Legislative Economic Development Oversight Committee shall examine, on a continuing basis, economic growth and development issues and strategies in North Carolina in order to make ongoing recommendations to the General Assembly on ways to promote cost-effective economic development initiatives. In this examination, the Committee may:

- (1) Study the budgets, programs, and policies of the Department of Commerce, the North Carolina Partnership for Economic Development, and other State, regional, and local entities involved in economic development.
- (2) Analyze legislation from other states regarding economic development.
- (3) Analyze proposals produced by the Economic Development Board.
- (4) Study any other matters that the Committee considers necessary to fulfill its mandate.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

§ 120-70.132. Organization of Committee.

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Economic Development Oversight Committee. The Committee shall meet upon the joint call of the cochairs.

(b) A quorum of the Committee is seven members. Only recommendations, including proposed legislation, receiving at least six affirmative votes may be included in a Committee report to the General Assembly. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) The cochairs of the Committee may call upon other knowledgeable persons or experts to assist the Committee in its work.

(d) Members of the Committee shall receive subsistence and travel expenses as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee."

SECTION 8. The Economic Development Oversight Committee, created pursuant to Section 7 of this act, shall complete a comprehensive study of Article 3A of Chapter 105 of the General Statutes (the Bill Lee Act) and the Job Development Investment Grant Program (JDIG) established under Part 2G of Article 10 of Chapter 143B of the General Statutes. Before adopting a report on this issue, the Economic Development Oversight Committee must hold at least one joint meeting with the Revenue Laws Study Committee. The Economic Development Oversight Committee

shall complete the study and submit it to the General Assembly, along with any recommendations or legislative proposals, before the beginning of the 2006 Regular Session of the 2005 General Assembly. The study shall focus on comprehensive reform of the Bill Lee Act, JDIG, and related economic development incentives. It is the intent of the General Assembly to replace the current Bill Lee Act beginning with the 2007 taxable year with a program recommended by the Committee and to revamp JDIG based on the Committee's recommendations.

SECTION 9. This act is effective when it becomes law. Sections 4 and 6 of this act apply to designations made on or after that date.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1500**

H1500-CCS-RVXF-1, AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND PROVIDE FOR THE ISSUANCE OF WINE SHOP PERMITS, TO AMEND LAWS CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, WINE DISTRIBUTION AGREEMENTS AND BEER FRANCHISE AGREEMENTS, AND TO PROVIDE FOR THE BIOMETRIC IDENTIFICATION OF PURCHASERS OF ALCOHOL AND TOBACCO PRODUCTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1001(15) reads as rewritten:

"(15) Wine-Tasting Permit. - A wine-tasting permit authorizes wine tastings on ~~the a premises conducted and supervised by the permittee.~~ holding a retail permit, by the retail permit holder or his employee. A wine tasting consists of the offering of a sample of one or more unfortified wine products, in amounts of no more than one ounce for each sample, without charge, to customers of the business. Any person pouring wine at a wine tasting shall be at least 21 years of age.

- a. Representatives of the winery, which produced the wine, or the wine producer-producer, a wholesaler, or a wholesaler's employee may assist with the tastings in a manner consistent with existing law-tasting. Assisting with a wine tasting includes:
1. Pouring samples for customers.
 2. Checking the identification of patrons being served at the wine tasting.
- b. When a representative of the winery that produced the wine, the wine producer, a wine wholesaler, or

a wine wholesaler's employee assists in a wine tasting conducted by a retail permit holder:

1. The retail permit holder shall designate an employee to actively supervise the wine tasting.
2. A retail permit holder's employee shall not supervise more than three wine-tasting areas.
3. No more than six wines may be tasted at any one tasting area.
4. The wine tasting shall not last longer than four hours from the time designated as the starting time by the retail permit holder.

c. The retail permit holder shall be solely liable for any violations of this Chapter occurring in connection with the wine tasting. The Commission shall adopt rules to assure that the tastings are limited to samplings and not a subterfuge for the unlawful sale or distribution of wine, and that the tastings are not used by industry members for unlawful inducements to retail permit holders, ~~and do not violate existing rules.~~ holders. Except for purposes of this subsection, the holder of a wine-tasting permit shall not be construed to hold a permit for the on-premises sale or consumption of alcoholic beverages. Any food business is eligible for a wine-tasting permit."

SECTION 2.(a) G.S. 18B-1001 is amended by adding a new subdivision to read:

"(16) Wine Shop Permit. - A wine shop permit authorizes the retail sale of malt beverages, unfortified wine, and fortified wine in the manufacturer's original container for consumption off the premises, and authorizes wine tastings on the premises conducted and supervised by the permittee in accordance with subdivision (15) of this section. It also authorizes the holder of the permit to ship malt beverages, unfortified wine, and fortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses whose primary purpose is selling malt beverages and wine for consumption off the premises and regularly and customarily educating consumers through tastings, classes, and seminars about the selection, serving, and storing of wine. The holder of the permit is authorized to sell unfortified wine for

consumption on the premises, provided that the sale of wine for consumption on the premises does not exceed forty percent (40%) of the establishment's total sales for any 30-day period. The sale of wine for consumption on the premises shall be limited to those amounts that remain in opened bottles upon the conclusion of an authorized wine tasting, and individual servings shall not exceed four ounces per glass."

SECTION 2.(b) G.S. 18B-902(d) reads as rewritten:

"(d) Fees. - An application for an ABC permit shall be accompanied by payment of the following application fee:

- (1) On-premises malt beverage permit - \$400.00.
- (2) Off-premises malt beverage permit - \$400.00.
- (3) On-premises unfortified wine permit - \$400.00.
- (4) Off-premises unfortified wine permit - \$400.00.
- (5) On-premises fortified wine permit - \$400.00.
- (6) Off-remises fortified wine permit - \$400.00.
- (7) Brown-bagging permit - \$400.00, unless the application is for a restaurant seating less than 50, in which case the fee shall be \$200.00.
- (8) Special occasion permit - \$400.00.
- (9) Limited special occasion permit - \$50.00.
- (10) Mixed beverages permit - \$1,000.
- (11) Culinary permit - \$200.00.
- (12) Unfortified winery permit - \$300.00.
- (13) Fortified winery permit - \$300.00.
- (14) Limited winery permit - \$300.00.
- (15) Brewery permit - \$300.00.
- (16) Distillery permit - \$300.00.
- (17) Fuel alcohol permit - \$100.00.
- (18) Wine importer permit - \$300.00.
- (19) Wine wholesaler permit - \$300.00.
- (20) Malt beverage importer permit - \$300.00.
- (21) Malt beverage wholesaler permit - \$300.00.
- (22) Bottler permit - \$300.00.
- (23) Salesman permit - \$100.00.
- (24) Vendor representative permit - \$50.00.
- (25) Nonresident malt beverage vendor permit - \$100.00.
- (26) Nonresident wine vendor permit - \$100.00.
- (27) Any special one-time permit under G.S. 18B-1002 - \$50.00.
- (28) Winery special event permit - \$200.00.
- (29) Mixed beverages catering permit - \$200.00.
- (30) Guest room cabinet permit - \$1,000.
- (31) Liquor importer/bottler permit - \$500.00.

- (32) Cider and vinegar manufacturer permit - \$200.00.
- (33) Brew on premises permit - \$400.00.
- (34) Wine producer permit - \$300.00.
- (35) Wine tasting permit - \$100.00.
- (36) Wine shipper permit - \$100.00.
- (37) Wine shop permit - \$100.00."

SECTION 2.(c) G.S. 18B-903(b) reads as rewritten:

"(b) Renewal. - Application for renewal of an ABC permit shall be on a form provided by the Commission. An application for renewal shall be accompanied by an application fee of twenty-five percent (25%) of the original application fee set in G.S. 18B-902, except that the renewal application fee for each wine shop permit shall be five hundred dollars (\$500.00), and the renewal application fee for each mixed beverages permit and each guest room cabinet permit shall be seven hundred fifty dollars (\$750.00). A renewal fee shall not be refundable."

SECTION 3.(a) G.S. 18B-1114.4 reads as rewritten:

"§ 18B-1114.4. Viticulture/Enology course authorization.

(a) Authorization. - The holder of a viticulture/enology course authorization may:

- (1) Manufacture wine from grapes grown on the school's campus or the school's contracted or leased property for the purpose of providing instruction and education on the making of unfortified wines.
- (2) Possess wines manufactured during the viticulture/enology program for the purpose of conducting wine-tasting seminars and classes for students who are 21 years of age or older.
- (3) Sell wines produced during the course to wholesalers or to retailers upon obtaining a wine wholesaler permit under G.S. 18B-1107, except that the permittee may not receive shipments of wines from other producers.

(b) Limitation. - Authorization for a viticulture/enology course shall be granted by the Commission only for a community college or college that offers a viticulture/enology program as a part of its curriculum offerings for students of the school. ~~No retail sales of wine shall be made by the students, instructor, or school.~~ Wines may be manufactured only from grapes grown in a viticulture/enology course ~~vineyard, not to exceed five acres, vineyard~~ that is located on the school's campus or the school's contracted or leased property.

(c) The holder of a viticulture/enology course authorization who obtains a wine wholesaler permit under G.S. 18B-1107 subject to the limitation in subsection (a) of this section may ~~manufacture wines from~~

~~grapes grown by others until June 30, 2004. Otherwise, wine may be manufactured only as provided in subsection (b) of this section. obtain a winery special event permit under G.S. 18B-1114.1, and where the permit is valid may participate in approved events and sell at retail at those events any wine produced incident to the operation of the viticulture/enology program. The holder of a viticulture/enology course authorization may participate in not more than six winery special events within a 12-month period and may sell up to 25 cases of wine at each event. Net proceeds from the program's retail sale of wine pursuant to this subsection shall be retained by the school and used for support of the viticulture/enology program.~~

(d) The holder of a viticulture/enology course authorization shall not be considered a winery for the purposes of this Chapter or Chapter 105 of the General Statutes."

SECTION 3.(b) G.S. 18B-1114.1(a) reads as rewritten:

"(a) Authorization. - The holder of an unfortified winery permit, a limited winery permit, a viticulture/enology course authorization, or a wine producer permit may obtain a winery special permit allowing the winery or wine producer to give free tastings of its wine, and to sell its wine by the glass or in closed containers, at trade shows, conventions, shopping malls, wine festivals, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, and other similar events approved by the Commission."

SECTION 4. G.S. 18B-1200 reads as rewritten:

"§ 18B-1200. Construction; findings and ~~purpose~~; exceptions.

(a) This Article shall be liberally construed and applied to promote its underlying purposes and policies.

(b) The underlying purposes and policies of the Article are:

- (1) To promote the compelling interest of the public in fair business relations between wine wholesalers and wineries, and in the continuation of wine wholesalerships on a fair basis;
- (2) To protect wine wholesalers against unfair treatment by wineries;
- (3) To provide wine wholesalers with rights and remedies in addition to those existing by contract or common law; and
- (4) To govern all wine wholesalerships, including any renewals or amendments, to the full extent consistent with the Constitution of this State and the United States.

(c) The effect of this Article may not be waived or varied by contract or agreement. Any contract or agreement purporting to do so is void and unenforceable to the extent of that waiver or variance.

(d) A North Carolina winery holding a valid wine wholesaler permit issued pursuant to G.S. 18B-1101(7) and G.S. 18B-1107, when acting as its own master wholesaler, shall not be subject to the provisions of G.S. 18B-1204, 18B-1205, and 18B-1207."

SECTION 5. G.S. 18B-1302(b) reads as rewritten:

"(b) Existence of Agreement. - A franchise agreement as described in subsection (a) exists when:

- (1) The supplier has shipped malt beverages to a wholesaler or accepted an order for malt beverages from the wholesaler;
- (2) A wholesaler has paid or the supplier has accepted payment for an order of malt beverages intended for sale within this State;
- (3) The supplier and wholesaler have filed with the Commission a distribution agreement as required by G.S. 18B-1303; or
- (4) A supplier ~~purchases~~ acquires the right to manufacture a malt beverage product, or the trade name for such product, or the right to distribute a product, ~~from another supplier with whom the~~ for which a wholesaler has a franchise agreement."

SECTION 6.(a) G.S. 18B-302(d) is amended by adding a new subdivision to read:

"(3) Shows that at the time of purchase, the purchaser utilized a biometric identification system that demonstrated (i) the purchaser's age to be at least the required age for the purchase and (ii) the purchaser had previously registered with the seller or seller's agent a drivers license, a special identification card issued under G.S. 20-377.7, a military identification card, or a passport showing the purchaser's date of birth and bearing a physical description of the person named on the document."

SECTION 6.(b) G.S. 14-313(b) reads as rewritten:

"(b) Sale or distribution to persons under the age of 18 years. - If any person shall distribute, or aid, assist, or abet any other person in distributing tobacco products or cigarette wrapping papers to any person under the age of 18 years, or if any person shall purchase tobacco products or cigarette wrapping papers on behalf of a person, less than 18 years, the person shall be guilty of a Class 2 misdemeanor; provided, however, that it shall not be unlawful to distribute tobacco products or cigarette wrapping papers to an employee when required in the performance of the employee's duties. Retail distributors of tobacco products shall prominently display near the point of

sale a sign in letters at least five-eighths of an inch high which states the following:

**N.C. LAW STRICTLY PROHIBITS
THE PURCHASE OF TOBACCO PRODUCTS
BY PERSONS UNDER THE AGE OF 18.**

PROOF OF AGE REQUIRED.

Failure to post the required sign shall be an infraction punishable by a fine of twenty-five dollars (\$25.00) for the first offense and seventy-five dollars (\$75.00) for each succeeding offense.

A person engaged in the sale of tobacco products shall demand proof of age from a prospective purchaser if the person has reasonable grounds to believe that the prospective purchaser is under 18 years of age. Failure to demand proof of age as required by this subsection is a Class 2 misdemeanor if in fact the prospective purchaser is under 18 years of age. ~~Proof that the defendant demanded, was shown, and reasonably relied upon proof of age in the case of a retailer, or any other documentary or written evidence of age in the case of a nonretailer, or that the defendant relied on the electronic system established and operated by the Division of Motor Vehicles pursuant to G.S. 20-37.02, shall be a defense to any action brought under this subsection.~~ Retail distributors of tobacco products shall train their sales employees in the requirements of this law. Proof of any of the following shall be a defense to any action brought under this subsection:

- (1) The defendant demanded, was shown, and reasonably relied upon proof of age in the case of a retailer, or any other documentary or written evidence of age in the case of a nonretailer.
- (2) The defendant relied on the electronic system established and operated by the Division of Motor Vehicles pursuant to G.S. 20-37.02.
- (3) The defendant relied on a biometric identification system that demonstrated (i) the purchaser's age to be at least the required age for the purchase and (ii) the purchaser had previously registered with the seller or seller's agent a drivers license, a special identification card issued under G.S. 20-377.7, a military identification card, or a passport showing the purchaser's date of birth and bearing a physical description of the person named on the card."

SECTION 7. This act is effective when it becomes law. Section 4 of this act shall be effective prospectively only and shall not apply to pending litigation or claims that accrued before the effective date of this act.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1630**

H1630-CCSRB-11, 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; EXTENDING THE SUNSET ON RETIRED TEACHERS RETURNING TO THE CLASSROOM UNTIL JULY 31, 2007; CONFORMING THE STATE ESTATE TAX TO THE FEDERAL ESTATE TAX SUNSET; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX FROM JULY 1, 2005, UNTIL THE 2005 APPROPRIATIONS ACT BECOMES LAW.

The General Assembly of North Carolina enacts:

PART I. BUDGET CONTINUATION

SECTION 1. The Director of the Budget may continue to allot funds for expenditure by State departments, institutions, and agencies at a level not to exceed the level of recurring expenditures authorized in S.L. 2004-124, as amended.

The Director of the Budget shall not allocate funds for any of the purposes set out in the budget reductions contained in Senate Bill 622, fourth edition, and Senate Bill 622, seventh edition, that are not in controversy.

Vacant positions subject to the proposed budget reductions in either Senate Bill 622, fourth edition, or Senate Bill 622, seventh edition, shall not be filled.

To the extent necessary to implement this authorization, there is appropriated from the appropriate State funds and cash balances, federal receipts, and departmental receipts for the 2005-2006 fiscal year funds necessary to carry out this section.

The appropriations and the authorizations to allocate and spend funds which are set out in this section shall remain in effect until the Current Operations and Capital Improvements Appropriations Act of 2005 becomes law, at which time that act shall become effective and shall govern appropriations and expenditures. When the Current Operations and Capital Improvements Appropriations Act of 2005 becomes law, the Director of the Budget shall adjust allotments to give effect to that act from July 1, 2005.

Except as otherwise provided by this act, the limitations and directions for the 2004-2005 fiscal year set out in S.L. 2003-284, as amended, and in S.L. 2004-124, as amended, remain in effect. Session laws that applied to appropriations to particular agencies or for particular purposes apply to the funds appropriated and authorized for expenditure under this section.

PART II. FEDERAL BLOCK GRANTS

SECTION 2. The Director of the Budget shall continue to allocate federal block grant funds at the levels provided in Sections 5.1 and 5.2 of S.L. 2004-124 and as otherwise provided by law, and appropriations from federal block grants are hereby made.

PART III. NO AUTOMATIC STEP INCREASE FOR STATE AND PUBLIC SCHOOL EMPLOYEES

SECTION 3. State employees subject to G.S. 7A-102(c), 7A-171.1, or 20-187.3 shall not move up on salary schedules or receive automatic increases, including automatic step increases, until authorized by the General Assembly.

Public school employees paid on the teacher salary schedule or the school-based administrator salary schedule shall not move up on salary schedules or receive automatic step increases until authorized by the General Assembly.

PART IV. SALARY-RELATED CONTRIBUTIONS/EMPLOYER

SECTION 4.(a) The State's employer contribution rates budgeted for retirement and related benefits for the 2005-2006 fiscal year shall remain the same as they are on June 30, 2005.

SECTION 4.(b) The State's employer contribution rates established by this section are effective only until this section expires and are subject to revision in the Current Operations and Capital Improvements Appropriations Act of 2005. If the Current Operations and Capital Improvements Appropriations Act of 2005 modifies these rates, the Director of the Budget shall further modify the rates set in that act for the remainder of the 2005-2006 fiscal year so as to compensate for the different amount contributed between July 1, 2005, and the date the Current Operations and Capital Improvements Appropriations Act of 2005 becomes law so that the effective rates for the entire year reflect the rates set in the Current Operations and Capital Improvements Appropriations Act of 2005.

PART V. FUNDS SHALL NOT REVERT

SECTION 5.(a) If the provisions of either Senate Bill 622, fourth edition, or Senate Bill 622, seventh edition, or both, direct that funds shall not revert, the funds shall not revert on June 30, 2005. Unless these

funds are encumbered on or before June 30, 2005, these funds shall not be expended after June 30, 2005, except as provided by a law enacted after June 30, 2005.

SECTION 5.(b) This section becomes effective June 30, 2005.

PART VI. STATE CONTROLLER SHALL NOT TRANSFER FUNDS ON JUNE 30

SECTION 6.(a) Notwithstanding G.S. 143-15.2 and G.S. 143-15.3A, for the 2004-2005 fiscal year only, funds shall not be reserved to the Repairs and Renovations Reserve Account, and the State Controller shall not transfer funds from the unreserved credit balance to the Repairs and Renovations Reserve Account on June 30, 2005.

SECTION 6.(b) Notwithstanding G.S. 143-15.2 and G.S. 143-15.3, for the 2004-2005 fiscal year only, funds shall not be reserved to the Savings Reserve Account, and the State Controller shall not transfer funds from the unreserved credit balance to the Savings Reserve Account on June 30, 2005.

SECTION 6.(c) This section becomes effective June 30, 2005.

PART VII. MODIFY GLOBAL TRANSPARK DEBT

SECTION 7. G.S. 147-69.2(b)(11) reads as rewritten:

"(b) It shall be the duty of the State Treasurer to invest the cash of the funds enumerated in subsection (a) of this section in excess of the amount required to meet the current needs and demands on such funds, selecting from among the following:

...

- (11) With respect to assets of the Escheat Fund, obligations of the North Carolina Global TransPark Authority authorized by G.S. 63A-4(a)(22), not to exceed twenty-five million dollars (\$25,000,000), that have a final maturity not later than ~~July 1, 2005~~ July 31, 2005. The obligations shall bear interest at the rate set by the State Treasurer. No commitment to purchase obligations may be made pursuant to this subdivision after September 1, 1993, and no obligations may be purchased after September 1, 1994. In the event of a loss to the Escheat Fund by reason of an investment made pursuant to this subdivision, it is the intention of the General Assembly to hold the Escheat Fund harmless from the loss by appropriating to the Escheat Fund funds equivalent to the loss."

PART VII-A. EXTEND THE SUNSET ON RETIRED TEACHERS RETURNING TO THE CLASSROOM

SECTION 7A.1. Subsection (d) of Section 28.24 of S.L. 1998-212, as amended by Section 31.18A of S.L. 2004-124, reads as rewritten:

"(d) This section becomes effective January 1, 1999, and expires June 30, ~~2005-2007.~~"

SECTION 7A.2. The introductory language of Section 67 of S.L. 1998-217, as amended by Section 31.18A of S.L. 2004-124, reads as rewritten:

"**SECTION 67.** Effective January 1, 1999, through June 30, ~~2005, 2007.~~ G.S. 135-3(8)c., as rewritten by Section 28.24(a) of S.L. 1998-212 reads as rewritten:"

SECTION 7A.3. Subsection (b) of Section 67.1 of S.L. 1998-217, as amended by Section 31.18A of S.L. 2004-124, reads as rewritten:

"(b) This section becomes effective January 1, 1999, and expires June 30, ~~2005-2007.~~"

SECTION 7A.4. Subsection (c) of Section 32.25 of S.L. 2001-424, as amended by Section 31.18A of S.L. 2004-124, reads as rewritten:

"**SECTION 32.25.(c)** This section becomes effective July 1, 2001, and expires June 30, ~~2005. 2007.~~"

SECTION 7A.5. This part becomes effective June 30, 2005.

PART VIII. CONFORM ESTATE TAX TO FEDERAL SUNSET

SECTION 8.1. Section 30C.3(b) of S.L. 2002-126, as amended by Section 37A.4 of S.L. 2003-284 and Section 1 of S.L. 2004-170, reads as rewritten:

"**SECTION 30C.3.(b)** This section is effective on and after January 1, 2002, and applies to the estates of decedents dying on or after that date. ~~This section and Section 37A.5 of S.L. 2003-284 are repealed effective for the estates of decedents dying on or after July 1, 2005."~~

SECTION 8.2. Section 4(b) of S.L. 2004-170 is repealed.

SECTION 8.3. This part is effective when it becomes law.

PART IX. EXTEND SUNSET ON ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX RATE

SECTION 9.1. Section 34.13(c) of S.L. 2001-424, as amended by Section 38.1 of S.L. 2003-284, reads as rewritten:

"**SECTION 34.13.(c)** This section becomes effective October 16, 2001, and applies to sales made on or after that date. This section is repealed effective for sales made ~~on or after July 1, 2005.~~ the date that Senate Bill 622, 2005 Regular Session, the 2005 Appropriations Act, becomes law. In no event is the tax extended beyond December 31, 2005. This section does not affect the rights or liabilities of the State, a taxpayer, or another person arising under a statute amended or repealed by this section before the effective date of its amendment or repeal; nor does it affect the right to any refund or credit of a tax that accrued under the

amended or repealed statute before the effective date of its amendment or repeal."

SECTION 9.2. This part is effective when it becomes law.

PART X. EFFECTIVE DATE

SECTION 10. Except as otherwise provided, Parts I through VI of this act become effective July 1, 2005, and expire July 20, 2005. Except as otherwise provided, the remainder of this act becomes effective June 30, 2005.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 82**

S82-CCSRU-3, AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE.

Whereas, Article II, Section 20 of the Constitution provides that each house shall be the judge of the qualifications and elections of its members; and

Whereas, the current statutory procedures for handling contested legislative elections were enacted in 1796, amended slightly in 1893, and are antiquated; and

Whereas, Article VI, Section 5 of the Constitution provides that a contested election for Governor, Lieutenant Governor, or other Council of State member shall be determined by joint ballot of both houses of the General Assembly in the manner prescribed by law; and

Whereas, the constitutional provision on contested executive branch elections was originally enacted in 1835, with the statutory implementing language enacted in 1836; and

Whereas, at the time of their repeal in 1971, those statutory procedures merely referred to the antiquated procedure for contested legislative elections; and

Whereas, it is necessary to revise the antiquated legislative election contest procedure and enact an executive election contest procedure as required by the Constitution; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-10 and G.S. 120-11 are repealed.

SECTION 2. Article 3 of Chapter 120 is amended by adding the following new sections to read:

"§ 120-10.1. Contesting a seat.

Except as otherwise provided by rules of the house, a contest of the qualifications as a candidate or election of a member of the House of

Representatives or the Senate under Article II, Section 20 of the Constitution shall be conducted in accordance with the provisions of this Article.

"§ 120-10.2. Definitions.

As used in this Article, the following terms mean:

- (1) Clerk. - The Principal Clerk of the house in which the election of the seat is being contested.
- (2) Committee. - The Committee on Rules of the appropriate house unless, by rule, the house has designated another committee to hear contests.
- (3) Contest. - A challenge to the apparent election of a member of the General Assembly or a request to determine an undecided election to a seat of the General Assembly in accordance with the provisions of this Article.
- (4) Contestant. - An unsuccessful candidate in an election to which this Article applies who initiates a contest.
- (5) Contestee. - A candidate in an election to which this Article applies who is not a contestant.
- (6) Notice of intent. - The notice required to initiate a contest in accordance with the provisions of this Article.
- (7) Unsuccessful candidate. - A candidate for an elective office to which this Article applies who has not been issued a certificate of election.

"§ 120-10.3. Initiating a contest.

(a) Who May Initiate. - A contest may be initiated only by a contestant by the filing of a written notice of the intent to petition for a contest in accordance with this section.

(b) When May Initiate. - The notice of intent may be filed no earlier than the date provided in G.S. 163-182.5 for the canvass by the board of elections with jurisdiction for the office under G.S. 163-182.4. The notice of intent must be filed no later than the latter of: (i) 10 days after a certificate of election has been issued, or (ii) 10 days after the conclusion of the election protest procedure under Article 15A of Chapter 163 of the General Statutes, but in no event may a contestant initiate a contest later than 30 days after the convening of a regular or special session of the General Assembly next after the election.

(c) Content of Notice. - A notice of intent shall state the grounds for the contest. The grounds shall be either or both of the following:

- (1) Objections to the eligibility or qualifications of the contestee as a candidate in the election based on specific allegations.
- (2) Objections to the conduct or results of the election accompanied by specific allegations that if proven true would have a probable impact on the outcome of the election.

The notice of intent shall also state that a contestee shall file an answer to the notice of intent in accordance with G.S. 120-10.4. The notice of intent shall be signed by the contestant and shall be verified in accordance with Rule 11(b) of the Rules of Civil Procedure.

"§ 120-10.4. Answering a notice of intent.

Within 10 days after service of the notice of intent on a contestee, a contestee shall file a written answer with the clerk. The contestee's answer shall admit or deny the allegations on which the contestant relies, or state that the contestee has no knowledge or information concerning an allegation which shall be deemed denial, and state any other defenses, in law or fact, on which the contestee relies and any different or additional issues the contestee wants considered. The answer shall be signed by the contestee and shall be verified in accordance with Rule 11(b) of the Rules of Civil Procedure. The failure to file an answer shall be deemed to be a general denial of the allegations.

"§ 120-10.5. Filings and service.

The notice of intent to contest shall be filed by the contestant with the clerk and copies thereof served by the contestant on the contestee as provided under Rule 4(j)(1) of the Rules of Civil Procedure. Proof of service shall be filed with the clerk in accordance with G.S. 1-75.10. The answer, petition, and any reply and copies thereof shall be filed with the clerk, and copies shall be served on the opposing party or the opposing party's counsel, if any, in the manner prescribed by Rule 5 of the Rules of Civil Procedure.

"§ 120-10.6. Discovery.

(a) Depositions. - After service of the notice of intent, any party, after five days notice to the other party or parties may take depositions to sustain or invalidate the election. The contestant shall complete the taking of depositions to submit with the contestant's petition at any time within 20 days following the date of service of the notice of intent, and a contestee shall complete the taking of the contestee's depositions within 30 days following the date of service of the notice of intent on the contestee. By written stipulation of the parties, the testimony of any witness may be filed in the form of an affidavit by the witness within the same time limitations prescribed for the taking of depositions. Every deposition shall be taken before a person authorized by law to administer oaths, who shall certify and seal the deposition in the same manner as in judicial civil proceedings and file the same with the clerk.

(b) Witnesses. - Subpoenas for witnesses in a contest shall be issued upon the application of either party or upon motion of the committee under the same procedures as under Article 5A of this Chapter and shall be enforced as provided under G.S. 120-19.4. Witnesses shall be entitled to the same allowances and privileges, and be subject to the same penalties, as witnesses summoned to attend the courts.

"§ 120-10.7. Petitions.

(a) Filing. - A written petition shall be filed by the contestant with the clerk within 40 days following the date of service of the notice of intent. The petition shall set forth the facts and arguments supporting the case of the contestant. A contestee may file a written reply to the petition within five days following its service on the contestee.

(b) Affidavits. - No affidavit may be made a part of, or filed in support of, a petition or reply thereto unless the affidavit has previously been filed with the clerk, pursuant to the written stipulation of the parties or their counsel, on or before the date established by G.S. 120-10.6 for the completion of the taking of depositions by the proponent of the affidavit.

"§ 120-10.8. Referral to committee.

(a) Referral. - The clerk shall refer the notice, answer, petition, reply, depositions, and affidavits to the committee, which documents shall constitute part of the record in the contest. The committee shall hear the contest and conduct such investigation as has been directed by resolution of its house.

(b) Procedure. - The committee shall set a schedule for taking depositions and receiving affidavits. The committee may consider the contestant's and contestee's recommendations for the procedural schedule. The committee may hold hearings and may compel the attendance of witnesses and the production of documents in its inquiry in accordance with Article 5A of this Chapter. The committee may accept the filing of briefs. The committee may order the recount of the ballots in the election and may seek and obtain the assistance of the State Board of Elections in the interpretation and counting of ballots.

(c) Compel Discovery. - No witness in a contest shall be excused from discovering whether the witness voted in the election that is the subject of the contest or the witness's qualification to vote, except as to the witness's conviction for any offense which would disqualify the witness from voting. If the witness was not a qualified voter, the witness shall be compelled to discover for whom the witness voted; but any witness making such discovery shall not be subject to criminal or penal prosecution for having voted in the election.

(d) Report. - The committee shall report its findings as to the law and the facts and make recommendations to the house for its action.

"§ 120-10.9. Basis for decision.

(a) Eligibility and Qualification. - If the contest is as to the eligibility or qualifications of the contestee, the house shall determine if the contestee is eligible and qualified. If it determines that the contestee is not eligible or not qualified, it shall order a new election.

(b) Conduct or Results of Election. - If the contest is as to the conduct or results of the election, the house shall determine which candidate received the highest number of votes. If it can determine which candidate

received the highest number of votes, it shall seat that person as a member of the house. If it cannot determine which candidate received the highest number of votes, it may order a new election, or may order such other relief, as may be necessary and proper. If it determines that two or more candidates shall be equal and highest in votes, the provisions of G.S. 163-182.8 shall apply.

"§ 120-10.10. Jurisdiction.

A contest of any election held at the same time and place as members of the General Assembly are elected shall be considered by the newly elected house. Any other contest shall be heard by the house sitting at the time of the election.

"§ 120-10.11. Judicial proceedings abated.

Notwithstanding any other provision of law, upon the initiation of a contest under this Article, any judicial proceedings involving either the contestant or the contestee encompassing the issues set forth in the notice of intent or an answer thereto concerning the election that is the subject of the contest shall abate. The clerk shall file a copy of the notice of intent and final determination with the court in any judicial proceeding pending prior to the filing of the notice of intent.

"§ 120-10.12. Determination house not reviewable.

The decision of one of the houses of the General Assembly in determining a contest pursuant to this Article may not be reviewed by the General Court of Justice.

"§ 120-10.13. Bad faith costs assessed.

The prevailing party in any contest may recover that party's costs incurred in conjunction with the contest in a civil action, upon a showing that the other party filed, pursued, maintained, or defended the contest in bad faith and without substantial justification.

"§ 120-10.14. Applicability.

This Article applies only to a general or special election and does not apply to a primary or any other part of the nominating process."

SECTION 3.(a) Article 15A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-182.13A. Contested elections for Council of State offices.

(a) Application of Procedures. - A contested election for any elective office established by Article III of the Constitution shall be determined by joint ballot of both houses of the General Assembly under Article VI, Section 5 of the Constitution in accordance with the provisions of this section. Except as provided by this section, the provisions of Article 3 of Chapter 120 shall apply to contested elections under this section and shall govern standing, notice of intent to contest, answers, service of process, evidence, the petition, procedures, grounds, and relief except as provided in this section. All filings shall be with the Principal Clerk of the House of Representatives.

(b) Notice of Intent. - Notice of the intent to contest the election under this section shall be filed with the Principal Clerk of the House of Representatives as if it were a contested election for the House of Representatives as prescribed in Article 3 of Chapter 120.

(c) Jurisdiction. - When a contest arises out of the general election, the General Assembly elected at the same time shall hear and decide it. Any other contest shall be heard by the General Assembly sitting at the time of the election.

(d) Committee. - A contest filed under this section shall initially be heard before a select committee consisting of five Senators appointed by the President Pro Tempore and five Representatives appointed by the Speaker of the House of Representatives. Not more than three members of the Senate appointed by the President Pro Tempore shall be members of the same political party. Not more than three members of the House of Representatives appointed by the Speaker shall be members of the same political party. That committee shall have the same power as a committee under Article 3 of Chapter 120 and may adopt supplemental rules as necessary to govern its proceedings. The committee shall report its findings as to the law and the facts and make recommendations to the General Assembly for its action.

(e) Final Determination. - The final determination on the recommendations of the committee shall be made by the General Assembly, both houses sitting in joint session in the Hall of the House of Representatives, with the Speaker of the House of Representatives presiding. The vote shall be taken as provided by Article VI, Section 5 of the Constitution. In order to find for the contestant or contestee and order the contestant or contestee elected, the vote on the joint ballot must include the affirmative vote of a majority of the members of the General Assembly voting on the issue. The ballots shall be in writing and are subject to the provisions of G.S. 143-318.13(b).

(f) Basis for Decision. -

- (1) If the contest is as to the eligibility or qualifications of the contestee, the General Assembly shall determine if the contestee is eligible and qualified. If it determines that the contestee is not eligible or not qualified, it shall order a new election.
- (2) If the contest is as to the conduct or results of the election, the General Assembly shall determine which candidate received the highest number of votes. If it can determine which candidate received the highest number of votes, it shall declare that candidate to be elected. If it cannot determine which candidate received the highest number of votes, it may order a new election, or may order such other relief as may be necessary and proper. If

it determines that two or more candidates shall be equal and highest in votes, the provisions of G.S. 147-4 shall apply.

(g) Final Determination. - A copy of the final determination of the General Assembly under this section shall be filed with the Secretary of State and with the State Board of Elections.

(h) Copies. - The Principal Clerk of the House of Representatives shall make copies of any filings and transmit them to the Principal Clerk for the Senate.

(i) Applicability. - This section applies only to a general or special election and does not apply to the primary or any other part of the nominating process.

(j) Judicial Proceedings Abated. - Notwithstanding any other provision of law, upon the initiation of a contest under this Article, any judicial proceedings involving either the contestant or the contestee encompassing the issues set forth in the notice of intent or an answer thereto concerning the election that is the subject of the contest shall abate. The clerk shall file a copy of the notice of intent and final determination with the court in any judicial proceeding pending prior to the filing of the notice of intent.

(k) General Assembly Determination Not Reviewable. - The decision of the General Assembly in determining the contest of the election pursuant to this section may not be reviewed by the General Court of Justice.

(l) Definition. - As used in this section, 'contest' means a challenge to the apparent election for any elective office established by Article III of the Constitution or to request the decision of an undecided election to any elective office established by Article III of the Constitution, where the challenge or the request is filed in accordance with the timing and procedures of this section."

SECTION 3.(b) For any election in 2004, notice of the intent to contest the election shall be filed within 10 days of this act becoming law, notwithstanding the deadlines established under subsection (a) of this section. Any notice, pleadings, or other papers, submitted by a person who could be eligible to be a contestant or contestee under this act, received by the House or Senate Principal Clerk prior to this act becoming law, shall be deemed to be a notice of intent under G.S. 120-10.3 or G.S. 163-182.13A, as applicable, and may be refiled within 10 days of this act becoming law, in the form and manner specified in G.S. 120-10.3 or G.S. 163-182.13A, as applicable, in order to comply with the provisions of this act.

SECTION 4. G.S. 163-182.14 reads as rewritten:

"§ 163-182.14. Appeal of a final decision to superior ~~court~~ court; appeal to the General Assembly or a house thereof.

(a) Final Decision. - A copy of the final decision of the State Board of Elections on an election protest shall be served on the parties personally or by certified mail. A decision to order a new election is considered a final decision for purposes of seeking review of the decision.

(b) Timing of Right of Appeal. - Except in the case of a general or special election to either house of the General Assembly or to an office established by Article III of the Constitution, an aggrieved party has the right to appeal the final decision to the Superior Court of Wake County within 10 days of the date of service.

After the decision by the State Board of Elections has been served on the parties, the certification of nomination or election or the results of the referendum shall issue pursuant to G.S. 163-182.15 unless an appealing party obtains a stay of the certification from the Superior Court of Wake County within 10 days after the date of service. The court shall not issue a stay of certification unless the petitioner shows the court that the petitioner has appealed the decision of the State Board of Elections, that the petitioner is an aggrieved party, and that the petitioner is likely to prevail in the appeal.

(c) Contests for General Assembly and Executive Branch Offices. - In the case of a general or special election to either house of the General Assembly or to an office established by Article III of the Constitution, an unsuccessful candidate has the right to appeal the final decision to the General Assembly in accordance with Article 3 of Chapter 120 and G.S. 163-182.13A, as appropriate.

After the decision by the State Board of Elections has been served on the parties, the certification of nomination or election shall issue pursuant to G.S. 163-182.15 unless a contest of the election is initiated pursuant to Article 3 of Chapter 120 or G.S. 163-182.13A, as appropriate."

SECTION 5. G.S. 163-182.15 reads as rewritten:

"§ 163-182.15. Certificate of nomination or election, or certificate of the results of a referendum.

(a) Issued by County Board of Elections. - In ballot items within the jurisdiction of the county board of elections, the county board shall issue a certificate of nomination or election, or a certificate of the results of the referendum, as appropriate. The certificate shall be issued by the county board six days after the completion of the canvass pursuant to G.S. 163-182.5, unless there is an election protest pending. If there is an election protest, the certificate of nomination or election or the certificate of the result of the referendum shall be issued in one of the following ways, as appropriate:

- (1) The certificate shall be issued five days after the protest is dismissed or denied by the county board of elections, unless that decision has been appealed to the State Board of Elections.

- (2) The certificate shall be issued 10 days after the final decision of the State Board, unless the State Board has ordered a new election or the issuance of the certificate is stayed by the Superior Court of Wake County pursuant to G.S. 163-182.14.
- (3) If the decision of the State Board has been appealed to the Superior Court of Wake County and the court has stayed the certification, the certificate shall be issued five days after the entry of a final order in the case in the Superior Court of Wake County, unless that court or an appellate court orders otherwise.
- (4) No certificate of election need be issued for any member of the General Assembly following a contest of the election pursuant to Article 3 of Chapter 120.

(b) Issued by State Board of Elections. - In ballot items within the jurisdiction of the State Board of Elections, the State Board of Elections shall issue a certificate of nomination or election, or a certificate of the results of the referendum, as appropriate. The certificate shall be issued by the State Board six days after the completion of the canvass pursuant to G.S. 163-182.5, unless there is an election protest pending. If there is an election protest, the certificate of nomination or election or the certificate of the result of the referendum shall be issued in one of the following ways, as appropriate:

- (1) The certificate shall be issued 10 days after the final decision of the State Board on the election protest, unless the State Board has ordered a new election or the issuance of the certificate is stayed by the Superior Court of Wake County pursuant to G.S. 163-14.
- (2) If the decision of the State Board has been appealed to the Superior Court of Wake County and the court has stayed the certification, the certificate shall be issued five days after the entry of a final order in the case in the Superior Court of Wake County, unless that court or an appellate court orders otherwise.
- (3) The certificate shall be issued immediately upon the filing of a copy of the determination of the General Assembly with the State Board of Elections in contested elections involving any elective office established by Article III of the Constitution.
- (4) No certificate of election need be issued for any member of the General Assembly following a contest of the election pursuant to Article 3 of Chapter 120.

(c) Copy to Secretary of State. - The State Board of Elections shall provide to the Secretary of State a copy of each certificate of nomination or

election, or certificate of the results of a referendum, issued by it. The Secretary shall keep the certificates in a form readily accessible and useful to the public."

SECTION 6. This act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 189**

S189-CCSSU-1, AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01 reads as rewritten:

"§ 20-4.01. Definitions.

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

- (1a) Alcohol. - Any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.
- (1b) Alcohol Concentration. - The concentration of alcohol in a person, expressed either as:
 - a. Grams of alcohol per 100 milliliters of blood; or
 - b. Grams of alcohol per 210 liters of breath.
 The results of a defendant's alcohol concentration determined by a chemical analysis of the defendant's breath or blood shall be reported to the hundredths. Any result between hundredths shall be reported to the next lower hundredth.
- (1c) All-Terrain Vehicle or ATV. - A motorized off-highway vehicle designed to travel on three or four low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control.
- ~~(1e)~~(1d) Business District. - The territory prescribed as such by ordinance of the Board of Transportation.

...."

SECTION 2. Article 3 of Chapter 20 is amended by adding a new Part to read:

"Part 10C. Operation of All-Terrain Vehicles.

"§ 20-171.10. Age restrictions.

(a) It is unlawful for any parent or legal guardian of a person less than eight years of age to knowingly permit that person to operate an all-terrain vehicle.

(b) It is unlawful for any parent or legal guardian of a person less than 12 years of age to knowingly permit that person to operate an all-terrain vehicle with an engine capacity of 70 cubic centimeter displacement or greater.

(c) It is unlawful for any parent or legal guardian of a person less than 16 years of age to knowingly permit that person to operate an all-terrain vehicle with an engine capacity greater than 90 cubic centimeter displacement.

(d) It is unlawful for any parent or legal guardian of a person less than 16 years of age to knowingly permit that person to operate an all-terrain vehicle unless the person is under the continuous visual supervision of a person 18 years of age or older while operating the all-terrain vehicle.

(e) Subsections (b) and (c) of this section do not apply to any parent or legal guardian of a person born on or before August 15, 1997, who permits that person to operate an all-terrain vehicle and who establishes proof that the parent or legal guardian owned the all-terrain vehicle prior to August 15, 2005.

"§ 20-171.11. Passengers.

No operator of an all-terrain vehicle shall carry a passenger, except on those vehicles specifically designed by the manufacturer to carry passengers in addition to the operator.

"§ 20-171.12. Prohibited acts by sellers.

No person shall knowingly sell or offer to sell an all-terrain vehicle:

- (1) For use by a person under the age of eight years.
- (2) With an engine capacity of 70 cubic centimeter displacement or greater for use by a person less than 12 years of age.
- (3) With an engine capacity of greater than 90 cubic centimeter displacement for use by a person less than 16 years of age.

"§ 20-171.13. Equipment requirements.

Every all-terrain vehicle sold, offered for sale, or operated in this State shall meet the following equipment standards:

- (1) It shall be equipped with a brake system maintained in good operating condition.
- (2) It shall be equipped with an effective muffler system maintained in good working condition.

- (3) It shall be equipped with a United States Forest Service qualified spark arrester maintained in good working condition.

"§ 20-171.14. Prohibited acts by owners and operators.

(a) No person shall operate an all-terrain vehicle unless the person wears eye protection and a safety helmet meeting United States Department of Transportation standards for motorcycle helmets.

(b) No owner shall authorize an all-terrain vehicle to be operated contrary to this Part.

(c) No person shall operate an all-terrain vehicle while under the influence of alcohol, any controlled substance, or a prescription or non-prescription drug that impairs vision or motor coordination.

(d) No person shall operate an all-terrain vehicle in a careless or reckless manner so as to endanger or cause injury or damage to any person or property.

(e) Except as otherwise permitted by law, no person shall operate an all-terrain vehicle on any public street, road, or highway except for purposes of crossing that street, road, or highway.

(f) Except as otherwise permitted by law, no person shall operate an all-terrain vehicle at anytime on an interstate or limited-access highway.

(g) No person shall operate an all-terrain vehicle during the hours of darkness, from one-half hour after sunset to one-half hour before sunrise and at anytime when visibility is reduced due to insufficient light or atmospheric conditions, without displaying a lighted headlamp and taillamp, unless the use of lights is prohibited by other applicable laws.

"§ 20-171.15. Safety training and certificate.

Effective October 1, 2006, every all-terrain vehicle operator born on or after January 1, 1990, shall possess a safety certificate indicating successful completion of an all-terrain vehicle safety course sponsored or approved by the All-Terrain Vehicle Safety Institute.

"§ 20-171.16. Penalties.

Any person violating any of the provisions of this Part shall be responsible for an infraction and may be subject to a fine of not more than two hundred dollars (\$200.00).

"§ 20-171.17. Exceptions.

(a) The provisions of this Part do not apply to any owner, operator, lessor, or renter of a farm or ranch, or that person's employees or immediate family or household members, when operating an all-terrain vehicle while engaged in farming operations.

(b) The provisions of this Part do not apply to any person using an all-terrain vehicle for hunting or trapping purposes if the person is otherwise lawfully engaged in those activities."

SECTION 3. This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 369**

S369-CCSMBX-2, AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM AND ROCKINGHAM OCCUPANCY TAXES.

The General Assembly of North Carolina enacts:

PART I. FRANKLIN COUNTY OCCUPANCY TAX.

SECTION 1.1. Occupancy Tax. - (a) Authorization and Scope. - The Franklin County Board of Commissioners may levy a room occupancy tax of up to six percent (6%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 1.1.(b) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

SECTION 1.1.(c) Distribution and Use of Tax Revenue. - Franklin County shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Franklin County Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Franklin County and shall use the remainder for tourism-related expenditures.

The following definitions apply in this Part:

- (1) Net proceeds. - Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. - Expenditures that, in the judgment of the Tourism Development Authority, are

designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a county or to attract tourists or business travelers to the county. The term includes tourism-related capital expenditures.

SECTION 1.2. Franklin County Tourism Development Authority. - (a) Appointment and Membership. - When the Franklin County Board of Commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the county, and at least one-half of the members must be individuals who are currently active in the promotion of travel and tourism in the county. The board of commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Franklin County shall be the ex officio finance officer of the Authority.

SECTION 1.2.(b) Duties. - The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in this act. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

SECTION 1.2.(c) Reports. - The Authority shall report quarterly and at the close of the fiscal year to the Franklin County Board of Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

PART II. EDEN OCCUPANCY TAX.

SECTION 2. Occupancy Tax. - (a) Authorization and Scope. - The Eden City Council may levy a room occupancy tax of up to two percent (2%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 2.(b) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in

G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 2.(c) Distribution and Use of Tax Revenue. - The City of Eden shall, on a quarterly basis, remit the net proceeds of the occupancy tax levied under this Part to the Rockingham County Tourism Development Authority. The net proceeds under this Part shall be deposited into a separate Eden Account. Based on recommendations from and in consultation with the Eden City Council, the Authority shall use at least two-thirds of the funds in the Eden Account for tourism promotion and the remainder for tourism-related expenditures. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the City of Eden. None of the proceeds may be used to promote travel and tourism or for tourism-related expenditures in areas within Rockingham County that are outside of the City of Eden.

The following definitions apply in this Part:

- (1) Net proceeds. - Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. - Expenditures that are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

PART III. REIDSVILLE OCCUPANCY TAX.

SECTION 3. Occupancy Tax. - (a) Authorization and Scope. - The Reidsville City Council may levy a room occupancy tax of up to two percent (2%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by

nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 3.(b) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 3.(c) Distribution and Use of Tax Revenue. - The City of Reidsville shall, on a quarterly basis, remit the net proceeds of the occupancy tax levied under this Part to the Rockingham County Tourism Development Authority. The net proceeds under this Part shall be deposited into a separate Reidsville Account. Based on recommendations from and in consultation with the Reidsville City Council, the Authority shall use at least two-thirds of the funds in the Reidsville Account for tourism promotion and the remainder for tourism-related expenditures. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the City of Reidsville. None of the proceeds may be used to promote travel and tourism or for tourism-related expenditures in areas within Rockingham County that are outside of the City of Reidsville.

The following definitions apply in this Part:

- (1) Net proceeds. - Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. - Expenditures that are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

PART IV. DURHAM OCCUPANCY TAX.

SECTION 4.1. Section 7(a) of S.L. 2001-480, as amended by Section 1 of S.L. 2002-36, reads as rewritten:

"**SECTION 7.(a)** If a plan for financing a Performing Arts Theater has not been approved by the Durham City Council and has been disapproved

by the Durham County Commissioners within ~~42~~54 months after the levy of the one percent (1%) tax authorized under Section 6(c) of this act, the county's authority to levy the one percent (1%) tax described under Section 6(c) of this act and the levy of the one percent (1%) tax described in this subsection are repealed on the first day of the second month following the ~~42-month~~54-month period.

If construction on the Performing Arts Theater has not begun within ~~42~~54 months after the levy of the one percent (1%) tax authorized under Section 6(c) of this act, the county's authority to levy the one percent (1%) tax described in Section 6(c) of this act and the levy of the one percent (1%) tax described in Section 6(c) of this act are repealed on the first day of the second month following the ~~42-month~~54-month period.

It is the goal of the General Assembly that a plan for financing the Performing Arts Theater shall be adopted within ~~42~~54 months after the levy of the one percent (1%) tax authorized under Section 6(c) of this act, and construction of the Performing Arts Theater shall begin within ~~24~~54 months of the levy of the one percent (1%) tax described in Section 6(c) of this act.

Any funds collected but not spent before the repeal date shall be redistributed to the Durham Convention and Visitors Bureau to promote travel and tourism."

SECTION 4.2. Section 9(e) of S.L. 2001-480, as amended by Section 4 of S.L. 2002-36, reads as rewritten:

"SECTION 9.(e) Use of Proceeds From Additional One Percent (1%) Tax After First 24 Months. - The net proceeds of the tax collected under Section 6(c) of this act after the first 24 months that the tax is levied shall be remitted monthly to the Durham Convention and Visitors Bureau as set out in Section 10 of this act. The Bureau shall use and distribute these net proceeds in the following priority order:

- (1) To the City of Durham, the first one million four hundred thousand dollars (\$1,400,000) collected annually to finance the debt service associated with the construction of the Performing Arts ~~Theater.~~Theater and for the design and engineering costs associated with the construction of the Theater. But no more than two million seven hundred fifty-two thousand dollars (\$2,752,000) of those proceeds may be used for design and engineering costs associated with the construction of the Theater. Until those funds are distributed to the City of Durham for that purpose, they shall be held by the Durham Convention and Visitors Bureau in a capital reserve fund as provided by Part 2 of Article 3 of Chapter 159 of the General Statutes except they may be expended as provided by the last sentence of Section 7(a) of this act if the tax

is repealed as provided by Section 7(a) of this act. Any interest earned by that fund shall be credited to the fund.

- (2) Thirty-two years after the levy of the tax authorized under Section 6(c) of this act, instead of the allocation under subdivision (1) of this subsection, the first one million four hundred thousand dollars (\$1,400,000) collected annually shall be used by the Bureau to promote travel and tourism or for tourism related expenditures.
- (3) To Durham County, the next five hundred thousand dollars (\$500,000) collected annually to be used for improvements to the Museum of Life and Science. This may include the financing of debt service. Any of these funds that are not needed for this purpose shall be returned to the Bureau and used to promote travel and tourism.
- (4) The Bureau shall use any net proceeds in excess of that provided by subdivisions (1), (2), and (3) of this subsection to promote travel, tourism, and conventions in Durham County.

As used in this subsection, "annually" means the 12-month period beginning after the first 24 months that the tax authorized under Section 6(c) of this act is levied."

PART V. ROCKINGHAM COUNTY OCCUPANCY TAX.

SECTION 5. Chapter 322 of the 1991 Session Laws, as amended by Chapter 52 of the 1995 Session Laws, reads as rewritten:

"**Section 1.** Occupancy Tax. =

(a) Authorization and Scope. = The Rockingham County Board of Commissioners ~~may, by resolution, after not less than 10 days public notice and after a public hearing held pursuant thereto, may~~ levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by ~~educational organizations, religious organizations, or summer camps~~ nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

(b) ~~Collection. Every operator of a business subject to the tax levied under this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged~~

separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.

(c) Administration. The county shall administer a tax levied under this act. A tax levied under this act is due and payable to the county finance officer in monthly installments on or before the fifteenth day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the fifteenth day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

A return filed with the county finance officer under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.

(d) Penalties. A person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due for each additional month or fraction thereof until the tax is paid. The board of commissioners may, for good cause shown, compromise or forgive the tax penalties imposed by this subsection.

Any person who willfully attempts in any manner to evade a tax imposed under this act or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

(e) Distribution and Use of Tax Revenue. = Rockingham County shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Rockingham County Tourism Development Authority. ~~The Authority may spend funds remitted to it under this subsection only to further the development of travel, tourism, and conventions in the county through State, national, and international advertising and promotion. As used in this subsection, "net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer.~~The Authority shall use at least two-thirds of the funds remitted to it

under this subsection to promote travel and tourism in Rockingham County and shall use the remainder for tourism-related expenditures.

The following definitions apply in this Part:

- (1) Net proceeds. - Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. - Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a county or to attract tourists or business travelers to the county. The term includes tourism-related capital expenditures.

~~(f) Effective Date of Levy. A tax levied under this act shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, may not be earlier than July 1, 1991, and may not be earlier than the first day of the second month after the date the resolution is adopted.~~

~~(g) Repeal. A tax levied under this act may be repealed by a resolution adopted by the Rockingham County Board of Commissioners. Repeal of a tax levied under this act shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this act does not affect a liability for a tax that attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.~~

"Sec. 2. Tourism Development Authority. -

(a) **Appointment and Membership. -** When the board of commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act and Act. At least one-third of the members must be individuals affiliated with businesses that collect the tax in the county, and at least one-half of the members must be individuals currently

active in the promotion of travel and tourism in the county. The Authority shall be composed of the following 12 members:

- (1) The Executive Director of the Rockingham County Economic Development Commission, who shall serve as an ex officio, nonvoting member.
- (2) A county commissioner appointed by the Rockingham County Board of Commissioners, who shall serve as an ex officio, nonvoting member.
- (3) Two owners or operators of hotels, motels, or other taxable accommodations and two individuals involved in tourist businesses who have demonstrated an interest in tourism development, appointed as follows: one by the Rockingham County Board of Commissioners and one by each chamber of commerce in Rockingham County.
- (4) Five individuals involved in businesses or professions that are concerned with or affected by tourism development in such a way that their expertise would benefit the Authority, appointed as follows: one by each chamber of commerce in Rockingham County and two by the Rockingham County Board of Commissioners.
- (5) The President of the Chinqua-Penn Foundation, Inc., who shall serve as an ex officio, nonvoting member.

All members of the Authority shall serve without compensation. Vacancies in the Authority shall be filled by the appointing authority of the member creating the vacancy. Members appointed to fill vacancies shall serve for the remainder of the unexpired term which they are appointed to fill. Except as provided in subsection (b) for initial members, members shall serve three-year terms. Members may serve no more than two consecutive terms. The members shall elect a chair from the membership of the Authority, who shall serve for a term of two years. The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Rockingham County shall be the ex officio finance officer of the Authority.

"Sec. 2.(b) Duties. - The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in this act. It shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

"Sec. 2.(c) Reports. - The Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

"Sec. 3. Review of Levy and Authority.

~~Three years after the effective date of a tax levied under this act, the Rockingham County Board of Commissioners shall conduct a thorough review of the tax and the function of the Tourism Development Authority established under this act to determine the effectiveness of the levy and of the Authority.~~

"**Sec. 4.** This act is effective upon ratification."

PART VI. UNIFORM PROVISIONS.

SECTION 6.1. G.S. 153A-155(g) reads as rewritten:

"(g) This section applies only to Alleghany, Anson, Brunswick, Buncombe, Cabarrus, Camden, Carteret, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Durham, Franklin, Granville, Halifax, Madison, Montgomery, Nash, New Hanover, Pasquotank, Pender, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Transylvania, Tyrrell, Vance, and Washington Counties, and to the Township of Averasboro in Harnett County."

SECTION 6.2. G.S. 160A-215(g) reads as rewritten:

"(g) This section applies only to Beech Mountain District W, to the Cities of Elizabeth City, Eden, Gastonia, Goldsboro, Greensboro, High Point, Kings Mountain, Lexington, Lincolnton, Lumberton, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Shelby, Statesville, Washington, and Wilmington, to the Towns of Beech Mountain, Blowing Rock, Carolina Beach, Carrboro, Franklin, Kure Beach, Jonesville, Mooresville, North Topsail Beach, Selma, Smithfield, St. Pauls, West Jefferson, Wilkesboro, and Wrightsville Beach, and to the municipalities in Avery and Brunswick Counties."

PART VII. EFFECTIVE DATE.

SECTION 7. This act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 629**

S629-CCSLB-1, AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1. Manufacturing redevelopment districts: legislative findings.

(a) The General Assembly of North Carolina makes the following findings regarding the need for manufacturing redevelopment districts:

- (1) Economic development in the State will be served by providing an opportunity to restart production in

manufacturing facilities designed for targeted industries such as photographic materials, digital inkjet products, digital photographic applications, and other photographic printing technology, thereby providing employment opportunities for the residents of North Carolina.

- (2) When an existing facility can be modified to meet the needs of the new industry and thereby preserve and create jobs, it is in the public interest to provide a mechanism for these modifications to occur.
 - (3) Economically distressed counties continue to lose manufacturing jobs, and the General Assembly must act to create new jobs for citizens residing in those counties.
 - (4) The health and safety of the citizens of North Carolina will be served through the assessment and remediation of known and unknown environmental conditions at manufacturing facilities.
 - (5) The public interest will be served by State acquisition of title to real property located within significant State property holdings after manufacturing operations have permanently ceased, remediation has been completed, and the buildings associated with the manufacturing operation have been removed.
 - (6) The public interest of the State will be served by encouraging owners of idle manufacturing facilities to transfer ownership in property in order to make it possible for new operators to restart production at these facilities.
- (b) For purposes of this act, a new operator is an entity that

proposes to restart operations at a manufacturing facility located within a manufacturing redevelopment district created under this act.

SECTION 2. Manufacturing redevelopment districts: purpose.

A manufacturing redevelopment district shall be established to provide manufacturing, research and development, and related service and support jobs to citizens of the State while ensuring the remediation of known and unknown environmental conditions at manufacturing facilities.

SECTION 3. Manufacturing redevelopment districts: establishment; criteria.

(a) A manufacturing redevelopment district may be established on any parcel or tract of land or on any combination of contiguous parcels or tracts of land as provided in this section. To establish a manufacturing redevelopment district, the new operator of the manufacturing facilities located within the boundaries of the district shall certify to the Secretary of State that the district meets all of the criteria set out in this section. The certification shall describe the boundaries of the district by metes and bounds and shall set out the specific financial

mechanism that guarantees completion of the assessment and remediation program as required under subdivision (b)(8) of this section. This certification shall constitute prima facie evidence that these criteria have been met. The district shall be considered to be established as a manufacturing redevelopment district on the date the certification is filed. Once established, a manufacturing redevelopment district shall continue to exist until title to the real property comprising the district is transferred to the State as provided in Section 7 of this act.

(b) A manufacturing redevelopment district may be established only if all of the following criteria are met at the time the district is to be established:

- (1) The real property is located in a county that is economically distressed. For purposes of this subdivision, a county shall be considered economically distressed if, as of the date of the most recent annual assessment by county officials, all of the following apply:
 - a. The average weekly wage in the county is less than five hundred twenty-five dollars (\$525.00) per person.
 - b. The percentage of unemployed workers is greater than six percent (6%).
 - c. The percentage of citizens who are at or below the federal poverty level, as determined by the most recent federal decennial census, is greater than nine percent (9%).
- (2) All of the real property comprising the district is a privately owned in-holding of 50 acres or more within a State forest of 10,000 acres or more.
- (3) The district contains a manufacturing facility that has been out of production for two years or more.
- (4) Failure to restart the manufacturing facility would result in a permanently lost opportunity to create 50 or more jobs.
- (5) The manufacturing facility has a total square footage of 500 square feet or more.
- (6) The new operator of the manufacturing facility guarantees investment of at least five million dollars (\$5,000,000) in the manufacturing facility within 12 months following the creation of the manufacturing redevelopment district and guarantees employment of at least 50 persons.
- (7) The new operator of the facility has done all of the following:
 - a. Accepted responsibility for all requirements of this act.

- b. Accepted responsibility for assessment and remediation of known and unknown environmental conditions on the property that comprises the manufacturing redevelopment district in accordance with this act and other applicable environmental laws, regulations, and rules.
 - c. Agreed to assume all other liabilities as provided in Section 5 of this act.
 - d. Agreed to remove all buildings in the manufacturing redevelopment district when the new operator permanently ceases manufacturing operations.
 - e. Agreed to comply with other requirements of Section 7 of this act.
- (8) The new operator provides financial assurance, acceptable to the Department of Environment and Natural Resources, for the fulfillment of the requirements set out in Section 3(b)(7)b of this act. Such financial assurance shall include a prefunded escrow account or other financing mechanism, in an amount not less than five million dollars (\$5,000,000), that runs in favor of the State in the event of a default. The establishment of the prefunded account shall not relieve the new operator of its obligation to comply with applicable laws in assessing and remediating the manufacturing facility. The Department of Environment and Natural Resources shall: (i) review the financial assurance contemplated by this act in light of reasonably available financial assurance and guaranteed remediation products and in light of known and reasonably anticipated unknown environmental conditions at the manufacturing redevelopment district, and (ii) complete its review of the financial assurance within 30 days of receipt by the Department of a request for such review by the new operator accompanied by a description of the financial assurance. The requirement that the financial assurance is acceptable to the Department shall be waived if the Department does not complete its review within such 30 day period.
- (9) The owner of the real property has entered into an agreement to transfer the real property to be used as the manufacturing redevelopment district to a local government entity. This local government entity has, in turn, entered into an agreement to transfer the real property comprising the district to the new operator under

a condition that when manufacturing operations permanently cease, the new operator will comply with the requirements of Section 7 of this act.

SECTION 4. Manufacturing redevelopment districts: qualified immunity for third-party claims; enforcement of environmental requirements.

(a) No person who owned or had an interest in any real property within a manufacturing redevelopment district at any time prior to the establishment of the district shall be liable to any private or third party for civil claims arising out of the presence of oil, a hazardous substance, or a hazardous waste on the real property if the cause of action arose after transfer of the property to the new operator under this act, regardless of when the oil, hazardous substance, or hazardous waste was brought to or discovered at the site. The qualified immunity provided by this section shall attach at the time that the new operator submits its certification to the Secretary of State pursuant to Section 3(a) of this act or at the time that the real property comprising the manufacturing redevelopment district is transferred to the new operator, whichever occurs later. The qualified immunity provided by this section is with respect to any theory of legal liability, including, but not limited to, any claim of negligence, nuisance, or trespass, or arising under other common law principles, or arising under any State statute or rule, including, but not limited to, Article 9 of Chapter 130A of the General Statutes, Articles 21 and 21A of Chapter 143 of the General Statutes, and rules adopted pursuant to those Articles. The qualified immunity provided by this section shall continue in effect after the termination of the manufacturing redevelopment district.

(b) Nothing in this act shall be construed to prevent the State from enforcing remediation standards, monitoring, or compliance requirements specifically required by the United States Environmental Protection Agency to be enforced by the State as a condition to receiving and retaining federal funds or program approval, authorization, or delegation.

SECTION 5. Manufacturing redevelopment districts: assignment of liability.

In addition to any liability under any provision of law, the new operator of the manufacturing redevelopment district or its successor in interest shall be liable for all claims for which any prior owner has been granted qualified immunity by Section 4 of this act. This assignment of liability shall continue in effect after the termination of the manufacturing redevelopment district. The new operator or its successor in interest shall have all rights, claims, and defenses that are or would have been available to any prior owner with respect to claims for which the prior owner has been granted qualified immunity.

SECTION 6. Manufacturing redevelopment districts: transfer of property to a subsequent manufacturer.

The new operator or its successor in interest shall not transfer the property comprising the manufacturing redevelopment district to any person, including without limitation any corporate affiliate of the new operator, until such person has met all of the requirements applicable to a new operator under subdivisions 7 through 9 of Section 3(b) of this act.

SECTION 7. Manufacturing redevelopment districts: donation and transfer of the district; transfer to the State.

(a) The local government entity to which the real property comprising the manufacturing redevelopment district is transferred pursuant to Section 3(b)(9) of this act shall accept title to the real property and shall immediately transfer such title to the new operator. The consideration for the transfer by the local government entity of title to the new operator shall be the creation of jobs and economic opportunities that will result from restarting manufacturing operations on the real property.

(b) When the new operator or its successor in interest permanently ceases manufacturing operations at the facility within the manufacturing redevelopment district, it shall expeditiously do all of the following:

- (1) Demolish and remove all buildings in the manufacturing redevelopment district.
- (2) Perform any additional assessment and remediation required by the Department of Environment and Natural Resources in accordance with applicable environmental laws.
- (3) Tender transfer of title to all of the land constituting the manufacturing redevelopment district to the State of North Carolina upon completion of any such assessment and remediation.

(c) The State Property Office shall accept donation of the property for allocation to the contiguous State forest upon demonstration that all buildings have been removed and remediation completed to the satisfaction of the Secretary of the Department of Environment and Natural Resources in light of the requirements of this section.

(d) When the State Property Office accepts donation of the property as provided in subsection (c) of this section, the manufacturing redevelopment district shall terminate.

SECTION 8. Effective date. This act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 686**

S686-CCSRI-1, AN ACT TO PROVIDE THAT CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER, OR (2) STORED AND SOLD BEHIND A PHARMACY COUNTER; TO PROVIDE THAT RETAILERS MUST IMPLEMENT SECURITY MEASURES IN AREAS OF AN ESTABLISHMENT WHERE PSEUDOEPHEDRINE PRODUCTS ARE OFFERED FOR SALE; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO CREATE THE LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 5D.

"Control of Methamphetamine Precursors.

"§ 90-113.50. Title.

This Article shall be known and may be cited as the "Methamphetamine Lab Prevention Act of 2005."

"§ 90-113.51. Definitions.

(a) For purposes of this Article, "pseudoephedrine product" means a product containing any detectable quantity of pseudoephedrine or ephedrine base, their salts or isomers, or salts of their isomers.

(b) For purposes of this Article, a "retailer" means an individual or entity that is the general owner of an establishment where pseudoephedrine products are available for sale.

(c) For purposes of this Article, the "Commission" means the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services.

"§ 90-113.52. Pseudoephedrine: restrictions on sales.

(a) A product whose sole active ingredient is pseudoephedrine in strength of 30 milligrams or more per tablet or caplet shall not be offered for retail sale loose in bottles but shall be sold only in blister packages.

(b) Pseudoephedrine products shall not be offered for retail sale by self-service, but shall be stored and sold in the following manner:

(1) In retail establishments that have a pharmacy on the premises, any pseudoephedrine product in the form of a tablet or caplet containing pseudoephedrine as the sole active ingredient or in combination with other active ingredients shall be stored and sold behind the pharmacy counter.

(2) In retail establishments that do not have a pharmacy on the premises: (i) any pseudoephedrine product in the form of a tablet or caplet containing pseudoephedrine in combination with other active ingredients shall be stored behind a single counter or barrier or in a single locked container in such a manner that the products are not accessible by the public and are only accessible by a retail store employee trained in accordance with G.S. 90-113.55. The products shall be sold at a single designated register; (ii) any pseudoephedrine product in the form of a tablet or caplet containing pseudoephedrine as the sole active ingredient shall not be sold.

(3) Pseudoephedrine products that are in the form of liquids, liquid capsules, or gel capsules shall be stored behind a single counter or barrier or in a single locked container in such a manner that the products are not accessible by the public and are only accessible by a retail store employee trained in accordance with G.S. 90-113.55. The products shall be sold at a single designated register.

(c) A pseudoephedrine product may be sold at retail without a prescription only to a person at least 18 years of age. The retailer shall require every retail purchaser of a pseudoephedrine product to furnish photo

identification. If the retailer has reasonable grounds to believe that the prospective purchaser is under 18 years of age, the retailer shall require the prospective purchaser to furnish photo identification showing the date of birth of the person. The name and address of every purchaser shall be entered in a record of disposition of pseudoephedrine products to the consumer on a form approved by the Commission. The record of disposition shall also identify each pseudoephedrine product purchased, including the number of grams the product contains and the purchase date of the transaction. The retailer shall require that every purchaser sign the form attesting to the validity of the information. The form approved by the Commission shall be constructed and maintained so as to minimize disclosure of personal information to unauthorized persons and shall contain a statement in at least 10-point boldface type at the top of every page "NORTH CAROLINA LAW STRICTLY PROHIBITS A SINGLE TRANSACTION PURCHASE OF MORE THAN TWO PACKAGES OF PRODUCTS CONTAINING PSEUDOEPHEDRINE (SIX GRAMS TOTAL), AND NO MORE THAN THREE PACKAGES (NINE GRAMS TOTAL) OF PRODUCTS CONTAINING PSEUDOEPHEDRINE WITHIN A 30-DAY PERIOD. BY MY SIGNATURE, I ATTEST THAT THE INFORMATION I HAVE PROVIDED IN CONNECTION WITH THIS TRANSACTION IS TRUE AND CORRECT AND THAT THIS TRANSACTION DOES NOT EXCEED THE PURCHASE RESTRICTIONS. I ACKNOWLEDGE THAT KNOWING AND WILLFUL VIOLATION OF THE PURCHASE RESTRICTIONS OR THE FURNISHING OF FALSE INFORMATION IN CONNECTION THEREWITH MAY SUBJECT ME TO CRIMINAL PENALTIES."

(d) A retailer shall maintain a record of disposition of pseudoephedrine products to the consumer for a period of two years from the date of each transaction. The records shall be readily available for inspection by an authorized official of a federal, State, or local law enforcement agency. The records maintained by a retailer are privileged information and are not public records but are for the exclusive use of the retailer and law enforcement. The retailer may destroy the information after two years from the date of the transactions.

"§ 90-113.53. Pseudoephedrine transaction limits.

(a) No person shall deliver or purchase, or attempt to deliver or purchase, in any single over-the-counter retail sale more than two packages containing a combined total of more than six grams of any pseudoephedrine products. This limit does not apply if the product is dispensed under a valid prescription.

(b) No person shall purchase at retail more than three packages containing a combined total of more than nine grams of pseudoephedrine products within any 30-day period. This limit does not apply if the product is dispensed under a valid prescription.

"§ 90-113.54. Posting of signs.

A retailer shall post a sign or placard in a clear and conspicuous manner in the area of the premises where the pseudoephedrine products are offered for sale stating: "North Carolina law strictly prohibits a single transaction purchase of more than two packages (six grams total) of products containing pseudoephedrine, and no more than three packages (nine grams total) of products containing pseudoephedrine within a 30-day period. This store will maintain a record of all sales of these products which may be accessible to law enforcement officers."

"§ 90-113.55. Training of employees.

A retailer shall require that employees of the establishment involved in the sale of pseudoephedrine be trained in a program conducted by or approved by the Commission pursuant to G.S. 90-113.60.

"§ 90-113.56. Implementation of security measures.

In addition to the other storage and sale requirements of this Article, a retailer shall implement at least one additional security measure in the area of the premises where pseudoephedrine products are offered for sale, which may include continuous video surveillance, reliable antitheft devices that use special package tags and detection alarms designed to prevent theft of pseudoephedrine products from the establishment, or other security measures that may be approved by the Commission. The Commission may adopt temporary and permanent rules in this regard.

"§ 90-113.57. Penalties.

(a) If a retailer willfully and knowingly violates the provisions of G.S. 90-113.52, 90-113.53, 90-113.54, or 90-113.56, the retailer shall be guilty of a Class A1 misdemeanor for the first offense and a Class I felony for a second or subsequent offense. A retailer convicted of a third offense occurring on the premises of a single establishment shall be prohibited from making pseudoephedrine products available for sale at that establishment.

(b) Any purchaser or employee who willfully and knowingly violates G.S. 90-113.52(c) or G.S. 90-113.53 shall be guilty of a Class 1 misdemeanor for the first offense, a Class A1 misdemeanor for a second offense, and a Class I felony for a third or subsequent offense. This subsection shall not be construed to apply to bona fide innocent purchasers.

(c) A retailer who fails to train employees in accordance with G.S. 90-113.55, adequately supervise employees in transactions involving pseudoephedrine products, or reasonably discipline employees for violations of this Article, shall be fined up to five hundred dollars (\$500.00) for the first violation, up to seven hundred fifty dollars (\$750.00) for the second violation, and up to one thousand dollars (\$1,000) for a third or subsequent violation of this section.

"§ 90-113.58. Immunity.

A retailer or an employee of the retailer who, reasonably and in good faith, reports to any law enforcement agency any alleged criminal activity

related to the sale or purchase of pseudoephedrine products, or who refuses to sell a pseudoephedrine product to a person reasonably believed to be ineligible to purchase a pseudoephedrine product pursuant to this Article, is immune from civil liability for that conduct except in cases of willful misconduct. No retailer shall retaliate in any manner against any employee of the establishment for a report made in good faith to any law enforcement agency concerning alleged criminal activity related to the sale or purchase of pseudoephedrine products.

"§ 90-113.59. Commission authority to control pseudoephedrine products.

(a) The Commission may add or delete a specific pseudoephedrine product from requirements of this Article on the petition of any interested party, or its own motion. In addition, the Commission may modify the specific storage and security requirements applicable to a particular product upon such terms and conditions as they deem appropriate. In every case the Commission shall give notice of and hold a public hearing pursuant to Chapter 150B of the General Statutes prior to adding or deleting a product. A petition by the Commission or the North Carolina Department of Justice to add or delete a specific product from requirements of this Article shall be placed on the agenda, for consideration, at the next regularly scheduled meeting of the Commission, as a matter of right.

(b) In making a determination regarding a specific product, the Commission shall consider the following:

- (1) Ease with which the product can be converted into methamphetamine.
- (2) Ease with which pseudoephedrine is extracted from the substance and whether it forms an emulsion, salt, or other form.
- (3) Whether the product contains a molecular lock that renders it incapable of conversion into methamphetamine.
- (4) Presence of other ingredients that render the product less likely to be used in the manufacture of methamphetamine.
- (5) Any pertinent data that can be used to determine the risks of the substance being used in the illegal manufacture of methamphetamine or any other controlled substance.

(c) After considering the required factors, the Commission shall make findings with respect thereto and shall issue an order adding or deleting the specific product from requirements of this Article.

(d) The Commission may adopt temporary and permanent rules in accordance with this section.

"§ 90-113.60. Commission development of employee training programs.

The Commission shall develop training and education programs targeted for employees of establishments where pseudoephedrine products are available for sale, and shall approve such programs for implementation

by retailers. The Commission may also conduct employee training programs for retail establishments. The Commission may adopt temporary and permanent rules in this regard.

"§ 90-113.61. Preemption.

This Article shall preempt all local ordinances or regulations governing the sale by a retailer of over-the-counter products containing pseudoephedrine."

SECTION 2. G.S. 106-145.2 reads as rewritten:

"§ 106-145.2. Definitions.

The following definitions apply in this Article:

...

- (9) Prescription drug. - A human drug required by federal law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject to 21 U.S.C. § 353(b). Only for the purposes of the provisions of this Article, the term "prescription drug" shall include pseudoephedrine products as defined in G.S. 90-113.51 that may be dispensed without a prescription.

...."

SECTION 3. Chapter 106 of the General Statutes is amended by adding a new section to read:

"§ 106-145.13. Submittal of reports by wholesale distributors of transactions involving pseudoephedrine products.

Every 30 calendar days, a wholesale distributor of pseudoephedrine products licensed as provided in this Article shall submit a report electronically to the State Bureau of Investigation that accounts for all transactions involving pseudoephedrine products with persons or firms located within this State for the preceding month. The report shall be submitted on a form and in a manner approved by the State Bureau of Investigation. A wholesale distributor shall maintain each monthly report for a period of two years from the date of submittal to the State Bureau of Investigation. The records shall be readily available for inspection by an authorized official of a federal, State, or local law enforcement agency or the Department of Agriculture and Consumer Services."

SECTION 4. G.S. 15A-1340.16(d) is amended by adding a new subdivision to read:

"(16b) The offense is the manufacture of methamphetamine and was committed in a dwelling that is one of four or more contiguous dwellings."

SECTION 5. Article 32 of Chapter 66 of the General Statutes is amended by adding a new section to read:

"§ 66-254.1. Certain sales prohibited.

No person who is described by G.S. 66-250(1), (2), (5), or (6) shall sell or offer to sell any product that meets any of the following criteria:

- (1) The product contains pseudoephedrine as the sole active ingredient or in combination with other active ingredients.
- (2) The product is a drug as defined by G.S. 106-121(6).

Any person who violates this section shall be guilty of a Class 1 misdemeanor for the first offense, a Class A1 misdemeanor for a second offense, and a Class I felony for a third or subsequent offense."

SECTION 6. Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-736.1. Bail in cases of manufacture of methamphetamine.

Notwithstanding the provisions of G.S. 15A-736, in determining bond and other conditions of release for a person arrested for any violation of G.S. 90-95(b)(1a) or G.S. 90-95(d1)(2)b., the magistrate, judge, or court shall consider any evidence that the person is in any manner dependent upon methamphetamine or has a pattern of regular, illegal use of methamphetamine. A rebuttable presumption that no conditions of release on bond would assure the safety of the community or any person therein shall arise if the State shows by clear and convincing evidence:

- (1) The person was arrested for a violation of G.S. 90-95(b)(1a) or G.S. 90-95(d1)(2)b., relating to the manufacture of methamphetamine or possession of an immediate precursor chemical with knowledge or reasonable cause to know that the chemical will be used to manufacture methamphetamine; and
- (2) The person is in any manner dependent upon methamphetamine or has a pattern of regular illegal use of methamphetamine, and the violation referred to in subdivision (1) of this section was committed or attempted in order to maintain or facilitate the dependence or pattern of illegal use in any manner."

SECTION 7. Legislative Commission on Methamphetamine Abuse Established.

(a) Establishment. - The Legislative Commission on Methamphetamine Abuse is established.

(b) Purpose. - The purpose of the Commission is to study: (i) issues regarding the abuse of methamphetamine precursors used to make methamphetamine and any other issues that are relevant to that topic; (ii) the cost, feasibility, and advisability of developing and implementing data-tracking mechanisms related to the sale of pseudoephedrine products; (iii) development of programs to curb the use of and access to methamphetamine in North Carolina; (iv) development of training and education programs targeted for employees of establishments where

pseudoephedrine products are available for sale; (v) development of programs to educate the citizens of the State on the issues of detection and prevention of clandestine methamphetamine laboratories in the State and to educate the citizens of the State of the restrictions on the sale of pseudoephedrine products set forth in Article 5D of Chapter 90 of the General Statutes.

(c) Membership. - The Commission shall consist of 22 members to be appointed as follows:

- (1) Two members of the Senate appointed by the President Pro Tempore of the Senate.
- (2) Two members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (3) The Attorney General or the Attorney General's designee.
- (4) The Governor or the Governor's designee.
- (5) One representative from the North Carolina Association of County Directors of Social Services, as appointed by the President Pro Tempore of the Senate.
- (6) One representative from the North Carolina Retail Merchants Association, as appointed by the Speaker of the House of Representatives.
- (7) One representative from the North Carolina Association of Community Pharmacists, as appointed by the President Pro Tempore of the Senate.
- (8) One representative from the Conference of District Attorneys of North Carolina, as appointed by the Speaker of the House of Representatives.
- (9) One representative from the Consumer Healthcare Products Association, as appointed by the President Pro Tempore of the Senate.
- (10) One representative from the North Carolina Sheriffs' Association, Inc., as appointed by the Speaker of the House of Representatives.
- (11) The Secretary of Health and Human Services or the Secretary's designee.
- (12) The Director of the State Bureau of Investigation or the Director's designee.
- (13) One representative from the North Carolina Narcotic Enforcement Officers' Association, as appointed by the President Pro Tempore of the Senate.
- (14) One representative from the North Carolina Association of Chiefs of Police, as appointed by the Speaker of the House of Representatives.
- (15) The Commissioner of Agriculture or the Commissioner's designee.

- (16) The Chair of the Commission on Mental Health or the Chair's designee.
- (17) The Director of the National Drug Intelligence Center or the Director's designee.
- (18) The Administrator of the United States Drug Enforcement or the Administrator's designee.
- (19) One representative from the National Association of Chain Drug Stores, as appointed by the President Pro Tempore of the Senate.
- (20) One representative from a child advocacy organization in the State, as appointed by the Speaker of the House of Representatives.

(d) Terms. - Members shall serve for two-year terms, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

- (1) The President Pro Tempore of the Senate shall initially appoint six members for a term of two years and five members for a term of three years.
- (2) The Speaker of the House of Representatives shall initially appoint six members for a term of two years and five members for a term of three years.

Initial terms shall commence on September 1, 2005.

(e) Cochairs. - The Commission shall have two Cochairs, one senator designated by the President Pro Tempore of the Senate and one representative designated by the Speaker of the House of Representatives from among their respective appointees. The initial terms shall commence on September 1, 2005.

(f) Vacancies. - A vacancy on the Commission shall be filled in the same manner in which the original appointment was made, and the term shall be for the balance of the unexpired term.

(g) Compensation. - The Commission members shall receive no salary as a result of serving on the Commission but shall receive per diem, subsistence, and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable. When approved by the Commission, members may be reimbursed for subsistence and travel expenses in excess of the statutory amount.

(h) Meetings. - The Cochairs shall convene the Commission. Meetings shall be held as often as necessary, but not less than four times a year.

(i) Quorum. - A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(j) Staff. - Upon the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to the Commission to aid in its work.

(k) Reports. - The Commission shall annually report on its activities and recommendations, including any legislative proposals, to the General Assembly. The Commission shall make its first report on or before November 1, 2005.

(l) Funding. - From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the purpose of conducting the study provided for in this section.

SECTION 8. The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, the Legislative Commission on Methamphetamine Abuse, and the Joint Governmental Operations Subcommittee on Justice and Public Safety. The first report shall be submitted on or before November 1, 2006.

SECTION 9. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 10. G.S. 90-113.59, as enacted by Section 1 of this act, and Sections 7, 8, 9, and 10 of this act are effective when it becomes law. The remainder of Section 1, and Sections 2, 3, 4, 5, and 6 of this act become effective January 1, 2006, and apply to offenses committed on or after that date.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 1126**

S1126-CCSSBf-4, ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2006, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE WAIVER, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES

UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION AND THE WILDLIFE RESOURCES COMMISSION TO JOINTLY DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE.

The General Assembly of North Carolina enacts:

PART I. AMEND FISHING LICENSE REQUIREMENTS

SECTION 1.1. The title of Article 14B of Chapter 113 of the General Statutes reads as rewritten:

"Article 14B.

~~Saltwater Coastal Recreational Fishing Licenses.~~"

SECTION 1.2. G.S. 113-174 reads as rewritten:

"§ 113-174. Definitions.

As used in this Article:

- ~~(1)~~ ~~"Commission" means the Marine Fisheries Commission.~~
- (1a) "CRFL" means Coastal Recreational Fishing License.
- (2) "Division" means the Division of Marine Fisheries in the Department of Environment and Natural Resources.
- (2a) "For Hire Boat" means a charter boat, head boat, dive boat, or other boat hired to allow individuals to engage in recreational fishing.
- (3) "North Carolina resident" means an individual who is a resident within the meaning of G.S. 113-130(4).
- (4) "Recreational fishing" means any activity preparatory to, during, or subsequent to the taking of any ~~fish~~, finfish, the taking of which is subject to regulation by the Marine Fisheries Commission, by any ~~means~~; means if the purpose of the taking is to obtain finfish that are not to be sold. "Recreational fishing" does not include the taking of finfish:
 - a. ~~That does not constitute a~~ By a commercial fishing operation as defined in G.S. 113-168.
 - b. ~~Except as provided in~~ For scientific purposes pursuant to G.S. 113-261.
 - c. Under a RCGL issued pursuant to G.S. 113-173.
- ~~(5)~~ ~~"SFL" means Saltwater Fishing License."~~

SECTION 1.3. G.S. 113-174.1 reads as rewritten:

"§ 113-174.1. ~~General License required; general provisions governing licenses.~~

- (a) ~~License Purchase~~ Required to Engage in Recreational Fishing. - It is unlawful for any individual to engage in recreational fishing ~~in coastal~~ in:

- (1) Coastal fishing waters that are not joint fishing waters without ~~having purchased~~ holding a current license required by this Article, issued under this Article or under Article 25A of this Chapter that authorizes the individual to engage in recreational fishing in coastal fishing waters.
- (2) Joint fishing waters without holding a current license issued under this Article or under Article 21 or Article 25A of this Chapter that authorizes the individual to engage in recreational fishing in joint fishing waters.

(a1) Compliance With Applicable Laws. - It is unlawful for any individual to engage in recreational fishing without complying with ~~the provisions of this Article and rules adopted by the Commission under this Article,~~ applicable requirements of this Article and Articles 21 and 25A of this Chapter and with applicable rules adopted by the Marine Fisheries Commission and the Wildlife Resources Commission.

(a2) Fourth of July Free Fishing Day. - The fourth day of July of each year is declared a free fishing day to promote the sport of fishing, and no license issued under this Article or Article 25A of this Chapter is required to fish in any of the public waters of the State on that day. All other laws and rules pertaining to recreational fishing apply.

(b) Sale of Fish Prohibited. - A license issued under this Article or Article 25A of this Chapter does not authorize an individual who takes or lands any species of fish under the authority of the Marine Fisheries Commission to sell, offer for sale, barter, or exchange the fish for anything of value. Except as provided in G.S. 113-168.4, it is unlawful for any individual who takes or lands any species of fish under the authority of the Marine Fisheries Commission by any means to sell, offer for sale, barter, or exchange these fish for anything of value.

(c) Assignment and Transfer Prohibited. - It is unlawful to buy, sell, lend, borrow, assign, or otherwise transfer a license issued under this Article or Article 25A of this Chapter or to attempt to buy, sell, lend, borrow, assign, or otherwise transfer a license issued under this ~~Article.~~Article or Article 25A of this Chapter.

(d) General Enforcement. — ~~It is unlawful for any individual to engage in recreational fishing in coastal fishing waters in the State without providing the individual's name and residence address upon the request of an inspector or other law enforcement officer authorized to enforce federal or State laws, regulations, or rules relating to marine fisheries.~~

(e) Enforcement for Charterboats and Headboats. — ~~An inspector or other law enforcement officer may only verify the licensure of an individual fishing from a charterboat or headboat after the charterboat or headboat has returned to shore and the individual has disembarked from the charterboat or headboat. Except as provided in G.S. 113-174.2(d), each individual on board a charterboat or headboat engaged in recreational fishing, other than~~

~~crew members who do not engage in recreational fishing, must have purchased a current SFL issued pursuant to G.S. 113-174.2. An owner, operator, or crew member of a charterboat or headboat is not responsible for the licensure of a customer fishing from a charterboat or headboat.~~

~~(f) Cancellation-Cancellation of Fraudulent License; Penalties. - The ~~Division~~ Wildlife Resources Commission may cancel a license issued by the Commission under this Article or Article 25A of this Chapter if the license was issued on the basis of false information supplied by the license applicant. The Division may cancel a For Hire Blanket CRFL issued under G.S. 113-174.3 or an Ocean Fishing Pier Blanket CRFL issued under G.S. 113-174.4 if the license was issued on the basis of false information supplied by the license applicant. A cancelled license is void from the date of issuance. It is a Class 1 misdemeanor for an individual to knowingly do any of the following:~~

- (1) Engage in any activity regulated under this Article with an improper, false, or altered license.
- (2) Make any false, fraudulent, or misleading statement in applying for a license issued under this Article or Article 25A of this Chapter.
- (3) Counterfeit, alter, or falsify any application or license issued under this Article or Article 25A of this Chapter.

~~(g) Reporting Requirements.~~ - A person licensed under this Article or Article 25A of this Chapter shall comply with the biological data sampling and survey programs of the Marine Fisheries Commission and the Division.

~~(h) Replacement Licenses.~~ - Upon receipt of a proper application together with a fee of five dollars (\$5.00), the Wildlife Resources Commission or the Division may issue a new license to replace one issued by the respective agency that has been lost or destroyed before its expiration. The application must be on a form of the Wildlife Resources Commission or the Division setting forth information in sufficient detail to allow ready identification of the lost or destroyed license and ascertainment of the applicant's continued entitlement to it."

SECTION 1.4. G.S. 113-174.2 reads as rewritten:

"§ 113-174.2. ~~Saltwater Coastal Recreational Fishing License.~~

~~(a) License Required.~~— Except as otherwise provided in this Article, it is unlawful for any individual to engage in recreational fishing in coastal fishing waters by means of recreational gear without having purchased a current SFL issued under this section. It is unlawful for any individual fishing under a SFL to possess fish in excess of recreational possession limits.

~~(a1) Authorization to Fish in Coastal and Joint Fishing Waters.~~ - A CRFL issued under this section authorizes the licensee to engage in recreational fishing in coastal fishing waters, including joint fishing waters.

A CRFL issued under this section does not authorize the licensee to fish in inland fishing waters.

~~(b) Purchase; Renewal. — Any license issued under this section may be purchased or renewed at designated offices of the Division; from the Division by mail, electronic mail, the Internet, or telephone; or at locations designated by the North Carolina Saltwater Fishing Fund Board of Trustees.~~

(c) Types of SFLs; CRFLs; Fees; Duration. - The Division Wildlife Resources Commission shall issue the following SFLs; CRFLs:

- (1) ~~One year SFL. Annual Resident CRFL. - \$15.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is a resident of the State.~~
- (1a) Annual Nonresident CRFL. - \$30.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is not a resident of the State.
- (2) ~~Two year SFL. — \$30.00. This license is valid for a period of two years from the date of issuance.~~
- (3) ~~Three year SFL. — \$45.00. This license is valid for a period of three years from the date of issuance.~~
- (4) ~~Seven day SFL. Ten-Day Resident CRFL. - \$1.00. \$5.00. This license is valid for a period of seven consecutive days. An individual may purchase this license only once in any 12 month period. This license shall be issued only to an individual who is a resident of the State.~~
- (4a) Ten-Day Nonresident CRFL. - \$10.00. This license is valid for a period of 10 consecutive days, as indicated on the license. This license shall be issued only to an individual who is not a resident of the State.
- (5) ~~Subsistence SFL. — An applicant for a license under this subdivision shall provide to the Division a certification from the Department of Health and Human Services that the individual falls below the federal poverty level. A license issued under this subdivision shall be issued without charge and is valid for a period of one year from the date of issuance.~~
- (6) Lifetime SFL; CRFLs. - This license is Except as provided in sub-subdivision j. of this subdivision, CRFLs issued under this subdivision are valid for the lifetime of the licensee. The fee for the Lifetime SFL, based on the age of the prospective licensee as of the date on which the application is filed with the Division, is:
 - a. Younger than six years of age \$100.00

- b. ~~Six years of age to younger than 11 years of age~~
~~\$150.00~~
 - e. ~~11 years of age to younger than 18 years of age~~
~~\$200.00~~
 - d. ~~18 years of age or older~~ - \$500.00
 - e. Infant Lifetime CRFL. - \$100.00. This license shall be issued only to an individual younger than one year of age.
 - f. Youth Lifetime CRFL. - \$150.00. This license shall be issued only to an individual who is one year of age or older but younger than 12 years of age.
 - g. Resident Adult Lifetime CRFL. - \$250.00. This license shall be issued only to an individual who is 12 years of age or older but younger than 65 years of age and who is a resident of the State.
 - h. Nonresident Adult Lifetime CRFL. - \$500.00. This license shall be issued only to an individual who is 12 years of age or older and who is not a resident of the State.
 - i. Resident Elderly Lifetime CRFL. - \$15.00. This license shall be issued only to an individual who is 65 years of age or older and who is a resident of the State.
 - j. Resident Disabled Veteran CRFL. - \$10.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.
 - k. Resident Totally Disabled CRFL. - \$10.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration.
- (d) Exemptions. - ~~An individual may engage in recreational fishing by means of recreational gear without having purchased a SFL~~is exempt from the license requirements of G.S. 113-174.1(a) if the individual is either:
- (1) ~~Is under 16 years of age~~18 years of age or younger and is currently enrolled in school and is making progress toward obtaining a high school diploma or its equivalent.

- (2) Holds any of the following licenses that were purchased prior to January 1, 2006:
- a. Infant Lifetime Sportsman License issued under G.S. 113-270.1D(b)(1).
 - b. Youth Lifetime Sportsman License issued under G.S. 113-270.1D(b)(2).
 - c. Adult Resident Lifetime Sportsman License issued under G.S. 113-270.1D(b)(3).
 - d. Nonresident Lifetime Sportsman License issued under G.S. 113-270.1D(b)(4).
 - e. Age 70 Resident Lifetime Sportsman License issued under G.S. 113-270.1D(b)(5).
 - f. Lifetime Resident Comprehensive Fishing License issued under G.S. 113-271(d)(3).
 - g. Lifetime Combination Hunting and Fishing License for Disabled Residents issued under G.S. 113-270.1C(b)(4).
 - h. Disabled Resident Sportsman License issued under G.S. 113-270.1D(b)(6).
- (3) Holds any of the following licenses:
- a. Lifetime Fishing License for the Legally Blind issued under G.S. 113-271(d)(7).
 - b. Adult Care Home Resident Fishing License issued under G.S. 113-271(d)(8)."

SECTION 1.5. Article 14B of Chapter 113 of the General Statutes is amended by adding two new sections to read:

"§ 113-174.3. For Hire Blanket CRFL.

(a) License. - A person who operates a for hire boat may purchase a For Hire Blanket CRFL issued by the Division. A For Hire Blanket CRFL authorizes all individuals on the for hire boat who do not hold a license issued under this Article or Article 25A of this Chapter to engage in recreational fishing in coastal fishing waters that are not joint fishing waters. A For Hire Blanket CRFL does not authorize individuals to engage in recreational fishing in joint fishing waters or inland fishing waters. This license is valid for a period of one year from the date of issuance. The fee for a For Hire Blanket CRFL is:

- (1) Two hundred fifty dollars (\$250.00) for a vessel captained by an individual who holds a certification from the United States Coast Guard to carry six or fewer passengers.
- (2) Three hundred fifty dollars (\$350.00) for a vessel captained by an individual who holds a certification from the United States Coast Guard to carry greater than six passengers.

(b) Implementation. - Except as provided in this section and G.S. 113-174.2(d), each individual on board a for hire boat engaged in recreational fishing, other than crew members who do not engage in recreational fishing, must hold a license issued under this Article or Article 25A of this Chapter. An owner, operator, or crew member of a for hire boat is not responsible for the licensure of a customer fishing from the boat.

"§ 113-174.4. Ocean Fishing Pier Blanket CRFL.

Ocean Fishing Pier Blanket CRFL. - A person who owns or operates an ocean fishing pier and who charges a fee to allow a person to engage in recreational fishing from the pier may purchase an Ocean Fishing Pier Blanket CRFL issued by the Division. An Ocean Fishing Pier Blanket CRFL authorizes all individuals who do not hold a license issued under this Article or Article 25A of this Chapter to engage in recreational fishing in coastal fishing waters while on the pier. This license is valid for a period of one year from the date of issuance. The fee for an Ocean Fishing Pier Blanket CRFL is four dollars (\$4.00) per linear foot, to the nearest foot, that the pier extends into coastal fishing waters beyond the mean high waterline. The length of the pier shall be measured to include all extensions of the pier."

SECTION 1.6. G.S. 113-270.1C reads as rewritten:

"§ 113-270.1C. Combination hunting and inland fishing licenses.

(a) The combination hunting and inland fishing licenses set forth in subsection (b) of this section entitle the ~~holder~~ licensee to take, except on game lands, all wild birds and wild animals, other than big game and waterfowl, by all lawful methods and in all open seasons, and to fish with hook and line in all inland and joint fishing waters, except public mountain trout waters. A combination hunting and inland fishing license issued under this section does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters.

(b) Combination hunting and inland fishing licenses issued by the Wildlife Resources Commission are:

- (1) Resident Annual Combination Hunting and Inland Fishing License - \$20.00. This license shall be issued only to an individual resident of the State.
- (2), (3) Repealed by Session Laws 1997-326, s. 2.
- (4) ~~Lifetime Combination Hunting and Fishing License for Disabled Residents~~ — \$10.00. This license shall be issued only to (i) an individual resident of the State who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs, remaining valid for the lifetime of the individual so long as the individual remains fifty percent (50%) or more disabled; or (ii) an individual resident of the State who is totally disabled, remaining valid for the lifetime of the

- ~~individual so long as the individual remains totally disabled. For purposes of this section, "totally disabled" means physically incapable of being gainfully employed. The application form for this license, to be provided by the Wildlife Resources Commission, allows a person to apply only for the fishing privileges conveyed by the license. This license entitles the holder to fish in public mountain trout waters as provided in G.S. 113-272(a).~~
- (5) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License - \$10.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled. This license entitles the licensee to fish in public mountain trout waters as provided in G.S. 113-272(a).
- (6) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License - \$10.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration. This license remains valid for the lifetime of the licensee. This license entitles the licensee to fish in public mountain trout waters as provided in G.S. 113-272(a)."

SECTION 1.7. G.S. 113-270.1D reads as rewritten:

"§ 113-270.1D. Sportsman licenses.

(a) Annual Sportsman License - \$40.00. This license shall be issued only to an individual resident of the State and entitles the ~~holder~~-licensee to take all wild animals and wild birds, including waterfowl, by all lawful methods in all open seasons, including the use of game lands, and to fish with hook and line for all fish in all inland and joint fishing waters, including public mountain trout waters. An annual sportsman license issued under this subsection does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters.

(b) Lifetime Sportsman Licenses. ~~Lifetime~~-Except as provided in subdivision (7) of this subsection, lifetime sportsman licenses are valid for the lifetime of the holders-licensees, and Lifetime sportsman licenses entitle the holders-licensees to take all wild animals and wild birds by all lawful methods in all open seasons, including the use of game lands, and to fish with hook and line for all fish in all inland and joint fishing waters, including public mountain trout waters. A lifetime sportsman license issued under this subsection does not entitle the licensee to engage in recreational

fishing in coastal fishing waters that are not joint fishing waters. Lifetime sportsman licenses issued by the Wildlife Resources Commission are:

- (1) Infant Lifetime Sportsman License - \$200.00. This license shall be issued only to an individual under one year of age.
- (2) Youth Lifetime Sportsman License - \$350.00. This license shall be issued only to an individual under 12 years of age.
- (3) Adult Resident Lifetime Sportsman License - \$500.00. This license shall be issued only to an individual resident of the State.
- (4) Nonresident Lifetime Sportsman License - \$1,000. This license shall be issued only to an individual nonresident of the State.
- (5) Age 70–65 Resident Lifetime Sportsman License - \$10.00-\$15.00. This license shall be issued only to an individual resident of the State who is at least 70–65 years of age.
- ~~(6) Disabled Resident Sportsman License — \$100.00. This license shall be issued only to (i) an individual resident of the State who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs, remaining valid for the lifetime of the individual so long as the individual remains fifty percent (50%) or more disabled; or (ii) an individual resident of the State who is totally disabled, remaining valid for the lifetime of the individual so long as the individual remains totally disabled. For purposes of this section, "totally disabled" means physically incapable of being gainfully employed.~~
- (7) Resident Disabled Veteran Lifetime Sportsman License - \$100.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.
- (8) Resident Totally Disabled Lifetime Sportsman License - \$100.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration."

SECTION 1.8. G.S. 113-271 reads as rewritten:

"§ 113-271. **Hook-and-line licenses in inland and joint fishing waters.**

(a) An inland hook-and-line fishing license issued under this section entitles the licensee to fish with hook and line in inland fishing waters and joint fishing waters. An inland hook-and-line fishing license issued under this section does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters. An inland hook-and-line fishing license issued under subdivision (1), (3), (6a), (6b), (6c), or (9) of subsection (d) of this section entitles the licensee ~~All the hook and line fishing licenses set forth in subdivisions (1), (3), (7), and (9) of subsection (d) of this section entitle the holder~~ to fish with hook and line in public mountain trout waters.

(b) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 684, s. 4.

(c) Repealed by Session Laws 1979, c. 830, s. 1.

(d) The hook-and-line fishing licenses issued by the Wildlife Resources Commission are as follows:

- (1) Resident Annual Comprehensive Inland Fishing License - \$20.00. This license shall be issued only to an individual resident of the State.
- (2) Resident State Inland Fishing License - \$15.00. This license shall be issued only to an individual resident of the State.
- (3) Lifetime Resident Comprehensive Inland Fishing License - \$250.00. This license shall be issued only to an individual resident of the State and is valid for the lifetime of the ~~holder~~licensee.
- (4) Resident County Inland Fishing License - \$10.00. This license shall be issued only to an individual resident of the State and is valid only within the county of residence of the ~~license holder~~licensee.
- (5) Nonresident State Inland Fishing License - \$30.00. This license shall be issued to an individual nonresident of the State.
- (6) Short-Term Inland Fishing Licenses. Short-term inland fishing licenses are valid only for the date or consecutive dates indicated on the licenses. Short-term inland fishing licenses issued by the Wildlife Resources Commission are:
 - a. Resident ~~one day~~10-day Inland Fishing License - \$5.00. This license shall be issued only to a resident of the State.
 - b. Nonresident ~~one day~~10-day Inland Fishing License - \$10.00. This license shall be issued only to a nonresident of the State.

- e. ~~Nonresident three day — \$15.00. This license shall be issued only to a nonresident of the State.~~
- (6a) Age 65 Resident Lifetime Inland Fishing License - \$15.00. This license shall be issued only to an individual resident of the State who is at least 65 years of age.
- (6b) Resident Disabled Veteran Lifetime Inland Fishing License - \$10.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.
- (6c) Resident Totally Disabled Lifetime Inland Fishing License - \$10.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration. This license remains valid for the lifetime of the licensee.
- (7) ~~Lifetime Fishing License for the Legally Blind — No charge. This license shall be issued only to an individual resident of the State who has been certified by the Department of Health and Human Services as a person whose vision with glasses is insufficient for use in ordinary occupations for which sight is essential. This license is valid for the life of the individual so long as he remains legally blind.~~
- (8) ~~Adult Care Home Resident Fishing License — No charge. This license shall be issued only to an individual resident of the State who resides in an adult care home as defined in G.S. 131D-2(a)(3) or G.S. 131E-101(4). This license is valid for the life of the individual so long as the individual remains a resident of an adult care home.~~
- (9) Special Guest Inland Fishing License - \$50.00. This license shall be issued only to the owner or lessee of private property bordering inland or joint fishing waters, including public mountain trout waters, and entitles ~~persons~~ individuals to fish from the shore or any pier or dock originating from the property without any additional fishing license. This license is applicable only to private property and private docks and piers and is not valid for any public property, pier, or dock nor for any private property, pier, or dock operated for any commercial purpose whatsoever. The guest fishing license shall not

be in force unless displayed on the premises of the property and only entitles fishing without additional license to ~~persons~~ individuals fishing from the licensed property and then only when fishing within the private property lines. The guest fishing license is not transferable as to person or location."

SECTION 1.9. G.S. 113-272.3(c) reads as rewritten:

"(c) Lifetime licenses are issued from the Wildlife Resources Commission headquarters. Each application for an Infant Lifetime Sportsman or Youth Lifetime Sportsman License must be accompanied by a certified copy of the birth ~~certificate~~ certificate, adoption order containing the date of birth, or other proof of age satisfactory to the Commission, of the individual to be named as the ~~license holder~~ licensee."

SECTION 1.10. G.S. 113-275(c1) reads as rewritten:

"(c1) Upon receipt of a proper application together with a fee of ~~two~~ five dollars (~~\$2.00~~, \$5.00), the Wildlife Resources Commission may issue a new license or permit to replace one that has been lost or destroyed before its expiration. The application must be on a form of the Wildlife Resources Commission setting forth information in sufficient detail to allow ready identification of the lost or destroyed license or permit and ascertainment of the applicant's continued entitlement to it."

SECTION 1.11. G.S. 113-276(e) is repealed.

SECTION 1.12. G.S. 113-276(j) reads as rewritten:

"(j) A migrant farm worker who has in his possession a temporary certification of his status as such by the Rural Employment Service of the North Carolina Employment Security Commission on a form provided by the Wildlife Resources Commission is entitled to the privileges of a resident of the State and of the county indicated on such certification during the term thereof for the purposes ~~of~~ of

- (1) ~~Purchasing~~ purchasing and using the resident fishing licenses provided by G.S. 113-271(d)(2), (4), and ~~(6)~~ and (6)a.
- (2) ~~Utilizing the natural bait exemption in subsection (e) above.~~

SECTION 1.13. G.S. 113-276(m) reads as rewritten:

"(m) ~~Notwithstanding any other provision of law, the~~ The fourth day of July of each year is declared a free fishing day to promote the sport of fishing and no hook-and-line fishing license is required to fish in any of the public waters of the State on ~~this~~ that day. All other laws and rules pertaining to hook-and-line fishing ~~still~~ apply."

SECTION 1.14. G.S. 113-276 is amended by adding a new subsection to read:

"(n) The Wildlife Resources Commission may adopt rules to exempt individuals who participate in organized fishing events held in inland or

joint fishing waters from recreational fishing license requirements for the specified time and place of the event when the purpose of the event is consistent with the conservation objectives of the Commission."

SECTION 1.15. G.S. 113-296(b) reads as rewritten:

"(b) In order to be eligible for participation in the Disabled Sportsman Program established by this section, ~~a person~~ an individual must be able to certify through competent medical evidence one of the following disabilities:

- (1) ~~Amputation of~~ Missing fifty percent (50%) or more of one or more limbs; limbs, whether by amputation or natural causes.
- (2) Paralysis of one or more ~~limbs;~~ limbs.
- (3) Dysfunction of one or more limbs rendering the ~~person~~ individual unable to perform the tasks of grasping and lifting with the hands and arms or unable to walk without mechanical assistance, other than a ~~cane;~~ cane.
- (4) Disease, injury, or defect confining the ~~person~~ individual to a wheelchair, walker, or ~~crutches;~~ crutches.
- (5) Legal ~~deafness;~~ deafness.
- (6) Legal blindness, for purposes of participation in disabled fishing only.

The disability must be permanent, and ~~a person~~ an individual loses eligibility to participate in the Disabled Sportsman Program when the specified disability ceases to exist."

SECTION 1.16. Subchapter IV of Chapter 113 of the General Statutes is amended by adding a new Article to read:

"Article 25A.

"Unified Licenses.

"§ 113-351. Unified hunting and fishing licenses; subsistence license waiver.

(a) Definitions. - The definitions set out in G.S. 113-174 apply to this Article.

(b) General Provisions Governing Licenses and Waivers. - The general provisions governing licenses set out in G.S. 113-174.1 apply to licenses and waivers issued under this section.

(c) Types of Unified Hunting and Fishing Licenses; Fees; Duration. - The Wildlife Resources Commission shall issue the following Unified Hunting and Fishing Licenses:

- (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing License. - \$55.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is a resident of the State. This license authorizes the licensee to take all wild animals and wild birds, including waterfowl, by all

- lawful methods in all open seasons, including the use of game lands; to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters; and to engage in recreational fishing in coastal fishing waters.
- (2) Annual Resident Unified Inland/Coastal Recreational Fishing License. - \$35.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is a resident of the State. This license authorizes the licensee to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters, and to engage in recreational fishing in coastal fishing waters.
- (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses. - Except as provided in sub-subdivision f. of this subdivision, a license issued under this subdivision is valid for the lifetime of the licensee. A license issued under this subdivision authorizes the licensee to take all wild animals and wild birds, including waterfowl, by all lawful methods in all open seasons, including the use of game lands; to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters; and to engage in recreational fishing in coastal fishing waters.
- a. Infant Lifetime Unified Sportsman/Coastal Recreational Fishing License. - \$275.00. This license shall be issued only to an individual who is younger than one year of age.
- b. Youth Lifetime Unified Sportsman/Coastal Recreational Fishing License. - \$450.00. This license shall be issued only to an individual who is one year of age or older but younger than 12 years of age.
- c. Resident Adult Lifetime Unified Sportsman/ Coastal Recreational Fishing License. - \$675.00. This license shall be issued only to an individual who is 12 years of age or older but younger than 65 years of age and who is a resident of the State.
- d. Nonresident Adult Lifetime Unified Sportsman/ Coastal Recreational Fishing License. - \$1,350. This license shall be issued only to an individual who is 12 years of age or older and who is not a resident of the State.

- e. Resident Elderly Lifetime Unified Sportsman/ Coastal Recreational Fishing License. - \$30.00. This license shall be issued only to an individual who is 65 years of age or older and who is a resident of the State.
 - f. Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing License. - \$110.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.
 - g. Resident Totally Disabled Lifetime Unified Sportsman/Coastal Recreational Fishing License. - \$110.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration.
- (4) Lifetime Unified Inland/Coastal Recreational Fishing Licenses. - Except as provided in sub-subdivisions b. and c. of this subdivision, a license issued under this subdivision is valid for the lifetime of the licensee. A license issued under this subdivision authorizes the licensee to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters, and to engage in recreational fishing in coastal fishing waters.
- a. Lifetime Unified Inland/Coastal Recreational Fishing License. - \$450.00.
 - b. Resident Legally Blind Lifetime Unified Inland/Coastal Recreational Fishing License. - No charge. This license shall be issued only to an individual who is a resident of the State and who has been certified by the Department of Health and Human Services as an individual whose vision with glasses is insufficient for use in ordinary occupations for which sight is essential. This license remains valid for the lifetime of the licensee so long as the licensee remains legally blind.
 - c. Resident Adult Care Home Lifetime Unified Inland/Coastal Recreational Fishing License. - No charge. This license shall be issued only to an individual

who is a resident of the State and who resides in an adult care home as defined in G.S. 131D-2(a)(1b) or G.S. 131E-101(1). This license remains valid for the lifetime of the licensee so long as the licensee remains a resident of an adult care home.

(d) Resident Subsistence Unified Inland/Coastal Recreational Fishing License Waiver. - A county department of social services shall issue a Resident Subsistence Unified Inland/Coastal Recreational Fishing License Waiver to an individual who receives benefits from Medicaid, Food Stamps, or Work First Family Assistance through the county department of social services and who requests a waiver. This waiver shall be issued at no charge. This waiver is valid for a period of one year from the date of issuance. This waiver shall be issued only to an individual who is a resident of the State. This waiver authorizes the waiver holder to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, except for public mountain trout waters, and to engage in recreational fishing in coastal fishing waters. County departments of social services shall supply the Wildlife Resources Commission with the name, mailing address, and telephone number of each individual who receives a waiver."

SECTION 1.17. Article 24 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-254.5. Disclosure of personal identifying information.

(a) Personal identifying information obtained by the Commission from an applicant for a license, title, permit, or registration issued by the Commission, from a consumer who purchases or subscribes to a good or service offered by the Commission, or from a donor in connection with any gift to the Commission is confidential under G.S. 132-1.2 and shall only be disclosed by the Commission as provided in this section.

(b) Personal identifying information obtained from the holder of a license issued under Article 14B or Article 25A of Chapter 113 of the General Statutes shall be disclosed to the Division of Marine Fisheries and the Marine Fisheries Commission.

(c) Personal identifying information may be disclosed to any officer, employee, or authorized representative of any federal, state, or local government agency if disclosure is necessary to carry out a proper function of the Commission or other agency.

(d) As used in this section, "personal identifying information" includes a person's mailing address, residence address, date of birth, telephone number, electronic mail address, driver license number, and social security number."

SECTION 1.18. Sections 3, 4, 9, 10, 11, and 12 of S.L. 2004-187 are repealed.

SECTION 1.19. Section 15 of S.L. 2004-187 reads as rewritten:

"**SECTION 15.** ~~Sections 2, 3, and 4~~Section 2 of this act ~~become~~becomes effective January 1, ~~2006, 2007.~~ All other sections of this act become effective when the act becomes law."

SECTION 1.20. The repeal by this act of the statutory authority of the Wildlife Resources Commission to issue a type of license shall not affect the authority of an individual to whom a license of that type is issued prior to the effective date of the repeal to engage in the activity that the repealed license type authorizes so long as the license is otherwise valid.

SECTION 1.21. G.S. 113-130(4) is amended by adding a new sub-subdivision to read:

"f. Students. - Nonresident students attending a university, college, or community college in the State."

PART II. MARINE RESOURCES FUND AND MARINE RESOURCES ENDOWMENT FUND

SECTION 2.1. The title of Article 14C of Chapter 113 of the General Statutes reads as rewritten:

"Article 14C.

~~North Carolina Saltwater Fishing~~Marine Resources Fund and Marine Resources Endowment Fund."

SECTION 2.2. G.S. 113-175 reads as rewritten:

"§ 113-175. Definitions.

As used in this Article:

- (1) ~~"Board of Trustees" means the Board of Trustees of the Fund.~~
- (1a) "Endowment Fund" means the North Carolina Marine Resources Endowment Fund.
- (1b) "Endowment investment income" means interest and other income earned from the investment of the principal of the Endowment Fund.
- (1c) "Endowment license revenues" means the net proceeds from the sale of licenses issued under G.S. 113-174.2(c)(6) and a portion of the net proceeds from the sale of licenses issued under G.S. 113-351(c)(3) and (4). The apportionment of the net proceeds from the sale of licenses issued under G.S. 113-351(c)(3) and (4) shall be jointly determined by the Division of Marine Fisheries and the Wildlife Resources Commission. In the event that the Division of Marine Fisheries and the Wildlife Resources Commission cannot agree on the apportionment, the Governor is authorized to determine the apportionment.

- (2) ~~"Fund"~~"Marine Resources Fund" means the North Carolina ~~Saltwater Fishing~~Marine Resources Fund.
- (3) ~~"Investment"~~"Marine resources investment income" means interest earned from the investment of ~~license revenues and the proceeds of any gifts, grants, or contributions deposited in the principal of the~~ Marine Resources Fund.
- (4) ~~"License"~~"Marine resources license revenues" means the net proceeds from the sale of ~~Saltwater Fishing Licenses~~licenses issued under ~~G.S. 113-174.2~~Article 14B of this Chapter and a portion of the net proceeds from the sale of licenses issued under Article 25A of this Chapter, excluding endowment license revenues. The apportionment of the net proceeds from the sale of licenses issued under Article 25A of this Chapter shall be jointly determined by the Division of Marine Fisheries and the Wildlife Resources Commission. In the event that the Division of Marine Fisheries and the Wildlife Resources Commission cannot agree on the apportionment, the Governor is authorized to determine the apportionment. The term includes funds realized from the sale, lease, rental, or other grant of rights to real or personal property acquired or produced with license revenues and federal aid project reimbursements to the extent that license revenues originally funded the project for which the reimbursement is made."

SECTION 2.3. G.S. 113-175.1 reads as rewritten:

"§ 113-175.1. North Carolina ~~Saltwater Fishing Fund~~Marine Resources Fund.

(a) There is hereby established the North Carolina ~~Saltwater Fishing~~Marine Resources Fund as a nonreverting special revenue fund in the office of the State Treasurer. The purpose of the Marine Resources Fund is to enhance the ~~fishery-marine~~ resources of the State for commercial and recreational fishing. ~~State. License revenues and the proceeds of any gifts, grants, and contributions to the State that are specifically designated for inclusion in the Fund shall be deposited in the Fund. The principal of the Marine Resources Fund shall consist of:~~

- (1) Marine resources license revenues.
- (2) Proceeds of any gifts, grants, and contributions to the State that are specifically designated for inclusion in the Marine Resources Fund.
- (3) Funds realized from the sale, lease, rental, or other grant of rights to real or personal property acquired or produced from funds disbursed from the Marine Resources Fund.

- (4) Federal aid project reimbursements to the extent that funds disbursed from the Marine Resources Fund originally funded the project for which the reimbursement is made.

(b) The State Treasurer shall hold the Marine Resources Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer shall invest the assets of the Marine Resources Fund in accordance with the provisions of G.S. 147-69.2 and ~~G.S. 147-69.3~~, G.S. 147-69.3, and all marine resources investment income shall be deposited to the credit of the Marine Resources Fund. The State Treasurer shall disburse the principal of the Marine Resources Fund and marine resources investment income only upon the written direction of both the Marine Fisheries Commission and the Wildlife Resources Commission.

(c) The Marine Fisheries Commission and the Wildlife Resources Commission may authorize the disbursement of the principal of the Marine Resources Fund and marine resources investment income only to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State. The Marine Fisheries Commission and the Wildlife Resources Commission may not authorize the disbursement of the principal of the Marine Resources Fund and marine resources investment income to establish positions without specific authorization from the General Assembly. All proposals to the Marine Fisheries Commission and the Wildlife Resources Commission for the disbursement of funds from the Marine Resources Fund shall be made by and through the Fisheries Director. Expenditure of the assets of the Marine Resources Fund shall be made through the State budget accounts of the Division of Marine Fisheries in accordance with the provisions of the Executive Budget Act. The Marine Resources Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes."

SECTION 2.4. G.S. 113-175.2 is repealed.

SECTION 2.5. G.S. 113-175.3 is repealed.

SECTION 2.6. G.S. 113-175.4 is repealed.

SECTION 2.7. Article 14C of Chapter 113 of the General Statutes is amended by adding three new sections to read:

"§ 113-175.5. North Carolina Marine Resources Endowment Fund.

(a) There is hereby established the North Carolina Marine Resources Endowment Fund as a nonreverting special revenue fund in the office of the State Treasurer. The purpose of the Endowment Fund is to provide the citizens and residents of the State with the opportunity to invest in the future of the marine resources of the State. The principal of the Endowment Fund shall consist of:

- (1) Endowment license revenues.
- (2) Proceeds of any gifts, grants, or contributions to the State that are specifically designated for inclusion in the Endowment Fund.

- (3) Proceeds of any gifts, grants, or contributions to the Marine Fisheries Commission or the Division of Marine Fisheries that are not specifically designated for another purpose.
- (4) Funds realized from the sale, lease, rental, or other grant of rights to real or personal property acquired or produced from endowment investment income.
- (5) Federal aid project reimbursements to the extent that endowment investment income originally funded the project for which the reimbursement is made.
- (6) Transfers to the Endowment Fund.
- (7) Any endowment investment income or marine resources license revenue that is credited to the Endowment Fund for the purpose of increasing the principal of the Endowment Fund.

(b) The State Treasurer shall hold the Endowment Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer shall invest the assets of the Endowment Fund in accordance with the provisions of G.S. 147-69.2 and G.S. 147-69.3. The State Treasurer shall disburse the endowment investment income only upon the written direction of both the Marine Fisheries Commission and the Wildlife Resources Commission.

(c) Subject to the limitations set out in subsection (d) of this section, the Marine Fisheries Commission and the Wildlife Resources Commission may authorize the disbursement of endowment investment income only to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State. The Marine Fisheries Commission and the Wildlife Resources Commission may not authorize the disbursement of endowment investment income to establish positions without specific authorization from the General Assembly. All proposals to the Marine Fisheries Commission and the Wildlife Resources Commission for the disbursement of funds from the Endowment Fund shall be made by and through the Fisheries Director.

(d) The Endowment Fund is declared to constitute a special trust derived from a contractual relationship between the State and the members of the public whose investments contribute to the Endowment Fund. In recognition of this special trust, all of the following limitations are placed on disbursement of funds held in the Endowment Fund:

- (1) Any restrictions specified by the donors on the uses of income derived from gifts, grants, and voluntary contributions shall be respected but shall not be binding.
- (2) No disbursements of the endowment investment income derived from the endowment license revenues generated by the sale of Infant Lifetime CRFLs under G.S. 113-

174.2(c)(6)e., Youth Lifetime CRFLs under G.S. 113-174.2(c)(6)f., Infant Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses under G.S. 113-351(c)(3)a., or Youth Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses under G.S. 113-351(c)(3)b. shall be made for any purpose until the respective licensees attain the age of 16 years. The State Treasurer shall periodically make an actuarial determination as to the amount of endowment investment income within the Endowment Fund that remains encumbered by the restriction of this subdivision and the amount that is free of the restriction. The Executive Director of the Wildlife Resources Commission shall provide the State Treasurer with the information necessary to make this determination.

(3) No disbursement shall be made from the principal of the Endowment Fund except as otherwise provided by law.

(e) Expenditure of the endowment investment income shall be made through the State budget accounts of the Division of Marine Fisheries in accordance with the provisions of the Executive Budget Act. The Endowment Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"§ 113-175.6. Report.

The Chair of the Marine Fisheries Commission and the Chair of the Wildlife Resources Commission shall jointly submit to the Joint Legislative Commission on Seafood and Aquaculture by October 1 of each year a report on the Marine Resources Fund and the Endowment Fund that shall include the source and amounts of all moneys credited to each fund and the purpose and amount of all disbursements from each fund during the prior fiscal year."

SECTION 2.8. The first report required pursuant to G.S. 113-175.7, as enacted by Section 2.7 of this act, is due by October 1, 2006.

SECTION 2.9. G.S. 113-174.2(d), as enacted by Section 1.4 of this act, provides that the holders of certain lifetime licenses purchased prior to January 1, 2006, are exempt from the license requirement for engaging in recreational fishing in coastal fishing waters. The General Assembly finds that, because the holders of these lifetime licenses will be authorized to take marine resources from the coastal fishing waters of the State, it is appropriate that a portion of the revenues derived from the sale of these lifetime licenses should be transferred to the Marine Resources Endowment Fund so that the endowment investment income generated by the transferred license revenues will be used to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State. The General Assembly specifically finds that this transfer of funds is consistent with the overall spirit, intent, and purpose underlying the creation

of the Wildlife Endowment Fund and the Marine Resources Endowment Fund. Therefore, in accordance with G.S. 143-250.1(d)(3), the State Treasurer shall transfer the sum of three million four hundred thousand dollars (\$3,400,000) from the Wildlife Endowment Fund to the Marine Resources Endowment Fund. This transfer shall be made in five equal installments of six hundred eighty thousand dollars (\$680,000) on the first day of March in 2006, 2007, 2008, 2009, and 2010.

SECTION 2.10.(a) The Wildlife Resources Commission may disburse up to one million dollars (\$1,000,000) from the Wildlife Resources Fund to implement this act.

SECTION 2.10.(b) The State Treasurer shall transfer a sum equal to the sum of funds disbursed pursuant to subsection (a) of this section from the Marine Resources Fund to the Wildlife Resources Fund on July 1, 2010.

PART III. WILDLIFE RESOURCES COMMISSION LICENSE AGENTS

SECTION 3.1.(a) The Wildlife Resources Commission shall adopt rules to provide for the following:

- (1) Qualifications of license agents.
- (2) Duties of license agents.
- (3) Methods and procedures to ensure accountability and security for proceeds and unissued licenses and permits.
- (4) Types and amounts of evidence that a license agent must submit to relieve the agent of responsibility for losses due to occurrences beyond the control of the agent.
- (5) Any other reasonable requirement or condition that the Wildlife Resources Commission deems necessary to expedite and control the issuance of licenses and permits by license agents.

SECTION 3.1.(b) The Wildlife Resources Commission shall adopt rules to authorize the Executive Director to take the following actions related to license agents:

- (1) Select and appoint license agents in areas most convenient for the sale of licenses and permits.
- (2) Limit the number of license agents in an area if necessary for efficiency of operation.
- (3) Require prompt and accurate reporting and remittance of public funds or documents by license agents.
- (4) Conduct periodic and special audits of accounts.
- (5) Suspend or terminate the authorization of any license agent found to be noncompliant with rules adopted by the

Wildlife Resources Commission or when State funds or property are reasonably believed to be in jeopardy.

- (6) Require the immediate surrender of all equipment, forms, licenses, permits, records, and State funds and property, issued by or belonging to the Wildlife Resources Commission, in the event of the termination of a license agent.

SECTION 3.2. G.S. 113-270.1 reads as rewritten:

"§ 113-270.1. License agents.

(a) The Wildlife Resources Commission may by rule provide for the ~~annual~~ appointment of persons as license agents to sell licenses and permits ~~which it~~ that the Commission is authorized to issue by this Subchapter or by any other provisions of law. To facilitate the convenience of the public, the efficiency of administration, the need to keep statistics and records affecting the conservation of wildlife resources, boating, water safety, and other matters within the jurisdiction of the Wildlife Resources Commission, and the need to issue licenses and permits containing special restrictions, the Wildlife Resources Commission may issue licenses and permits in any particular category through:

- (1) License agents.
- (2) The Wildlife Resources Commission's headquarters.
- (3) Employees of the Wildlife Resources Commission.
- (4) Two or more such sources simultaneously.

(a1) When there are substantial reasons for differing treatment, the Wildlife Resources Commission may issue a type of license or permit by one method in one locality and by another method in another locality.

(b) License agents may deduct from the amount collected for each license or permit a fee of six percent (6%).

(b1) When licenses or permits are to be issued by license agents as provided by subsection (a) of this section, the Wildlife Resources Commission may adopt rules to provide for any of the following:

- (1) Qualifications of the license agents.
- (2) Duties of the license agents.
- (3) Methods and procedures to ensure accountability and security for proceeds and unissued licenses and permits.
- (4) Types and amounts of evidence that a license agent must submit to relieve the agent of responsibility for losses due to occurrences beyond the control of the agent.
- (5) Any other reasonable requirement or condition that the Wildlife Resources Commission deems necessary to expedite and control the issuance of licenses and permits by license agents.

(b2) The Wildlife Resources Commission may adopt rules to authorize the Executive Director to take any of the following actions related to license agents:

- (1) Select and appoint license agents in areas most convenient for the sale of licenses and permits.
- (2) Limit the number of license agents in an area if necessary for efficiency of operation.
- (3) Require prompt and accurate reporting and remittance of public funds or documents by license agents.
- (4) Conduct periodic and special audits of accounts.
- (5) Suspend or terminate the authorization of any license agent found to be noncompliant with rules adopted by the Wildlife Resources Commission or when State funds or property are reasonably believed to be in jeopardy.
- (6) Require the immediate surrender of all equipment, forms, licenses, permits, records, and State funds and property, issued by or belonging to the Wildlife Resources Commission, in the event of the termination of a license agent.

(b3) The Wildlife Resources Commission is exempt from the contested case provisions of Chapter 150B of the General Statutes with respect to determinations of whether to authorize or terminate the authority of a person to sell licenses and permits as a license agent of the Wildlife Resources Commission.

(b4) If any check or bank account draft of any license agent for the issuance of licenses or permits shall be returned by the banking facility upon which the same is drawn for lack of funds, the license agent shall be liable to the Commission for a penalty of five percent (5%) of the amount of the check or bank account draft, but in no event shall the penalty be less than five dollars (\$5.00) or more than two hundred dollars (\$200.00). License agents shall be assessed a penalty of twenty-five percent (25%) of their issuing fee on all remittances to the Commission after the fifteenth day of the month immediately following the month of sale.

~~(e) The Wildlife Resources Commission may provide qualifications and standards concerning license agents and delegate to the Executive Director the task of appointment and supervision. Annual appointments run from May 1 to April 30 each year. The Wildlife Resources Commission may require license agents to post bonds, keep records and make reports concerning licenses and receipts, be subject to such audits and inspections as may be necessary, and pay a penalty of five percent (5%) on any worthless checks given the Wildlife Resources Commission. The minimum penalty for a worthless check, however, is five dollars (\$5.00), and the maximum penalty is two hundred dollars (\$200.00). The Wildlife Resources Commission shall require license agents to pay penalties of twenty five percent (25%) of the agents' fees on any license fees remitted to~~

the Commission after the fifteenth day of the month immediately following the month of sale.

(d) ~~The Wildlife Resources Commission may make rules in implementing the authority granted in subsection (c), but it need not set out in its rules details as to forms of license, records and accounting procedures, and other reasonable requirements that may be administratively promulgated by employees of the Wildlife Resources Commission in implementation of the purposes of this Article in order for such administrative requirements to be deemed validly required. It is a Class 1 misdemeanor for a license agent to do any of the following:~~

- (1) ~~To withhold~~Withhold or misappropriate funds from the sale of ~~licenses;~~licenses or permits.
- (2) ~~To falsify~~Falsify records of licenses ~~sold;~~or permits sold.
- (3) ~~Wilfully~~Willfully and knowingly ~~to~~ assist or allow a person to obtain a license or permit for which ~~he is ineligible;~~the person is ineligible.
- (4) ~~Wilfully to~~Willfully issue a backdated ~~license;~~license or permit.
- (5) ~~Wilfully on records or licenses to~~Willfully include false information or omit material information ~~as to;~~on records, licenses, or permits regarding either:
 - a. A person's entitlement to a particular ~~license;~~license or permit.
 - b. The applicability or term of a particular ~~license;~~license or permit.
- (6) ~~To refuse to return all consigned licenses, or to remit the net value of consigned licenses sold or unaccounted for, upon demand from an authorized employee of the Wildlife Resources Commission.~~Charge or accept any additional fee, remuneration, or other item of value in association with any activity set out in subdivisions (1) through (5) of this subsection.

(e) ~~The Executive Director may temporarily suspend, revoke, or refuse to renew a person's appointment as a license agent if he fails in a timely manner to submit required reports, remit moneys due the Wildlife Resources Commission, or otherwise comply with the qualifications and standards set by the Wildlife Resources Commission or with reasonable administrative directives of the Executive Director. The temporary suspension is effective immediately upon communication of that fact to the license agent or his representative handling the licenses. The communication as to suspension must state the grounds for suspension and that the license agent may request a hearing within five working days if he contests the grounds for suspension. If not in writing, the communication must be followed by written notice of suspension containing the same~~

~~information. By personal service of an impoundment order upon a license agent or his representative handling the licenses, an employee or agent of the Wildlife Resources Commission may enter the premises and impound all licenses, moneys, record books, reports, license forms, and other documents, ledgers, and materials pertinent or apparently pertinent to the license agency being suspended. The Executive Director must make the impounded property, or copies of it, available to the licensee during the period of temporary suspension.~~

~~(f) If a hearing is requested, it is before the Executive Director or his designee to be held at Raleigh or some other place convenient to the parties specified by the Executive Director. The temporary suspension remains in effect until the hearing, and after the hearing may be rescinded or continued in effect, as the facts warrant, in the discretion of the Executive Director. A temporary suspension may not last longer than 30 days, but additional suspensions may be imposed if at the end of the suspension period the license agent is still not in compliance with appropriate standards, qualifications, and administrative directives. A license agent may at any time after a hearing appeal his suspension to the Wildlife Resources Commission.~~

~~(g) Notice of revocation or nonrenewal of the appointment may be sent the license agent in lieu of or in addition to temporary suspension. The notice must state the grounds for termination of the appointment and the license agent's right to a hearing if he has not previously been afforded one. If the appointment is to be revoked, the notice must state the effective date and hour of revocation. If the appointment is not to be renewed, the notice must state that the appointment expires at midnight on April 30. If he has not been previously afforded a hearing, a license agent is entitled to a hearing within 14 days before the Executive Director or his designee to be held at Raleigh or some other place convenient to the parties specified by the Executive Director. After the hearing, the Executive Director, applying appropriate standards, must take the action with respect to the appointment as license agent that the facts warrant. If the Executive Director upholds the decision to terminate the appointment, a license agent may appeal his termination to the Wildlife Resources Commission. Pending the hearing and any appeal from it, the termination is held in abeyance, but no license sales may be made once the license agent's bond has expired.~~

~~(h) Upon termination of the appointment, the former agent must return to the Wildlife Resources Commission all record books, reports, license forms, moneys, and other property pertaining to the license agency, and must allow agents of the Wildlife Resources Commission to conduct necessary inspections and audits required in terminating the license agency. Each day's refusal after termination to return, upon demand, the record books, reports, license forms, moneys, and other property pertaining to the license agency is a separate offense. Each instance of refusal, after~~

~~termination, to allow agents of the Wildlife Resources Commission to conduct necessary inspections and audits during regular business hours is a separate offense. A violation of this subsection is a Class 2 misdemeanor. Before termination, violations by license agents are punishable under G.S. 113-135, subsection (d) above, or other provision of this Subchapter, as appropriate.~~

~~(i) No person denied appointment or whose appointment was terminated under this section is eligible to apply again for an appointment as a license agent for two years. Upon application, the executive director may not grant the appointment as license agent unless the applicant produces clear evidence, convincing to the Executive Director, that he meets all standards and qualifications and will comply with all requirements of statutes, rules, and reasonable administrative directives pertaining to license agents.~~

~~(j) The Executive Director or his designee holding any hearing under this section must keep a written record of evidence considered and findings made. Upon appeal to the Wildlife Resources Commission, the commission chairman or other presiding officer must cause such a written record of evidence and findings to be made and kept. Hearings and appeals under this section are internal matters concerning license agents of the Wildlife Resources Commission and are not governed by the North Carolina Administrative Procedure Act."~~

SECTION 3.3. G.S. 150B-1(e) is amended by adding a new subdivision to read:

"(e) Exemptions From Contested Case Provisions. - The contested case provisions of this Chapter apply to all agencies and all proceedings not expressly exempted from the Chapter. The contested case provisions of this Chapter do not apply to the following:

- ...
- (15) The Wildlife Resources Commission with respect to determinations of whether to authorize or terminate the authority of a person to sell licenses and permits as a license agent of the Wildlife Resources Commission."

PART IV. MISCELLANEOUS PROVISIONS; EFFECTIVE DATES

SECTION 4.1. The headings to the parts of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

SECTION 4.2. If any section or provision of this act is declared unconstitutional or invalid by the courts, the unconstitutional or invalid section or provision does not affect the validity of this act as a whole or any part of this act other than the part declared to be unconstitutional or invalid.

SECTION 4.3. Sections 1.13, 1.14, 1.17, 1.18, 1.19, 1.20, 4.1, 4.2, and 4.3 of this act are effective when this act becomes law. Section 2.10 of this act becomes effective July 1, 2005. Sections 1.9, 1.10, 1.15, 1.21, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, and 2.9 of this act become effective January 1, 2006. Section 3.3 of this act becomes effective January 1, 2006, and applies to determinations made on or after that date. Sections 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.11, 1.12, and 1.16 of this act become effective January 1, 2007. Section 3.1 of this act is effective when this act becomes law and expires on the date that all rules adopted by the Wildlife Resources Commission pursuant to Section 3.1 become effective. The Chair of the Wildlife Resources Commission shall notify the Revisor of Statutes when all rules adopted by the Wildlife Resources Commission pursuant to Section 3.1 of this act become effective. Section 3.2 of this act becomes effective on the date that all rules adopted by the Wildlife Resources Commission pursuant to Section 3.1 of this act become effective, except that G.S. 113-270.1(b3) and (b4) become effective January 1, 2006.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 1130**

S1130-CCSRF-1, AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-599, as amended by S.L. 2005-19, S.L. 2005-168, and S.L. 2005-239, is amended by adding a new subdivision to read:

"(9) State correctional facilities operated by the Department of Correction."

SECTION 2. Article 2 of Chapter 148 of the General Statutes is amended by adding a new section to read:

"§ 148-23.1. Smoking prohibited in State correctional facilities.

(a) The General Assembly finds that in order to protect the health, welfare, and comfort of inmates in the custody of the Department of Correction and to reduce the costs of inmate health care, it is necessary to prohibit inmates from using tobacco products inside State correctional facilities and to ensure that employees and visitors do not use tobacco products inside those facilities.

(b) No person may use tobacco products inside of a State correctional facility, except for authorized religious purposes.

(c) The Department of Correction may adopt rules to implement the provisions of this section. Inmates in violation of this section are subject to disciplinary measures to be determined by the Department, including the

potential loss of sentence credits earned prior to that violation. Employees in violation of this section are subject to disciplinary action by the Department. Visitors in violation of this section are subject to removal from the facility and loss of visitation privileges.

(d) As used in this section, the following terms mean:

- (1) State correctional facility. - All buildings of a State correctional institution operated by the Department of Correction.
- (2) Tobacco products. - Cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant that are prepared or used for smoking, chewing, dipping, or other personal use."

SECTION 3. The Department of Correction shall conduct one or more pilot programs banning smoking both inside buildings and on the grounds of State correctional institutions and administering smoking cessation programs for staff and inmates. The pilot smoking cessation programs shall be available to inmates and staff on a volunteer basis, and no person shall be compelled or coerced to participate. The smoking cessation program shall include instructions and education that will help inmates and staff cease the use of tobacco products and remain smoke free. The cost of administering the pilot smoking cessation program shall be paid from existing funds available to the Department of Correction. The Department of Correction may use services, personnel, and resources donated by nongovernmental agencies and organizations to implement this program. The Department of Correction shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on or before April 1, 2006, on the progress and status of the pilot programs.

SECTION 4. The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee shall study and make legislative recommendations on the feasibility and implementation of a two-year phase-in program banning smoking by all inmates, personnel, and visitors in all buildings and on all grounds of State correctional institutions operated by the Department of Correction. This study shall examine methods to assist with smoking cessation, including the use of nongovernmental agencies, organizations, and corporations for counseling, training, cessation aids, and interventions. The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee shall report the results of this study to the General Assembly prior to the convening of the 2006 Session of the 2005 General Assembly.

SECTION 5. Sections 1 and 2 of this act become effective January 1, 2006. The remainder of this act is effective when it becomes law.

**CONFERENCE COMMITTEE SUBSTITUTE FOR
FOR SENATE BILL 1134**

S1134-CCSRT-1, AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE; TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING, THE EMERGING CARBON ECONOMY, AND 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 AUTHORIZE THE COMMISSION TO DEVELOP A RECOMMENDED GOAL.

The General Assembly of North Carolina enacts:

SECTION 1. Commission Established; Membership. - The Legislative Commission on Global Climate Change is hereby established. The Commission shall consist of 34 members as follows:

- (1) Nine members appointed by the President Pro Tempore of the Senate.
- (2) Nine members appointed by the Speaker of the House of Representatives.
- (3) The President of Duke Power or the President's designee.
- (4) The President of Progress Energy or the President's designee.
- (5) The President of the North Carolina Citizens for Business and Industry or the President's designee.
- (6) The President of the Manufacturers and Chemical Industry Council of North Carolina or the President's designee.
- (7) The President of the North Carolina Farm Bureau Federation or the President's designee.
- (8) The President of the North Carolina Forestry Association or the President's designee.
- (9) The Southeast Regional Director of Environmental Defense or the Regional Director's designee.
- (10) The Executive Director of the Southern Alliance for Clean Energy or the Executive Director's designee.
- (11) The Executive Director of the North Carolina Coastal Federation or the Executive Director's designee.
- (12) The Executive Director of the North Carolina Conservation Council or the Executive Director's designee.
- (13) The Dean of the Nicholas School of the Environment and Earth Sciences, Duke University, or the Dean's designee.
- (14) The Dean of the College of Agriculture and Life Sciences at North Carolina State University or the Dean's designee.

- (15) The Dean of the School of Agriculture and Environmental Sciences at North Carolina Agricultural and Technical State University or the Dean's designee.
- (16) The Director of the Carolina Environmental Program at the University of North Carolina at Chapel Hill or the Director's designee.
- (17) The Distinguished Research Professor (with expertise in sea level change), Department of Geology at East Carolina University.
- (18) The North Carolina State Climatologist.

SECTION 2. Cochairs. - The Commission shall have two cochairs, one designated by the President Pro Tempore of the Senate and one designated by the Speaker of the House of Representatives from among their respective appointees. The Commission shall meet upon the call of the cochairs.

SECTION 3. Quorum. - A quorum of the Commission shall consist of 18 members.

SECTION 4. Vacancies. - Any vacancy on the Commission shall be filled by the original appointing authority.

SECTION 5. Purpose and Duties. - The Commission shall have the following purposes and duties:

- (1) The Commission shall conduct an in-depth examination of issues related to global climate change. This examination shall include all of the following:
 - a. A review of current scientific literature on the possible natural and anthropogenic causes of global climate change.
 - b. A review of actions taken by the federal government and by other states to address global warming.
 - c. An examination of the emissions of greenhouse gases from within the State and the extent to which reductions in the emissions of these gases in the State, region, nation, and worldwide could be expected to affect global climate change.
 - d. An evaluation of the economic opportunities for the State that may result from international, national, and State action to address global climate change and the emerging carbon market.
 - e. The potential impacts of global climate change on the citizens, natural resources, and economy of the State, including agriculture, travel and tourism, recreation, coastal real estate, insurance, and other economic sectors.

- f. The costs of any action taken by the State to address global climate change on individuals, individual households, local governments, businesses, educational institutions, agricultural operations, the State government, and other institutions and economic sectors.
 - g. The benefits of any action taken by or within the State or other states and at the national or international levels to address global climate change on individuals, individual households, local governments, businesses, educational institutions, agricultural operations, the State government, and other institutions and economic sectors.
- (2) If, in the course of its examination, the Commission determines that it would be appropriate and desirable for the State to establish a global warming pollutant reduction goal, the Commission may develop a recommended global warming pollutant reduction goal for the State.
 - (3) In conducting its examination of global climate change, the Commission shall consider and integrate the findings and recommendations of the study of issues related to the development and implementation of standards and plans to control emissions of carbon dioxide required by Section 13 of S.L. 2002-4.
 - (4) Based on its examination of global climate change, the Commission shall develop findings and recommendations, including any legislative proposals it determines to be appropriate, for consideration by the General Assembly.

SECTION 6. Additional Duties. - The Commission may work cooperatively with other state and national governments to organize a forum on global climate change, including its causes, impacts, challenges, and opportunities in the southeastern United States. The Commission may also work cooperatively with other State agencies with respect to the agencies' areas of responsibilities regarding greenhouse gas emissions and climate change.

SECTION 7. Expenses of Members. - Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 8. Staff. - Upon the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to the Commission to aid in its work.

SECTION 9. Consultants. - The Commission may hire consultants to assist with the study as provided in G.S. 120-32.02(b).

SECTION 10. Meetings. - The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission.

SECTION 11. Report. - The Commission shall report its findings and recommendations to the General Assembly and the Environmental Review Commission on or before 1 November 2006, at which time the Commission shall terminate.

SECTION 12. Funding. - From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the purpose of conducting the study provided for in this Part.

SECTION 13. Effective Date. - This act is effective when it becomes law.

**EXECUTIVE ORDERS BY
GOVERNOR MICHAEL F. EASLEY
By Title
January 2005 - February 2006**

Number	Title
71	Proclamation of State of Emergency by the Governor of the State of North Carolina
72	Termination of Executive Orders 45 and 71
73	North Carolina Motorsports Advisory Council
74	Replacing Executive Orders No. 75 and 118 Concerning Creation of a Program Office, a Policy Board, and Advisory Committees to Support Sustainable Natural Resource and Environmental Management in the Albemarle-Pamlico Estuarine System
75	Reestablishing and Modifying Programs Established Under the Hurricane Floyd Recovery Act of 1999 (S.L. 1999-463 Extra Session) and Amending Executive Order #8
76	Extending Executive Order No. 1
77	Teacher Advisory Committee

- 78 Proclamation of State of Disaster for the Town of Carolina Shores, Town of Leland and City of Southport (Brunswick County)
- 79 North Carolina Film Council
- 80 Accelerating Teacher and Other Personnel Recruitment and the Implementation of Needed Academic Support Programs for At-risk Children in Light of Judicial Mandates, Budget Developments, and Impending School Openings
- 81 Emergency Relief for Damage Caused by Hurricane Katrina
- 82 Proclamation of State Emergency Due to Hurricane Katrina
- 83 Juvenile Justice Planning Committee
- 84 North Carolina Emergency Response Commission
- 85 Governor's Advisory Council on Hispanic/Latino Affairs
- 86 Statewide Flexible Benefits Program
- 87 Amending Executive Order No. 81 Emergency Relief for Damage Caused by Hurricane Katrina
- 88 Proclamation of State of Emergency Due to Hurricane Ophelia
- 89 Replacing Executive Order No. 52 Concerning Food Safety and Defense Task Force
- 90 Emergency Relief for Damage Caused by Hurricane Ophelia
- 91 Governor's Task Force for Healthy Carolinians
- 92 Extending Executive Order Nos. 48, 12, and 58
- 93 Amending Executive Order No. 85 Governor's Advisory Council on Hispanic/Latino Affairs
- 94 Proclamation of Continuing State of Emergency Due to Hurricanes Katrina and Ophelia

- 95 Amending Executive Order No. 87 Emergency Relief for
Damage Caused by Hurricane Katrina
- 96 Emergency Relief for Damage Caused by Ice/Snow Storm
- 97 Extending Executive Order No. 95 Emergency Relief for
Damage Caused by Hurricane Katrina
- 98 North Carolina State Health Coordinating Council
- 99 Extending Executive Order No. 56, North Carolina
Interagency Council for Coordinating Homeless Programs
- 100 Extending Executive Order No. 97 Emergency Relief for
Damage Caused by Hurricane Katrina

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Assistant Sergeants-at-Arms	Toussaint Avent Jesse Barefoot Jay Callaway Charles Coker Willie Dixon Bill Freeman Linda Fuller Fred Hines Lesli Oakley Martha Parrish Frank Prevo Dusty Rhodes

Walter Spell
 Bill Sullivan
 Thomas Wilder
 Charles Williams
 James Womack
 James Worth

**HOUSE COMMITTEE ASSISTANTS
 AND LEGISLATIVE ASSISTANTS**

Anne M. Cole, Director

ASSISTANTS

Ahlin, Pamela

Allred, Jean
 Alston, Mildred

Amburn, Dan

Bailey, Mia

Barber, Dot

Bobbitt, Jo

Bowers, Carol

Brantley, Nancy

Brothers, Susan

Brown, Lisa W.

Buehlmann, Sue

Bullard, Bernice

Burleson, Susan

Cannon, Jason

Capps, Mary

Carter, Lucille

Castleberry, Suzanne

Childress, Betty

Christmas, Pat

Coley, Cindy

Coley, Juanita

Crocker, Dot

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 Commerce; Environment and Natural Resources, **Vice Chair**;
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- S 644 EXEMPT BANKING COMMISSION STAFF FROM
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- COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
committee on Capital; Appropriations Subcommittee on Health and
Human Services, **Chair**; Commerce; Health; Insurance; Public
Utilities.
- EXCUSED ABSENCES36, 53, 84, 201, 225, 324,
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- H 526 BEAUFORT COUNTY LOCAL ACT
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- COMMITTEE ASSIGNMENTS - Agriculture, **Vice Chair**; Appropriations; Appropriations Subcommittee on Education; Education, **Chair**; Education Subcommittee on Pre-School, Elementary and Secondary Education; Ethics; Pensions and Retirement, **Chair**; Rules, Calendar, and Operations of the House; University Board of Governors Nominating.
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COMMITTEE ASSIGNMENTS - Education; Education Subcommittee
on Pre-School, Elementary and Secondary Education, **Vice Chair**;
Environment and Natural Resources; Finance; Financial Institutions;
Transportation.

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- BILLS INTRODUCED - 55, 148, 150, 217, 352, 353, 354, 491, *492, 513, 579, 614, 679, 692, *806, *815, 816, 829, 835, 844, 933, *976, *977, *978, *979, *980, *981, 1016, 1018, 1026, 1090, 1324, 1356, 1368, 1401, *1442, *1443, *1444, *1445, *1446, *1447, *1448, *1449, *1450, *1451, *1452, *1453, *1454, *1455, *1456, *1457, 1471, 1488, 1496, *1508, *1509, 1634, 1644, *1699, 1766.
- COMMITTEE ASSIGNMENTS - Election Law and Campaign Finance Reform; Finance; Judiciary I.
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COMMITTEE ASSIGNMENTS - Aging, **Chair**; Commerce; Education;
 Education Subcommittee on Community Colleges; Finance; Judiciary
 II, **Vice Chair**; Public Utilities.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Transportation; Commerce; Education; Education Subcommittee on Community Colleges; Federal Relations and Trade Issues; Local Government II.

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BRUBAKER, HAROLD J.

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COMMITTEE ASSIGNMENTS - Ethics; Financial Institutions; Health; Insurance; Public Utilities, **Chair**; Rules, Calendar, and Operations of the House; University Board of Governors Nominating.

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- S 407 CABARRUS LOCAL ACTS
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- H 489 PUBLIC-PRIVATE REIMBURSEMENT
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- H 370 SATELLITE ANNEXATIONS/
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- H 429 CALDWELL COUNTY LOCAL ACT
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- H 430 CALDWELL COUNTY LOCAL ACT
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- H 501 CITY OF HICKORY LOCAL ACT
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- S 278 FOOTHILLS AIRPORT AUTHORITY
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- H 351 MODIFY PASQUOTANK/ELIZABETH CITY
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- H 986 VARIOUS SATELLITE ANNEXATIONS
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CAMPUS POLICE EQUITY ACT (G.S. 74G)

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COMMITTEE ASSIGNMENTS - Environment and Natural Resources; Finance; Judiciary I; Local Government I.

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CARNEY, BECKY

APPOINTED TO SELECT COMMITTEE ON

THE LOTTERY 337.

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COMMITTEE ASSIGNMENTS - Commerce; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Environment and Natural Resources; Finance; Financial Institutions; Local Government II, **Vice Chair**; Transportation, **Chair**.

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H.B. 666..... 1308.

S.B. 622, REMOVED FROM CONFERENCE COMMITTEE ON SUBCOMMITTEE ON GENERAL GOVERNMENT 1121.

S.B. 622, SUBCOMMITTEE ON EDUCATION 1121.

S.B. 622, SUBCOMMITTEE ON GENERAL GOVERNMENT.... 1093.

S.B. 629 1363.

S.B. 1134 1276.

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ESCORT

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SPEAKER BLACK 22.

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H 160 CARTERET COUNTY LOCAL ACT
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H 196 MUNICIPAL WEEDED LOT ORDINANCE
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H 328 OMNIBUS LOCAL LAWS
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992, 1002, 1003, 1464, 1507, 1559, 1608.

H 787 VARIOUS LOCAL ACTS
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- H 945 OMNIBUS OCCUPANCY TAXES AND DURHAM PUBLIC-PRIVATE PARTNERSHIPS (Rules, Calendar, and Operations of the House).....343, 1011, 1034, 1040, 1468.

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- H 200 CATAWBA COUNTY LOCAL ACT (Rules, Calendar, and Operations of the House)..... 85.
- H 372 CATAWBA COUNTY LOCAL ACT (Rules, Calendar, and Operations of the House)..... 152.
- H 373 CATAWBA COUNTY LOCAL ACT (Rules, Calendar, and Operations of the House)..... 152.
- H 515 CATAWBA COUNTY LOCAL ACT (Rules, Calendar, and Operations of the House)..... 204.
- H 501 CITY OF HICKORY LOCAL ACT (Rules, Calendar, and Operations of the House)..... 196.
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- S 289 CHATHAM SCHOOL ELECTIONS
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- H 756 CHATHAM, LEE, FRANKLIN, AND VANCE
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- H 1054 SWIFT CREEK MANAGEMENT PLAN/
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- H 713 120TH HOUSE DISTRICT LOCAL ACT
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- H 801 CHILD CUSTODY/GUARDIANSHIP JURISDICTION
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- H 1157 CUSTODY/BEST INTEREST OF CHILD/FACTORS
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- H 614 CHILD SOLICITATION BY COMPUTER (Judiciary II)..... 229.
- H 1375 CHILD SUPPORT REFORMS (Ch. SL 2005-389)569, 681, 805, 1472, 1535, 1558, 1721.
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- H 1157 CUSTODY/BEST INTEREST OF CHILD/FACTORS (Judiciary I)..... 438.
- H 277 ESTABLISH CHILD ASSESSMENT RESPONSES (Ch. SL 2005-55)110, 358, 425, 770, 901.
- H 1150 EXPEDITE JUVENILE PROCEEDINGS/ GUARDIANS AD LITEM (Ch. SL 2005-398)437, 679, 744, 1485, 1527, 1556, 1722.

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- S 339 OMNIBUS OCCUPANCY TAXES
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CHURCH, WALTER G., SR.

- APPROVAL OF VOTE CHANGE
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- BILLS INTRODUCED - 39, 40, 108, 143, 144, 149, 152, 395, 415, 424,
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- COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
committee on Transportation; Election Law and Campaign Finance Reform;
Financial Institutions, **Chair**; Local Government II; Rules, Calendar, and
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- H 469 LEASE PURCHASE FOR SCHOOL WAREHOUSE
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H	1117	PUBLIC FINANCE CHANGES (Ch. SL 2005-238)	411, 544, 618, 674, 694, 1271, 1285, 1301, 1306, 1359.
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- H 1498 CIVIL JUSTICE IMPROVEMENT
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- S 492 JURY EXHIBITS
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CLARY, DEBBIE A.

- APPROVAL OF VOTE CHANGE
 - H.B. 1059..... 984.
 - H.B. 1630..... 1038.
 - S.B. 566 1192.
- BILLS INTRODUCED - *43, *44, *45, *46, 50, 55, *117, *118, *119,
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*316, *317, *400, 424, *450, *469, 503, *776, *796, 844, 1324,
*1352, 1366, 1367, *1476, 1488, 1498, 1644, 1717, 1747.
- COMMITTEE ASSIGNMENTS - Appropriations, **Chair**; Financial
Institutions; Health; Judiciary I.
- EXCUSED ABSENCES 135, 182, 210, 225, 340, 390,
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 - H.B. 330..... 1004.
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- H 98 CLEVELAND COUNTY LOCAL ACT
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- H 102 CLEVELAND COUNTY LOCAL ACT
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- H 103 CLEVELAND COUNTY LOCAL ACT
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- H 570 KINGS MOUNTAIN ALCOHOLIC BEVERAGE
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- H 945 OMNIBUS OCCUPANCY TAXES AND DURHAM
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- H 317 WACO TOWN CENTER
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- S 170 WACO TOWN CENTER
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CLEVELAND, GEORGE G.

APPROVAL OF VOTE CHANGE

- H.B. 736..... 1444.
- S.B. 386 1681.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Education; Education; Education Subcommittee on Community Colleges; Education Subcommittee on Pre-School, Elementary and Secondary Education; Military, Veterans and Indian Affairs; Transportation; Wildlife Resources.

- EXCUSED ABSENCE..... NONE.
- OATH 20.

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- H 1512 COASTAL HAZARDS DISCLOSURE
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- S 998 IMPLEMENT COASTAL HABITAT PROTECTION
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- S 1126 IMPLEMENT COASTAL RECREATIONAL FISHING
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- S 2 NO VIOLENT/OBSCENE VIDEO GAME SALES
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- H 1023 NORTH CAROLINA STATE LOTTERY ACT
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- H 687 PIRATING MOVIES
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- H 862 PROHIBIT REMOVAL OF ELECTRONIC COLLARS
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- H 1500 WINE-TASTING/WINERIES WHOLESAL
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- H 1248 IDENTITY THEFT PROTECTION ACT OF 2005
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- H 248 METHAMPHETAMINE LABORATORY PREVENTION
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- H 1328 PARDON/EXPUNCTION OF RECORD
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- H 1145 PROBATION STAYED/APPEAL FOR TRIAL DE NOVO
(Ch. SL 2005-339)436, 526, 623, 1480, 1690.
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- H 1485 SEARCH WARRANTS/AUDIO AND
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- H 1186 SENTENCE LENGTHS
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760, 838.
- H 1209 SEXUAL BATTERY/SEX OFFENDER REGISTRY/DNA
(Ch. SL 2005-130)479, 909, 924, 1080, 1160.
- H 50 STREET GANG PREVENTION ACT
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COMMITTEE ASSIGNMENTS - Aging; Agriculture; Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Environment and Natural Resources; Wildlife Resources.
EXCUSED ABSENCES65, 202, 225, 938.
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COMMITTEE ASSIGNMENTS - Ex officio member of every standing committee and permanent subcommittee; Judiciary IV; Public Utilities; Rules, Calendar, and Operations of the House, **Chair**; University Board of Governors Nominating, **Chair**.

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1638, 1642, 1644, 1717, 1747, ***1760**, 1790, 1794.

COMMITTEE ASSIGNMENTS - Ex officio member of every standing
committee and permanent subcommittee.

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S.B. 622 1093.

S.B. 974 1342.

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GOVERNOR EASLEY 115.

MISS USA 2005 1052.

SPEAKER BLACK 22.

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REPRESENTATIVES FARMER-BUTTERFIELD AND B. ALLEN ON
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S.B. 82 145.

S.B. 622 1076.

S.B. 692 1309.

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BILLS INTRODUCED - 55, 148, 149, 175, 176, 182, 183, 217, 255, 289, *331, *332, *333, *341, 354, 362, 363, 424, *450, *469, 490, 491, 492, 494, 503, 579, 614, 648, 649, *794, 829, 1007, 1018, 1083, 1161, 1175, 1324, 1356, 1400, 1401, 1406, 1433, 1442, 1448, 1457, 1471, 1488, 1495, 1496, 1498, 1517, 1527, 1634, 1644.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Health and Human Services; Commerce; Federal Relations and Trade Issues, **Vice Chair**; Health; Insurance; State Government, **Vice Chair**.

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- H 921 CURRITUCK DEER HUNTING
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- H 1061 CURRITUCK PROPERTY CONVEYANCE
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- H 328 OMNIBUS LOCAL LAWS
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- H 1063 KILL DEVIL HILLS ASSESSMENTS
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1117, 1158, 1177.
- H 105 MOTOR FUEL TAX CHANGES AND REVENUE
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992, 1002, 1003, 1464, 1507, 1559, 1608.

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COMMITTEE ASSIGNMENTS - Commerce, **Chair**; Education; Education Subcommittee on Universities; Environment and Natural Resources; Finance, **Vice Chair**; Transportation.

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H.B. 666..... 1308.

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MEMBER OF DELEGATION ATTENDING FUNERAL

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COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control; Appropriations; Appropriations Subcommittee on General Government; Judiciary IV.

EXCUSED ABSENCES 901, 1708.

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H.B. 1429..... 1151, 1535.
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- H 558 DAVIDSON COUNTY LOCAL ACT
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- H 1028 HIGH POINT/CLAREMONT CHARTER
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- H 1050 LOCAL TAX FOR PUBLIC SCHOOLS AND
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- H 9 THOMASVILLE DEANNEXATION
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- H 958 DAVIE COUNTY 911 FEES
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- H 52 DAVIE COUNTY LOCAL ACT
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- H 53 DAVIE COUNTY LOCAL ACT
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- H 54 DAVIE COUNTY LOCAL ACT
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- H 997 INCREASE DAVIE COUNTY FORCE
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- H 857 EXTEND DEADLINE FOR MASTER PLAN
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- H 1098 FINANCE NORTH CAROLINA MUSEUM OF ART
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- H 454 WATER/UTILITIES SAVINGS IN GOVERNMENT
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- S 402 WATER/UTILITIES SAVINGS IN GOVERNMENT
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- S 590 CONSUMER CREDIT COUNSELING/
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- H 877 FORECLOSURE NOTICE OF SALE/DISPOSITION
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- H 684 GARNISH WAGES TO SATISFY JUDGMENTS
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- H 1176 PROPERTY EXEMPT FROM ENFORCEMENT
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*942, *1008, *1009, 1073, 1106, 1118, *1133, 1148, 1149, *1179,
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1528, 1546, 1568, 1569, *1617, 1644, 1653, 1687, 1717, *1786, 1790,
1794.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
committee on Transportation; Commerce; Education, **Vice Chair**;
Education Subcommittee on Universities, **Chair**; Financial
Institutions; Military, Veterans and Indian Affairs.

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- H 1319 AMEND FAMILY LAW ARBITRATION ACT
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- H 923 AMEND POSTSEPARATION SUPPORT LAWS
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- H 801 CHILD CUSTODY/GUARDIANSHIP JURISDICTION
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- H 839 CHILD SUPPORT FOR DISABLED ADULT
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1472, 1535, 1558, 1721.
- S 1029 CLARIFY/ENHANCE DOMESTIC VIOLENCE AND
TENANCY LAWS
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- H 1318 CONSIDER TAX CONSEQUENCES/
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- COMMITTEE ASSIGNMENTS - Aging, **Vice Chair**; Appropriations,
Chair; Health; Judiciary IV; Pensions and Retirement; Rules, Calendar,
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- COMMITTEE ASSIGNMENTS - Ex officio member of every standing committee and permanent subcommittee.
- EXCUSED ABSENCES 76, 901, 1025, 1312, 1331, 1345.
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COMMITTEE ASSIGNMENTS - Agriculture; Commerce; Finance; Insurance, **Vice Chair**; Judiciary III; Wildlife Resources.

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COMMITTEE ASSIGNMENTS - Aging, **Chair**; Appropriations; Approp-
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Children, Youth and Families; Federal Relations and Trade Issues, **Vice**
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FISHER, SUSAN C.

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H.B. 874 898.
H.B. 1025 895.
H.B. 1468 893.
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FISHER, SUSAN C.-Contd.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Education; Children, Youth and Families; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Ethics, **Chair**; Finance; Judiciary II; Ways and Means, **Vice Chair**.

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FOLWELL, DALE R.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
committee on Justice and Public Safety; Commerce; Education; Education
Subcommittee on Community Colleges, **Vice Chair**; Federal Relations and
Trade Issues, **Chair**; Local Government II.

EXCUSED ABSENCE..... NONE.

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- H 333 GASTON COUNTY LOCAL ACT
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- H 987 GRIFTON/CRAMERTON WEEDED LOT ORDINANCE
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COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control, **Chair**; Commerce; Environment and Natural Resources; Finance, **Chair**; Public Utilities; Wildlife Resources.

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GILLESPIE, MITCH

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COMMITTEE ASSIGNMENTS - Aging; Commerce; Environment and Natural Resources; Federal Relations and Trade Issues; Ways and Means; Wildlife Resources.

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COMMITTEE ASSIGNMENTS - Education, **Vice Chair**; Education Subcommittee on Pre-School, Elementary and Secondary Education, **Chair**; Federal Relations and Trade Issues, **Vice Chair**; Finance; Health; Judiciary IV, **Vice Chair**; Military, Veterans and Indian Affairs.

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S.B. 622, SUBCOMMITTEE ON EDUCATION	1093.
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GOFORTH, BRUCE

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 APPOINTED TO SELECT COMMITTEE ON NORTH
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 1717, 1729, ***1746**, ***1753**, ***1756**, 1792, 1794.
 COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control; Appro-
 priations; Appropriations Subcommittee on General Government;
 Commerce, **Chair**; Education; Education Subcommittee on Pre-
 School, Elementary and Secondary Education, **Vice Chair**; Finance;
 Health; Public Utilities.
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 S.B. 622, SUBCOMMITTEE ON GENERAL GOVERNMENT 1093.
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GOODWIN, MELANIE WADE

APPOINTED TO SELECT COMMITTEE ON HOMELAND SECURITY,
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BILLS INTRODUCED - 20, 40, 89, 217, 222, 224, 319, 320, 361, 364, 375, *386, *433, *474, *532, 554, 573, 574, 575, 577, *804, *874, *908, *923, *943, *944, 1059, 1083, 1098, 1106, 1118, *1150, 1162, *1176, *1209, *1210, 1212, 1231, 1248, *1318, *1319, *1351, *1393, 1431, 1460, 1466, 1473, 1502, *1529, 1533, 1535, 1563, *1574, *1577, *1616, 1620, 1644, 1653, 1678, 1687, 1701, 1717, 1729, 1745, 1746, 1747, 1756, 1762, 1763, 1766, *1783.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Justice and Public Safety; Children, Youth and Families, **Vice Chair**; Education; Education Subcommittee on Community Colleges; Environment and Natural Resources; Judiciary I; Transportation.

CONFEREE

S.B. 590 1645.
S.B. 929 1265.
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GRADY, W. ROBERT

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COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control, **Vice Chair**; Appropriations; Appropriations Subcommittee on General Government; Education; Education Subcommittee on Universities, **Vice Chair**; Financial Institutions, **Chair**; Insurance; Public Utilities; Science and Technology.

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GRAHAM COUNTY

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- H 79 GRANVILLE COUNTY LOCAL ACT
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- H 196 MUNICIPAL WEEDED LOT ORDINANCE
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GREENE COUNTY

- H 292 10TH HOUSE DISTRICT LOCAL ACT
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- H 293 10TH HOUSE DISTRICT LOCAL ACT
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- H 294 10TH HOUSE DISTRICT LOCAL ACT
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- H 1000 GREENE DEEDS/PROPERTY TAX CERTIFICATION
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- H 787 VARIOUS LOCAL ACTS
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1005, 1495, 1508, 1567, 1607, 1728.
- H 476 WILSON/GREENE BOUNDARY SETTLEMENT
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- COOLEY, MISS CHELSEA
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- MCLAURIN, BROOKE
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- S 138 ARCHDALE EXTRATERRITORIAL JURISDICTION
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- H 887 BURLINGTON CHARTER AMENDMENT
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- S 466 BURLINGTON/GIBSONVILLE BOUNDARY
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COMMITTEE ASSIGNMENTS - Appropriations; Environment and Natural Resources; Ex officio member of every standing committee and permanent subcommittee; Finance; Judiciary I, **Chair**; Rules, Calendar, and Operations of the House, **Vice Chair**; University Board of Governors Nominating.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Election Law and Campaign Finance Reform; Environment and Natural Resources, **Vice Chair**; Judiciary I; Science and Technology.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
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COMMITTEE ASSIGNMENTS - Appropriations, **Vice Chair**; Appropriations Subcommittee on Capital; Appropriations Subcommittee on Health and Human Services, **Chair**; Education; Education Sub-committee on Universities; Environment and Natural Resources; Finance; Health; Judiciary I.

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COMMITTEE ASSIGNMENTS - Appropriations, **Vice Chair**; Appropriations Subcommittee on Education, **Chair**; Commerce; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Judiciary III; Local Government II; Ways and Means.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Education, **Vice Chair**; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Insurance; Judiciary III; Public Utilities; State Government, **Chair**.

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COMMITTEE ASSIGNMENTS - Commerce; Finance; Financial Institutions; Judiciary III, **Vice Chair**; Local Government II, **Chair**; Science and Technology.

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COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control, **Vice Chair**; Appropriations; Appropriations Subcommittee on Justice and Public Safety; Health; Insurance, **Vice Chair**; Judiciary II.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Education; Education; Education Subcommittee on Community Colleges; Environment and Natural Resources, **Chair**; Local Government II.

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- COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
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COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control; Appropriations; Appropriations Subcommittee on General Government, **Vice Chair**; Education, **Chair**; Finance; Military, Veterans and Indian Affairs, **Vice Chair**; Public Utilities; Wildlife Resources.

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COMMITTEE ASSIGNMENTS - Education; Education Subcommittee
 on Pre-School, Elementary and Secondary Education; Election Law
 and Campaign Finance Reform, **Vice Chair**; Environment and Natural
 Resources; Finance, **Chair**; Rules, Calendar, and Operations of the
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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Transportation; Education; Education Subcommittee on Community Colleges; Environment and Natural Resources; Judiciary IV; Military, Veterans and Indian Affairs; Science and Technology, Vice Chair.

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 COMMITTEE ASSIGNMENTS - Aging; Appropriations; Appropriations
 Subcommittee on Transportation, **Vice Chair**; Children, Youth and
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COMMITTEE ASSIGNMENTS - Appropriations; Environment and Natural Resources, **Vice Chair**; Finance, **Chair**; Public Utilities; Rules, Calendar, and Operations of the House; Transportation; University Board of Governors Nominating.

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COMMITTEE ASSIGNMENTS - Commerce; Environment and Natural Resources; Finance; Financial Institutions; Local Government I, **Vice Chair**.

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MCLAWHORN, MARIAN N.

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COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on General Government, **Vice Chair**; Commerce; Education, **Chair**; Health; Rules, Calendar, and Operations of the House; University Board of Governors Nominating.

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COMMITTEE ASSIGNMENTS - Aging; Appropriations; Appropriations Subcommittee on Transportation; Environment and Natural Resources; Federal Relations and Trade Issues.

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- COMMITTEE ASSIGNMENTS - Appropriations, **Vice Chair**; Appropriations Subcommittee on Education; Education; Education Subcommittee on Universities; Election Law and Campaign Finance Reform, **Vice Chair**; Judiciary II, **Chair**; Ways and Means.
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 COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control, **Vice
 Chair**; Appropriations; Appropriations Subcommittee on Justice and
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COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control; Appropriations; Appropriations Subcommittee on Transportation; Election Law and Campaign Finance Reform, **Chair**; Financial Institutions; Judiciary II, **Vice Chair**; Transportation.

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COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropriations Subcommittee on Education, **Vice Chair**; Education, **Vice Chair**; Education Subcommittee on Pre-School, Elementary and Secondary Education; Environment and Natural Resources; Military, Veterans and Indian Affairs; Transportation.

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BILLS INTRODUCED - 10, 13, 14, *35, 55, 89, 118, 144, 148, 149, 152, 221, *224, 289, 295, 346, *347, 355, 360, 375, *398, 424, 468, 532, *550, *551, *552, *553, *554, *564, *573, *574, *576, *577, *582, *583, *588, *601, *609, 611, *622, 662, *677, 679, 680, 706, *756, 796, *798, *833, *844, 927, 935, 1098, 1100, 1162, *1183, 1200, 1201, *1209, 1228, 1284, *1289, 1291, 1324, 1365, 1414, 1488, 1498, 1527, 1546, 1644, 1678, 1717, 1762, 1792.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Education; Commerce; Education, **Vice Chair**; Education Subcommittee on Community Colleges, **Chair**; Public Utilities, **Vice Chair**; Rules, Calendar, and Operations of the House; University Board of Governors Nominating.

CONFEREE

H.B. 576..... 1511.

EXCUSED ABSENCES 324, 403, 770, 1157, 1629, 1678.

MEMBER OF DELEGATION ATTENDING FUNERAL

SERVICE OF REPRESENTATIVE JOHN D. HALL 304.

OATH 20.

SAUNDERS, DREW

APPOINTED TO SELECT COMMITTEE ON NORTH

CAROLINA STATE EMPLOYEE'S DISABILITY PLANS 312.

APPROVAL OF VOTE CHANGE

H.B. 1029..... 924.

BILLS INTRODUCED - *7, 20, 40, *237, *248, 253, 254, 267, 288, 375, 395, 455, *468, 503, *623, 662, *700, *819, *904, 935, 1073, 1161, *1198, 1216, 1218, 1231, *1259, *1332, *1458, *1468, *1469, *1470, 1527, 1528, 1563, 1568, *1582, *1638, 1644, 1717, *1718, *1727, 1729, 1794.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Transportation; Financial Institutions; Insurance; Public Utilities, **Chair**; Rules, Calendar, and Operations of the House; Transportation, **Vice Chair**; Ways and Means.

CONFEREE

H.B. 666..... 1308.

H.B. 1469 (Chair) 1303.

ESCORT

MISS USA 2005 1052.

SPEAKER BLACK 22.

EXCUSED ABSENCES 364, 901.

OATH 20.

SAVINGS BANKS (G.S. 54C); also see BANKS

- H 83 REINVESTMENT OF SAVINGS
REALIZED/COMMUNITY CARE
(Appropriations)..... 57, 164.

SCOTLAND COUNTY

- S 62 GIBSON CHARTER AMENDMENTS
(Ch. SL 2005-61)668, 844, 905, 911, 935.
- S 179 LAURINBURG PROPERTY SALES
(Ch. SL 2005-6)302, 357, 424, 430, 445.
- H 284 SCOTLAND COUNTY LOCAL ACT
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- H 58 SECURITIES TRANSFER ON DEATH
(Finance)51, 451, 458.

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- ELECTION OF UNIVERSITY BOARD OF GOVERNORS..... 439.
- ORGANIZATION AND OFFICERS..... 34, 74.

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 - BATH ELEMENTARY SCHOOL..... 199.
 - PLAQUE PRESENTED TO MS. BARBARA MODLIN,
MAYOR OF THE TOWN OF BATH, COMMEMORATING
THE BATH TERCENTENARY CELEBRATION..... 201.
- EDENTON, NORTH CAROLINA
 - 1767 COURTHOUSE 900.

SETOFF DEBT COLLECTION ACT (G.S. 105A)

- S 682 ADD AGENCIES TO SET-OFF DEBT COLLECTION
(Ch. SL 2005-326)449, 1055, 1088,
1104, 1478, 1688.
- H 788 CRIME VICTIMS RESTITUTION IMPROVEMENT ACT
(Appropriations)..... 276, 1332.
- H 105 MOTOR FUEL TAX CHANGES AND REVENUE
LAWS TECHNICAL CHANGES
(Ch. SL 2005-435)62, 682, 741, 763, 1493,
1548, 1586, 1645, 1674, 1730.
- H 272 SANITARY DISTRICT SET-OFF DEBT COLLECTION
(Finance) 110, 327.

SETZER, MITCHELL S.

APPOINTED TO SELECT COMMITTEE ON NORTH

CAROLINA STATE EMPLOYEE'S DISABILITY PLANS 312.

APPROVAL ON VOTE CHANGE

H.B. 1086..... 921.

H.B. 1281..... 919.

BILLS INTRODUCED - 10, 50, 55, 100, 117, 118, 148, 149, 152, ***180**,
 182, ***199**, ***200**, ***201**, ***251**, ***252**, 289, 295, ***344**, 355, 360, ***372**,
 ***373**, 375, ***378**, ***379**, 401, 415, 423, 424, 447, ***490**, 491, 492, 503,
 513, 546, 579, ***611**, 612, 684, 732, 788, 816, ***838**, ***839**, 844, ***852**,
 935, 976, 977, 980, 981, 1016, 1019, 1020, 1083, 1100, 1106, 1114,
 1116, 1120, 1122, 1158, 1175, 1200, 1201, 1212, 1218, ***1223**, 1231,
 1311, 1324, 1367, 1368, 1401, 1406, 1442, 1445, 1447, 1471, 1488,
 1495, 1496, 1498, 1508, 1509, 1514, 1515, ***1516**, 1527, 1540, 1543,
 ***1548**, 1568, 1604, 1605, 1615, 1644, 1717, 1747.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Sub-
 committee on Natural and Economic Resources; Ethics, **Chair**; Health;
 Insurance, **Vice Chair**; State Government.

EXCUSED ABSENCES 141, 148, 201, 901, 1044, 1051.

OATH 20.

SHERIFF (G.S. 162)

H 14 FOUR-YEAR TERMS IMPLEMENTING STATUTE

(Rules, Calendar, and Operations of the House)..... 37.

SHERRILL, WILMA M.

APPOINTED TO SELECT COMMITTEE ON

THE LOTTERY 337.

APPROVAL OF VOTE CHANGE

H.B. 1120..... 801.

H.B. 1323, AMENDMENT NO. 4 OF 1452.

H.B. 1779..... 1353.

S.B. 278 1213.

S.B. 319 1636.

S.B. 393, CONFERENCE REPORT ON 1593.

S.B. 435 1213.

S.B. 612 1457.

S.B. 1059, CONFERENCE REPORT ON 1373.

S.B. 1118 1238.

BILLS INTRODUCED - 10, 20, 89, ***148**, 149, 217, 221, ***233**, ***234**,
 ***235**, ***272**, 288, ***343**, 355, 364, ***397**, 415, 424, 434, 435, 468, ***485**,
 503, ***505**, 546, ***569**, ***574**, ***588**, ***589**, 662, ***718**, ***730**, ***792**, 844,
 ***895**, ***948**, ***1064**, ***1065**, ***1077**, 1100, ***1119**, ***1155**, 1162, 1170,
 ***1192**, 1218, ***1232**, 1311, 1324, ***1326**, ***1342**, 1345, 1460, ***1474**,

SHERRILL, WILMA M.-Contd.

1498, 1502, 1527, 1568, *1601, 1609, 1638, 1644, 1687, 1717, *1762, 1794.

COMMITTEE ASSIGNMENTS - Appropriations, **Chair**; Health; Judiciary III, **Vice Chair**; Public Utilities; Rules, Calendar, and Operations of the House; State Personnel; University Board of Governors Nominating.

ESCORT

SPEAKER PRO TEMPORE MORGAN 27.

EXCUSED ABSENCES44, 47, 141, 148, 201, 210, 305, 316, 841, 857, 901, 911, 1080, 1094, 1110, 1179.

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H.B. 1128..... 802.

H.B. 1256..... 998.

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SOCIAL SERVICES (G.S. 108A)

H 277 ESTABLISH CHILD ASSESSMENT RESPONSES
(Ch. SL 2005-55)110, 358, 425, 770, 901.

H 106 EXPAND MEDICAID ELIGIBILITY TO
CHILDREN/200%
(Appropriations) (Included Ch. SL 2005-276)62, 164.

H 916 HEMOPHILIA DRUGS/EXTEND SUNSET
ON PRIOR AUTHORIZATION
(Ch. SL 2005-83)331, 695, 744, 1029, 1063.

H 149 MEDICAID COUNTY SHARE PHASEOUT
(Health) 73.

H 132 MEDICAID REFORM STUDY/COUNTY SHARE
PHASE OUT (Health) 69.

H 1124 NORTH CAROLINA HEALTH CHOICE/MEDICAID
RATES (Health)..... 419.

H 316 PHASE OUT COUNTY SHARE/MEDICAID
(Appropriations)..... 120.

H 315 PHASE OUT COUNTY SHARE/SPECIAL
ASSISTANCE (Appropriations)..... 120.

H 1551 PRESERVICE TRAINING EXEMPTING/CERTAIN
CHILD PROTECTIVE SERVICES WORKERS
(Senate)603, 922, 960.

H 1474 PUBLIC ASSISTANCE BENEFITS/RESIDENTS ONLY
(Rules, Calendar, and Operations
of the House).....587, 941, 987, 990, 1202.

H 1018 TAXPAYER AND CITIZEN PROTECTION ACT
(Election Law and Campaign Finance Reform)..... 370.

SOCIAL WORKER CERTIFICATION AND LICENSURE ACT (G.S. 90B)

- H 1262 AUTHORIZING SOCIAL WORK BOARD TO EMPLOY PERSONNEL (Ch. SL 2005-129)519, 618, 691, 694, 1095, 1160.
- H 1087 CLARIFY DEFINITION OF SOCIAL WORKER (Senate).....393, 861, 923, 947, 950, 994.

SOLICITATION OF CONTRIBUTIONS (G.S. 131F)

- H 652 EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS/CHARITABLE SOLICITATIONS (Financial Institutions) 246, 856.
- S 421 EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS/CHARITABLE SOLICITATIONS (Ch. SL 2005-230)381, 542, 1205, 1261, 1272, 1358.

STAM, PAUL

- APPROVAL OF VOTE CHANGE
 - H.B. 474..... 1638.
 - H.B. 876..... 1640.
 - S.B. 528 1634.
- BILLS INTRODUCED - 25, *30, 55, 88, 89, 135, 146, 151, 288, 289, 320, *393, 424, *449, 492, *510, 513, *532, 569, 579, 626, 679, 772, 793, *822, 829, 835, 844, *857, *907, *931, 975, 976, 980, *1007, 1026, *1053, *1054, *1082, 1083, 1090, 1100, 1174, 1175, 1200, 1201, 1324, *1361, 1406, *1432, *1439, 1488, 1527, *1541, 1562, 1609, 1644, *1747.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Health and Human Services; Commerce; Federal Relations and Trade Issues; Judiciary I.

- CONFeree
 - H.B. 217..... 1153.
 - S.B. 428 1362.
 - S.B. 590 1645.
 - S.B. 612 1529.
 - S.B. 1126 1251.

EXCUSED ABSENCE..... NONE.

- EXCUSED VOTE
 - H.B. 561..... 719.
 - H.B. 864..... 536.

MEMBER OF DELEGATION ATTENDING FUNERAL SERVICE OF REPRESENTATIVE JOHN D. HALL 304.

OATH..... 20.

STANLY COUNTY

- S 420 OAK RIDGE VOLUNTARY ANNEXATIONS/RED CROSS BUDGET ORDINANCES
(Ch. SL 2005-245)417, 740, 814, 1207, 1282, 1324, 1335, 1357, 1371.
- H 328 OMNIBUS LOCAL LAWS
(Ch. SL 2005-305)135, 175, 182, 963, 975, 992, 1002, 1003, 1464, 1507, 1559, 1608.
- H 380 STANLY COUNTY LOCAL ACT
(Rules, Calendar, and Operations of the House)..... 153.
- H 381 STANLY COUNTY LOCAL ACT
(Rules, Calendar, and Operations of the House)..... 153.
- H 382 STANLY COUNTY LOCAL ACT
(Rules, Calendar, and Operations of the House)..... 154.

STARNEs, EDGAR V.

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- S.B. 206 1048.
- S.B. 249 1049.
- S.B. 442 1050.

BILLS INTRODUCED - 55, 255, 267, 289, 290, 291, 302, 329, 330, 341, 342, 355, 362, 363, 415, 424, 443, 444, 490, 491, 492, 503, 546, 579, 611, 614, 627, 629, 648, 649, 679, 680, 681, *781, 832, 835, 844, 909, 976, 977, 979, 980, *989, *990, *991, *992, 1007, 1016, 1090, 1100, 1175, 1231, 1292, 1315, 1324, 1360, 1362, 1366, 1368, 1370, 1397, 1401, 1404, 1407, 1433, 1435, 1437, 1447, 1449, 1450, 1451, 1453, 1454, 1457, 1471, 1474, 1485, 1486, 1488, 1489, 1492, 1494, 1495, 1496, 1498, 1509, 1518, 1526, 1548, 1562, 1609, 1644.

COMMITTEE ASSIGNMENTS - Alcoholic Beverage Control; Appropriations; Appropriations Subcommittee on Capital; Election Law and Campaign Finance Reform; Transportation.

EXCUSED ABSENCES36, 47, 53, 76, 84, 190, 225, 283, 390, 511, 609, 713, 1023, 1025, 1077, 1080, 1123, 1219, 1713.

OATH..... 20.

STATE DEPARTMENTS, INSTITUTIONS, AND COMMISSIONS (G.S. 143)

- H 709 25-YEAR RETIREMENT FOR FIRST RESPONDERS
(Pensions and Retirement) 260.
- H 1723 ALTERNATE METHOD/DISPOSAL OF STATE SURPLUS REAL PROPERTY
(Senate)786, 1107, 1353, 1392, 1434.
- H 1682 ALTERNATIVE FUEL CREDITS/ENERGY CREDITS PROGRAM (Finance)..... 778.

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COMMISSIONS-Contd.**

H	1096	AMEND ENVIRONMENTAL LAWS 2005 (Ch. SL 2005-386)	395, 926, 955, 1469, 1525, 1526, 1555, 1720.
H	1381	AMEND ENVIRONMENTAL LAWS (Rules, Calendar, and Operations of the House)	570.
H	1382	AMEND ENVIRONMENTAL LAWS (Rules, Calendar, and Operations of the House)	570.
H	1547	AMEND PUBLIC BUILDING CONTRACT LAWS (Judiciary IV)	603.
H	471	BUDGET DEADLINES ENHANCED (Appropriations)	191.
H	751	CENTRALIZE BENEFITS UNDER OFFICE OF STATE PERSONNEL (State Personnel)	268.
H	840	CERTAIN COUNTIES REGULATE SMOKING/ PUBLIC PLACES (Health)	299.
H	1386	CHANGE GAS TAX RATES/INCREASE TANK FEES (Finance)	571.
H	1095	CLARIFY CLEAN WATER FUNDING AND PROCEDURE (Ch. SL 2005-454)	395, 926, 955, 1496, 1569, 1646, 1675, 1733.
H	1058	CLARIFY COUNTY EMERGENCY MEDICAL SERVICES' PLANS/CONTINUING CONTRACTS (Health)	377.
H	1532	CLEAN HOG FARMS ACT OF 2005 (Environment and Natural Resources)	600.
H	1730	CLEAN HOG FARMS ACT OF 2005 (Environment and Natural Resources)	787.
H	736	CODE ENFORCEMENT OFFICIAL EXAM FEES (Ch. SL 2005-289)	265, 525, 554, 606, 1444, 1449, 1546.
H	658	CODE OFFICIALS PROFESSIONALISM (Ch. SL 2005-102)	247, 678, 742, 1045, 1114.
H	832	COMMUTER THOROUGHFARE ACT OF 2005 (Appropriations)	298.
S	148	DEATH BENEFIT FOR PART-TIME LAW ENFORCEMENT (Ch. SL 2005-376)	1012, 1243, 1503, 1589, 1630, 1647, 1668, 1672, 1719.
H	1097	DESIGN/BUILD/OPERATE CONTRACT SLUDGE MANAGEMENT (Ch. SL 2005-176)	395, 685, 800, 1131, 1167, 1179, 1253.
H	1699	DISCRETIONARY FUNDS (Rules, Calendar, and Operations of the House)	781.

**STATE DEPARTMENTS, INSTITUTIONS, AND
COMMISSIONS-Contd.**

- S 879 ECONOMIC DEVELOPMENT - NORTH CAROLINA
PRODUCT PREFERENCE
(Ch. SL 2005-213)818, 1164, 1217, 1220, 1314.
- H 1332 ELECTRONIC PURCHASES AND SALES
(Ch. SL 2005-227)552, 680, 805,
1232, 1287, 1295, 1348.
- S 1149 ENERGY CREDIT BANKING/SELLING
PROGRAM/FUND
(Ch. SL 2005-413) 1487, 1580, 1643, 1674, 1725.
- H 1413 ENHANCE LOCAL GOVERNMENTS ADMINISTER OF
ENVIRONMENTAL PROGRAMS
(Senate)576, 1441, 1578, 1605, 1638.
- H 607 ENHANCED VOLUNTARY AGRICULTURAL
DISTRICTS (Ch. SL 2005-390)228, 941, 983,
1465, 1513, 1553, 1721.
- H 1135 ENVIRONMENTAL ENFORCEMENT
ACCOUNTABILITY ACT
(Environment and Natural Resources) 421.
- S 1123 ENVIRONMENTAL REPORTS AMENDMENTS
(Environment and Natural Resources) 1019, 1424.
- H 1323 ESTABLISH NORTH CAROLINA INNOCENCE
INQUIRY COMMISSION
(Appropriations).....550, 1410, 1442, 1446, 1451.
- H 763 FIRE AND RESCUE WORKERS' RETIREMENT
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- H 1086 GENERAL ASSEMBLY POLICE JURISDICTION
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1469, 1525, 1555, 1717.
- H 1452 GOLDEN LONG-TERM ECONOMIC ADVANCEMENT
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(Appropriations)..... 583.
- H 1447 GOVERNMENT AGENCIES LIMIT RELEASE OF
SOCIAL SECURITY NUMBERS
(Judiciary I)..... 582.
- H 724 GREEN SQUARE PROJECT
(Rules, Calendar, and Operations of the House)..... 263.
- S 692 GREEN SQUARE PROJECT
(Ch. SL 2005-255) 1015, 1244, 1309, 1331, 1399.
- H 1523 IMPLEMENT COASTAL HABITAT PROTECTION
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- S 998 IMPLEMENT COASTAL HABITAT PROTECTION
PLAN (Ch. SL 2005-443)914, 1545, 1698,
1701, 1708, 1731.

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COMMISSIONS-Contd.**

S	1126	IMPLEMENT COASTAL RECREATIONAL FISHING LICENSE/AMEND FISHERIES LAWS (Ch. SL 2005-455)	482, 1141, 1152, 1162, 1183, 1195, 1215, 1238, 1250, 1492, 1538, 1542, 1606, 1733.
H	1283	IMPROVE ENVIRONMENTAL ENFORCEMENT (Failed 2nd Reading).....	529, 1355, 1389, 1437, 1476, 1532, 1541.
H	628	INDOOR ARENA SMOKING REGULATIONS (Health)	235.
S	482	INDOOR ARENA SMOKING REGULATIONS (Ch. SL 2005-239)	449, 1181, 1234, 1288, 1294, 1359.
H	799	LAPSED SALARIES/EQUAL EMPLOYMENT OPPORTUNITY (Appropriations)	284, 843.
H	142	LAW OFFICERS' 25-YEAR RETIREMENT (Pensions and Retirement)	71.
H	150	LIMIT GENERAL FUND SPENDING/PRIOR YEARS SPENDING (Appropriations)	73.
H	1460	LOW EMISSION VEHICLES/FUNDS (Environment and Natural Resources)	585.
H	630	MANUFACTURED HOMES ESCROW ACCOUNTS (Ch. SL 2005-451)	235, 681, 766, 807, 1494, 1570, 1607, 1732.
H	803	MANUFACTURED HOUSING LICENSE AMENDMENTS (Ch. SL 2005-297)	285, 526, 622, 641, 1426, 1547.
S	907	MINORITY BUSINESS CERTIFICATION (Ch. SL 2005-270)	718, 1333, 1381, 1384, 1462.
H	1537	MISCELLANEOUS CHANGES/MANUFACTURED HOME LAWS (Finance)	601.
H	1534	MODULAR HOME SALES/INSTALLATION REQUIREMENTS (Finance).....	600.
H	753	NO PREAPPROVAL/UNIVERSITY OF NORTH CAROLINA CONSULTANT CONTRACTS (Education Subcommittee on Universities).....	269.
H	1090	NO SOCIAL SECURITY NUMBERS IN RECORDED/FILED DOCUMENTS (Judiciary II).....	394.
S	1130	NO TOBACCO USE IN PRISONS (Ch. SL 2005-372)	1020, 1332, 1382, 1392, 1429, 1434, 1602, 1616, 1644, 1674, 1719.

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H	1250	NORTH CAROLINA EDUCATION BANK (Education Subcommittee on Universities).....	517, 754.
H	1569	OYSTER RESTORATION AND PROTECTION ACT (Appropriations) (Included Ch. SL 2005-276).....	659.
H	1032	PLACING STUDENTS IN SECLUSION (Ch. SL 2005-205)	373, 512, 557, 607, 1208, 1247, 1257, 1313.
H	1620	PRESCRIPTION DRUG BENEFIT PURCHASING PROGRAM (Rules, Calendar, and Operations of the House).....	728.
H	576	PROCUREMENT OF PROFESSIONAL SERVICES (Ch. SL 2005-370)	217, 327, 388, 1465, 1504, 1511, 1617, 1620, 1643, 1674, 1718.
H	1549	PROPERTY TAX COLLECTION ON MOBILE HOMES (Finance)	603.
H	1260	PUBLIC CONTRACTS/MINIMUM BIDS (Ways and Means)	519.
H	1595	REDUCE EMISSIONS FROM MOBILE SOURCES PROGRAM (Finance)	704.
H	76	REDUCE SMOKING IN RESTAURANTS (Failed 2nd Reading).....	56, 810, 856, 942, 978.
H	1340	REESTABLISH BOXING COMMISSION (Appropriations).....	562, 1032.
H	1057	REGIONAL EMERGENCY MEDICAL SERVICES NETWORK PILOT PROGRAM (Appropriations).....	377.
H	1479	REGULATE NUTRIENT TRADING AMONG DISCHARGERS (Environment and Natural Resources)	589.
H	1094	RENAME WETLANDS RESTORATION PROGRAM/CODIFY ECOSYSTEM ENHANCEMENT PROGRAM (Senate)	395, 926, 955.
S	1122	RENAME WETLANDS RESTORATION PROGRAM/CODIFY ECOSYSTEM ENHANCEMENT PROGRAM (Environment and Natural Resources)	1019, 1424.
H	1464	REPEAL SUNSET ON UNIVERSITY OF NORTH CAROLINA DESIGN CONTRACTS/REPORT (Ch. SL 2005-300)	585, 628, 815, 869, 1448, 1547.

**STATE DEPARTMENTS, INSTITUTIONS, AND
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S	756	REVISE BUILDING COMMISSION MEMBERSHIP (Commerce)	1016.
H	1449	SALARY FUNDS/SPEND ONLY FOR SALARIES (Appropriations).....	583.
H	239	SMOKING IN PUBLIC PLACES/LOCAL HEALTH DEPARTMENTS (Ch. SL 2005-19)	101, 243, 280, 303, 511, 653.
H	1482	SMOKING IN PUBLIC PLACES/LOCAL HEALTH/ DEPARTMENT OF SOCIAL SERVICES (Ch. SL 2005-168)	589, 942, 988, 1123, 1223.
H	714	STATE AGENCIES MAY WITHHOLD CERTAIN INFORMATION (Judiciary I)	261, 657, 666.
H	800	STATE CONTRACTS/REPORT OUTSOURCING (Ch. SL 2005-169)	284, 678, 744, 759, 808, 1174, 1223.
H	1006	STATE CONTRACTS/SLAVERY PROFITS (Rules, Calendar, and Operations of the House).....	368, 474.
H	730	STATE EMPLOYMENT DEMONSTRATION PROJECTS (State Personnel)	264.
H	1442	STATE ETHICS ACT (Ethics).....	581.
H	1241	STATE LAW OFFICERS' 28-YEAR RETIREMENT (Pensions and Retirement)	515.
H	321	STATE PUBLIC HEALTH LAB/CONSTRUCTION PROJECT (Appropriations).....	121.
H	1546	STUDENTS WITH DISABILITIES CHANGES (Education Subcommittee on Pre-School, Elementary and Secondary Education)	603, 635.
H	492	TAXPAYERS' BILL OF RIGHTS FOR NC (Rules, Calendar, and Operations of the House).....	195.
S	1118	TORTS BY STATE LAW ENFORCEMENT (Ch. SL 2005-243)	719, 1183, 1238, 1272, 1360.
H	1385	UNDERGROUND STORAGE TANK AMENDMENTS (Ch. SL 2005-365)	571, 927, 957, 977, 1499, 1582, 1624, 1718.
S	927	UNDERGROUND STORAGE TANK AMENDMENTS (Environment and Natural Resources)	1017, 1424.
H	1455	UNIFORM APPORTIONMENT OF TORT RESPONSIBILITY (Judiciary I)	584.
H	678	UNIVERSITY OF NORTH CAROLINA SERVICE CONTRACTS (Ch. SL 2005-125).....	254, 451, 508, 522, 1111, 1159.

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- H 454 WATER/UTILITIES SAVINGS IN GOVERNMENT FACILITIES (Appropriations).....184, 474, 682.
- S 402 WATER/UTILITIES SAVINGS IN GOVERNMENT FACILITIES (State Government)..... 1500.
- H 1457 ZERO-BASED BUDGETING (Appropriations)..... 584.

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- S 1018 ADOPT COUGAR AS STATE CAT (State Government)..... 1022.
- S 128 ADOPT OFFICIAL STATE DANCES (Ch. SL 2005-218)661, 1163, 1216, 1241, 1315.
- H 21 ADOPT STATE FOOD FESTIVAL (Rules, Calendar, and Operations of the House).....39, 474, 498.
- H 944 ADOPT THE SALUTE TO THE NORTH CAROLINA FLAG (Senate).....343, 768, 837.
- H 829 DISPLAY OF OFFICIAL GOVERNMENTAL FLAGS (Ch. SL 2005-360)297, 971, 995, 1484, 1522, 1554, 1717.
- H 1316 STATE CHRISTMAS TREE/STATE FRESHWATER TROUT (Ch. SL 2005-387)549, 849, 906, 1472, 1534, 1557, 1721.
- S 116 VENUS FLYTRAP OFFICIAL CARNIVOROUS PLANT (Ch. SL 2005-74)661, 860, 906, 966, 1029.

STATE HEARING AID DEALERS AND FITTERS BOARD (G.S. 93D)

- H 1190 ALLOW AUDIOLOGIST TO FIT/DISPENSE HEARING AID (Health) 455.

STATE LANDS (G.S. 146)

- H 1723 ALTERNATE METHOD/DISPOSAL OF STATE SURPLUS REAL PROPERTY (Senate).....786, 1107, 1353, 1392, 1434.
- S 130 CURRITUCK/MECKLENBURG PROPERTY CONVEYANCES (Vetoed March 25, 2005) 93, 210, 223, 231, 240.
- H 857 EXTEND DEADLINE FOR MASTER PLAN (Ch. SL 2005-7)307, 314, 323, 356, 445.
- H 864 MAYO RIVER STATE PARK CONDEMNATION (Senate).....308, 474, 536.

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- H 105 MOTOR FUEL TAX CHANGES AND REVENUE
LAWS TECHNICAL CHANGES
(Ch. SL 2005-435)62, 682, 741, 763, 1493,
1548, 1586, 1645, 1674, 1730.
- S 669 STATE LAND NOT SUBJECT TO
MUNICIPAL CONTROL
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COMMITTEE ASSIGNMENTS - Agriculture; Appropriations, **Vice Chair**; Appropriations Subcommittee on Education, **Chair**; Education; Education Subcommittee on Community Colleges; Health; Pensions and Retirement; Science and Technology, **Vice Chair**.

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COMMITTEE ASSIGNMENTS - Finance, **Chair**; Financial Institutions, **Vice Chair**; Health; Insurance; Military, Veterans and Indian Affairs, **Vice Chair**.

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 (Local Government I)..... 380.

WALEND, TRUDI

APPROVAL OF VOTE CHANGE

H.B. 580..... 637.
H.B. 581..... 638.

BILLS INTRODUCED - 12, 24, 55, *110, *111, *112, *113, *114, *115, 118, 132, 148, 149, 150, 151, 221, 222, *255, *302, 354, 355, 360, 362, 363, 375, 387, 396, 415, *421, 424, 434, 435, 469, *470, *471, 491, 492, 503, 551, 552, 553, 554, *562, 573, 574, 575, 576, 577, 579, 588, *614, *639, 649, 779, *789, 796, 835, 844, 895, 979, 980, 1007, 1016, 1026, *1081, 1083, 1090, 1100, 1162, 1212, 1311, *1324, 1325, 1368, 1369, 1370, 1400, 1401, 1426, 1471, 1488, 1495, 1496, 1525, 1526, 1527, 1528, *1618, *1619, 1634, 1644, *1709, 1717.

COMMITTEE ASSIGNMENTS - Children, Youth and Families; Commerce; Finance; Judiciary II; Science and Technology.

CONFEREE

S.B. 629 1363.

EXCUSED ABSENCES47, 76, 84, 107, 190, 201, 283, 296, 698, 1179, 1185, 1200, 1371, 1376, 1384, 1736.

OATH..... 20.

WALKER, R. TRACY

APPROVAL OF VOTE CHANGE

H.B. 105..... 741.

BILLS INTRODUCED - 24, 50, 55, 143, 148, 149, 288, 355, 362, 363, 375, 415, 424, 579, *732, *819, *834, 844, 909, 1016, *1100, 1120, 1162, *1302, 1311, 1324, 1367, 1401, 1488, 1498, 1527, *1563, 1568, 1609, 1638, 1644, 1717, *1779, 1794.

COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Appropriations Subcommittee on Natural and Economic Resources, **Vice Chair**; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Local Government II, **Chair**; State Personnel, **Vice Chair**.

EXCUSED ABSENCES901, 1241, 1252, 1306.

OATH..... 20.

WARREN COUNTY

H 225 27TH HOUSE DISTRICT LOCAL ACT
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H 226 27TH HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House)..... 91.

WARREN, EDITH D.

BILLS INTRODUCED - 20, *59, 81, 106, 107, 117, 118, 132, 139, 143, 144, 149, 175, 176, 181, 183, *187, 217, 221, 224, *232, 237, 238,

WARREN, EDITH D.-Contd.

246, 247, 252, 267, *324, *325, *326, 329, 364, 395, 405, 406, 407, 408, 409, 410, 434, 445, 455, 486, 487, 494, *495, *506, *533, 550, 551, 552, 553, 554, 563, 569, 573, *575, 609, 613, 639, 706, 744, 769, 796, *807, *811, 816, 844, *863, *912, *986, *1050, 1073, 1084, *1091, *1107, *1108, *1132, *1177, 1218, *1233, *1264, 1399, 1414, 1466, 1473, 1503, 1525, 1546, 1562, 1563, *1592, 1593, 1594, *1636, *1637, 1641, 1644, 1645, *1689, 1717, 1753, 1756, 1762, 1763, 1789, 1790, 1794.

COMMITTEE ASSIGNMENTS - Agriculture; Appropriations, **Vice Chair**; Appropriations Subcommittee on Natural and Economic Resources, **Chair**; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Judiciary III; Local Government I.

CONFEREE

S.B. 474 711.

ESCORT

SPEAKER PRO TEMPORE MORGAN 27.

EXCUSED ABSENCES 39, 190, 390, 451, 471, 497, 511, 1077.

MEMBER OF DELEGATION ATTENDING FUNERAL

SERVICE OF REPRESENTATIVE JOHN D. HALL 304.

OATH 20.

WATAUGA COUNTY

S 442 BLOWING ROCK OFF-STREET PARKING FUND
(Ch. SL 2005-86)850, 1033, 1049,
1059, 1063, 1064.

S 92 WATAUGA DISTRICT UNINCORPORATED
OCCUPANCY TAX/FORCE ACCOUNT LIMIT
(Ch. SL 2005-197)863, 1173, 1212,
1226, 1273, 1281.

WATER AND SEWER SYSTEMS (G.S. 162A)

H 1499 AMEND CLEAN WATER LOAN AND GRANT LAWS
(Environment and Natural Resources) 593.

H 1383 CLEAN WATER TRUST FUND/BLANK BILL
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H 1097 DESIGN/BUILD/OPERATE CONTRACT SLUDGE
MANAGEMENT (Ch. SL 2005-176)395, 685, 800,
1131, 1167, 1179, 1253.

H 1162 ELECTRIC SERVICE TERRITORIES
(Rules, Calendar, and Operations of the House) 447.

H 900 ENHANCE ON-SITE WASTEWATER SYSTEM
APPROVALS (Health) 328.

WATER AND SEWER SYSTEMS-Contd.

- H 1758 INCREASE WATER AND SEWER AUTHORITY PER
DIEM (Finance) 792.
- H 1421 RANDLEMAN DAM BONDS
(Finance) 578.
- S 1011 RANDLEMAN DAM BONDS
(Ch. SL 2005-249) 1039, 1283, 1329, 1331, 1398.
- H 901 RECORDATION OF SOIL AND WASTEWATER
CONDITIONS (Health) 329.
- H 1479 REGULATE NUTRIENT TRADING
AMONG DISCHARGERS
(Environment and Natural Resources) 589.
- H 908 RIVER BASIN COMMISSIONS
CLARIFYING AMENDS
(Ch. SL 2005-37) 330, 475, 536, 720, 813.
- H 33 WATER AND SEWER DISTRICT BOUNDARIES
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of the House) 45, 313.
- S 15 WATER AND SEWER DISTRICT BOUNDARIES; PER
DIEM (Ch. SL 2005-127) 310, 1033, 1065,
1083, 1110, 1160.

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- H 1499 AMEND CLEAN WATER LOAN AND GRANT LAWS
(Environment and Natural Resources) 593.
- H 1095 CLARIFY CLEAN WATER FUNDING AND
PROCEDURE (Ch. SL 2005-454) 395, 926, 955,
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- H 1117 PUBLIC FINANCE CHANGES
(Ch. SL 2005-238) 411, 544, 618, 674, 694,
1271, 1285, 1301, 1306, 1359.

WAYNE COUNTY

- H 292 10TH HOUSE DISTRICT LOCAL ACT
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- H 293 10TH HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House) 113.
- H 294 10TH HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House) 113.
- H 787 VARIOUS LOCAL ACTS
(Ch. SL 2005-433) 275, 281, 799,
813, 923, 933, 981, 985, 993, 1002,
1005, 1495, 1508, 1567, 1607, 1728.
- H 37 WAYNE COUNTY LOCAL ACT
(Rules, Calendar, and Operations of the House) 47.

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H 917 AUTHORIZE JUDGE/CONCEALED WEAPON IN
COURTHOUSE (Judiciary III)..... 332, 899.

S 991 AUTHORIZE JUDGE/CONCEALED WEAPON IN
COURTHOUSE (Judiciary III)..... 890.

H 1401 CONCEALED CARRY BY LAW
ENFORCEMENT OFFICERS
(Ch. SL 2005-337)574, 909, 931, 1481, 1690.

H 835 CONCEALED CARRY FOR LAW
ENFORCEMENT OFFICERS (Finance) 298, 827.

H 904 DISPOSE OF FIREARM/MODIFY NOTICE
REQUIREMENT (Judiciary III)..... 329.

H 1016 DISPOSE OF FIREARMS/BENEFIT
LAW ENFORCEMENT
(Ch. SL 2005-287)370, 513, 557, 1448, 1545.

H 1311 DOMESTIC VIOLENCE VICTIMS EMPOWERMENT
ACT (Ch. SL 2005-343)548, 738, 824,
899, 929, 1481, 1690.

S 109 HANDGUN PERMIT RENEWAL/
DEPLOYED MILITARY
(Ch. SL 2005-232)237, 1205, 1261, 1272, 1358.

H 611 RACHEL'S LAW
(Judiciary II)..... 228.

S 486 RACHEL'S LAW
(Ch. SL 2005-461)948, 1297, 1412,
1518, 1598, 1734.

H 1415 REPORT DENIAL OF SOME PISTOL PERMITS
(Senate).....577, 871, 1464, 1540, 1585.

WEEKS, DENISE G. - PRINCIPAL CLERK

ADJOURNMENT IN HONOR OF 1310.

ELECTED PRINCIPAL CLERK 30.

H 2 PRINCIPAL CLERK/DENISE WEEKS
(Adopted)..... 29.

OATH AS PRINCIPAL CLERK 30.

PRESIDING 13, 200.

WEISS, JENNIFER

APPROVAL OF VOTE CHANGE
H.B. 1297..... 1349.
H.B. 1404..... 1535.

BILLS INTRODUCED - 20, *25, 26, *30, 43, 44, 45, 46, 76, 80, 81, 84,
87, 88, 92, 106, 107, 108, 109, 117, 118, 119, 126, 127, 128, 129, 132,
133, 175, 176, 183, 198, 217, 221, 222, 236, 238, 246, 247, 252, 257,

WEISS, JENNIFER-Contd.

*286, 288, 319, 320, 330, 361, *364, 365, 366, 367, 368, 369, 375, 386, 387, 395, 405, 407, 408, 409, 410, 411, 412, *433, 434, 435, 445, *451, 453, 454, 455, 468, 475, *486, *487, *488, *489, *507, 529, 531, *534, 546, 551, 552, 553, 554, 555, 563, 564, 565, 575, 588, 626, 627, 696, 697, 706, 708, 752, 755, 773, 779, 796, 840, 851, *857, 865, 873, 883, 893, 895, *928, 929, *974, *975, *1022, 1048, 1054, 1059, 1073, 1079, *1082, 1083, 1085, *1098, *1106, 1113, 1118, 1126, *1134, *1135, 1136, *1148, *1149, 1162, *1176, 1180, 1183, 1186, 1187, 1191, *1193, *1194, 1203, 1212, 1243, *1262, 1283, *1295, 1296, 1315, 1317, 1322, 1323, 1334, 1345, 1358, 1396, *1413, 1431, 1460, 1461, 1462, 1465, 1466, 1473, 1482, 1502, 1511, *1513, 1518, 1523, 1529, *1530, 1531, 1532, 1533, *1541, 1550, 1555, 1559, 1560, *1562, 1563, 1569, 1570, *1571, *1576, 1579, 1600, 1607, *1608, 1615, 1617, 1620, 1633, 1635, 1636, 1637, 1641, 1644, 1652, 1653, 1678, 1687, 1688, 1701, *1713, *1714, 1717, 1726, 1730, 1745, 1747, 1765, 1766, 1787, *1789, 1790.

COMMITTEE ASSIGNMENTS - Aging; Children, Youth and Families, **Vice Chair**; Environment and Natural Resources; Finance, **Vice Chair**; Judiciary IV, **Chair**.

CONFEREE

H.B. 489.....671.
S.B. 189 1378.
S.B. 393 (Chair)..... 1526.
S.B. 622, SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES 1093.
S.B. 686 1379.

EXCUSED ABSENCES511, 698.

EXCUSED VOTE

H.B. 99.....1585, 1621.

MEMBER OF DELEGATION ATTENDING FUNERAL

SERVICE OF REPRESENTATIVE JOHN D. HALL 304.

OATH..... 20.

WEST, ROGER

APPOINTED TO SELECT COMMITTEE ON

THE LOTTERY 337.

BILLS INTRODUCED - 24, 55, *140, 148, 149, 150, 151, 355, 360, 362, 363, 375, 415, 424, 579, 611, *712, *713, 844, 895, 909, *1051, 1100, *1105, 1113, 1162, 1324, 1471, 1488, 1498, 1644, *1717, *1752, 1794.

COMMITTEE ASSIGNMENTS - Agriculture, **Vice Chair**; Appropriations; Appropriations Subcommittee on Capital, **Vice Chair**; Appropriations Subcommittee on General Government, **Chair**; Judiciary I; State Personnel.

WEST, ROGER-Contd.

EXCUSED ABSENCES 148, 210, 316, 497, 648, 698,
 901, 1051, 1179, 1185, 1200.
 OATH..... 20.

WILEY, LAURA I.

APPOINTED TO SELECT COMMITTEE ON HOMELAND SECURITY,
 MILITARY, AND EMERGENCY MANAGEMENT..... 313.
 APPROVAL OF VOTE CHANGE
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 H.B. 672..... 765.
 S.B. 486 1519.
 S.B. 525 915.
 BILLS INTRODUCED - 10, 55, 217, 252, 255, 295, *354, *356, *357,
 *358, *359, 360, 424, 490, 491, 492, 513, 579, *614, 627, 629, 679,
 680, 682, 692, 706, 815, 816, 829, 835, 844, *933, 1007, 1016, *1028,
 1197, 1200, 1209, 1210, 1212, 1216, *1317, 1324, *1327, 1356, 1364,
 1368, 1369, 1400, 1401, *1421, 1431, 1433, 1443, 1445, 1488, 1498,
 1502, 1508, 1509, 1644, 1717, 1792.
 COMMITTEE ASSIGNMENTS - Commerce; Education; Education
 Subcommittee on Pre-School, Elementary and Secondary Education;
 Finance; Judiciary II; Local Government I; Military, Veterans and
 Indian Affairs.
 EXCUSED ABSENCE..... 1123.
 OATH..... 20.

WILKES COUNTY

H 834 NORTH WILKESBORO/LAND FOR PRISONS
 (Finance)..... 298, 359.
 S 348 NORTH WILKESBORO/LAND FOR PRISONS
 (Ch. SL 2005-258)303, 701, 806, 1449, 1461.
 S 339 OMNIBUS OCCUPANCY TAXES
 (Returned to Senate for Concurrence)..... 863, 1119,
 1355, 1389, 1421, 1436, 1513, 1584.
 H 846 TOWN OF ELKIN LOCAL ACT
 (Rules, Calendar, and Operations of the House)..... 300.

WILKINS, W. A. (WINKIE)

APPROVAL OF VOTE CHANGE
 S.B. 393, CONFERENCE REPORT ON 1593.
 BILLS INTRODUCED - 20, 50, 128, 132, 143, 217, 221, 237, 251, 257,
 258, 266, 267, 283, 320, 329, 365, 371, 375, 377, 389, 395, 455, *459,
 513, 529, 577, *596, 613, 630, 663, 706, *820, 844, *933, *945, *965,
 *1029, *1066, 1162, 1183, 1218, *1349, *1402, 1406, 1466, 1473,
 *1481, 1527, 1562, 1563, 1587, *1610, *1611, *1612, 1620, 1644,
 1717, *1780, *1790, *1797.

WILKINS, W. A. (WINKIE)-Contd.

COMMITTEE ASSIGNMENTS - Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Education; Education Subcommittee on Community Colleges, **Vice Chair**; Local Government II; Rules, Calendar, and Operations of the House; Transportation; Wildlife Resources.

EXCUSED ABSENCES	390, 403.
MEMBER OF DELEGATION ATTENDING FUNERAL	
SERVICE OF REPRESENTATIVE JOHN D. HALL	304.
OATH	20.

WILLIAMS, ARTHUR

APPOINTED TO SELECT COMMITTEE ON THE LOTTERY 337.

APPROVAL OF VOTE CHANGE

H.B. 871, COMMITTEE AMENDMENT NO. 1 OF.....	489.
H.B. 896.....	821.
H.B. 1295.....	985.
S.B. 474	1256.

BILLS INTRODUCED - 20, 55, 59, 89, 132, 143, *144, 148, 149, 152, *165, *166, *167, *168, *169, *170, *171, *172, *173, *174, *187, 221, 224, *236, 355, 375, *395, 434, 487, 490, 491, 494, *495, *497, *506, *520, *521, *522, *523, *524, *525, *526, *527, 533, 550, 551, 552, 553, 613, 663, 698, 745, 752, *761, 769, *772, *811, 816, 835, 844, 863, *922, 935, *986, *1050, *1091, *1107, *1108, *1132, *1206, 1218, *1231, 1241, 1248, 1466, 1473, 1527, 1528, *1557, *1558, 1568, 1569, *1596, 1605, *1625, 1641, 1644, 1653, 1717.

COMMITTEE ASSIGNMENTS - Agriculture, **Vice Chair**; Appropriations; Appropriations Subcommittee on Transportation; Financial Institutions; Transportation, **Vice Chair**; Wildlife Resources, **Chair**.

CONFEREE

H.B. 671.....	1526.
S.B. 393, CONFERENCE REPORT ON	1593.
S.B. 622, SUBCOMMITTEE ON CAPITAL.....	1093.
EXCUSED ABSENCE.....	1713.
OATH	20.

WILSON COUNTY

H 604 WILSON COUNTY LOCAL ACT	
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H 476 WILSON/GREENE BOUNDARY SETTLEMENT	
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H 1010 WILSON/ORANGE COUNTY HUNTING	
(Ch. SL 2005-264)	368, 433, 506, 1450, 1462.

WILSON, W. EUGENE

BILLS INTRODUCED - 24, 43, 44, 45, 46, 55, 117, 118, 119, *125, 148, 149, 175, 176, 183, 221, 224, 288, 355, 360, 362, 363, 364, 375, 387, 415, 424, 492, 579, 611, *787, 844, *861, *862, 909, 935, 1100, 1113, 1120, 1162, 1280, 1311, 1324, 1355, 1488, 1498, *1524, 1562, 1568, *1609, 1638, 1644, 1717, *1754, 1755, 1762, 1794.

COMMITTEE ASSIGNMENTS - Aging; Agriculture; Appropriations; Appropriations Subcommittee on General Government, **Vice Chair**; Local Government I; Pensions and Retirement, **Chair**.

EXCUSED ABSENCES 901, 1713.

OATH..... 20.

WOMBLE, LARRY

BILLS INTRODUCED - 20, 50, *56, *85, 89, *213, 221, 224, 238, 257, 267, *286, 287, 288, 319, 320, *345, 354, 355, *361, *364, 389, 404, 405, 407, 408, 409, 410, 411, 412, *422, *453, 461, 462, 464, *487, 529, *530, 551, 553, 563, 565, 573, 574, 575, 576, 577, 603, *613, 639, 651, 661, 706, 732, 793, 796, 797, 799, 815, 844, 927, *1006, 1007, 1026, *1079, 1084, *1103, 1104, *1105, 1118, 1138, 1144, 1148, 1149, 1150, 1151, 1152, 1154, 1162, 1170, 1175, 1183, 1191, 1194, *1203, 1204, 1205, 1210, 1212, 1213, 1216, 1218, 1247, 1255, 1256, *1298, 1303, 1317, 1323, *1328, 1334, 1358, 1396, 1400, 1412, 1413, 1414, 1460, 1465, 1491, 1502, 1525, 1547, *1554, *1555, 1563, *1566, 1568, *1579, *1607, 1620, 1644, 1653, 1678, 1687, 1717, 1747, 1790, *1793, 1794.

COMMITTEE ASSIGNMENTS - Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Environment and Natural Resources; Finance, **Vice Chair**; Local Government II; State Government, **Chair**; Ways and Means, **Chair**.

CONFEREE

S.B. 622, SUBCOMMITTEE ON EDUCATION 1093.

ESCORT

SPEAKER PRO TEMPORE MORGAN..... 27.

EXCUSED ABSENCES 1356, 1708.

MEMBER OF DELEGATION ATTENDING FUNERAL

SERVICE OF REPRESENTATIVE JOHN D. HALL 304.

OATH 20.

REMARKS REGARDING BLACK HISTORY MONTH 41.

WORKERS' COMPENSATION ACT (G.S. 97)

H 99 AMEND WORKERS' COMPENSATION ACT
 (Ch. SL 2005-448)60, 222, 239,
 1483, 1585, 1621, 1664, 1732.

H 1768 AMEND WORKERS' COMPENSATION ACT/FUNDS
 (Insurance) 794.

WORKERS' COMPENSATION ACT-Contd.

H 784 CREDITABLE SERVICE/WORKERS' COMPENSATION
(Appropriations)..... 275, 611.

H 447 LAW ENFORCEMENT OFFICERS CREDITABLE
SERVICE/WORKERS' COMPENSATION
(Senate).....180, 611, 642.

H 818 WORKERS COMPENSATION/DRIVERS' STATUS
(Senate).....287, 432, 459, 799, 836.

S 319 WORKERS' COMPENSATION SELF-INSURANCE
SECURITY (Ch. SL 2005-400)..... 936, 1198,
1576, 1636, 1672, 1723.

H 656 WORKERS' COMPENSATION/SELF-INSURED
GUARANTY ASSOCIATION (Insurance)..... 247.

WRAY, MICHAEL H.

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S.J.R. 1166..... 422.

BILLS INTRODUCED - 20, 23, 41, 49, 55, *75, 77, 80, 81, 82, 89, 96,
100, 106, 107, 109, 132, 141, 142, 143, 144, 148, 149, 152, 180, 181,
183, 217, 221, 224, *225, *226, 232, 237, 244, 245, 247, 251, 252,
255, 258, 266, 267, 272, 283, 285, 288, *329, 354, 364, 375, 389, 395,
408, 409, 410, 413, 415, 446, 447, 452, 453, *456, *457, 503, 512,
531, 534, 535, 550, 551, 552, 553, 554, 555, 563, 564, 573, 574, 575,
576, 577, *578, 583, 588, 613, *625, 651, 663, 797, 947, *982, *1012,
*1021, 1023, 1059, 1061, 1083, 1100, 1113, 1116, 1118, 1122, 1139,
1148, 1149, 1152, 1153, 1162, 1170, 1208, 1212, 1218, 1222, 1239,
1247, 1248, *1252, *1281, 1302, *1306, 1335, 1352, 1365, *1399,
1431, 1466, 1473, 1502, 1527, 1528, *1561, 1563, 1568, 1580, 1605,
1638, *1639, 1640, 1641, 1644, 1653, 1679, *1691, *1692, *1693,
*1694, *1695, *1696, *1697, 1720, 1724, 1747, 1753, 1756, 1763.

COMMITTEE ASSIGNMENTS - Agriculture; Appropriations; Approp-
riations Subcommittee on Natural and Economic Resources;
Commerce; Education; Education Subcommittee on Community
Colleges; Transportation; Wildlife Resources, **Vice Chair.**

CONFEREE

S.B. 148 (Chair)..... 1631.

ESCORT

EDWARD JONES..... 404.

EXCUSED ABSENCES 1219, 1229, 1241, 1252, 1345.

MEMBER OF DELEGATION ATTENDING FUNERAL

SERVICE OF REPRESENTATIVE JOHN D. HALL 304.

OATH 20.

WRIGHT, THOMAS E.

APPOINTED TO SELECT COMMITTEE ON HOMELAND SECURITY,
MILITARY, AND EMERGENCY MANAGEMENT..... 313.
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H.B. 474..... 1638.
H.B. 725..... 1009.
H.B. 789..... 761.
H.B. 836..... 645.
S.B. 109 1261.
S.B. 622, AMENDMENT NO. 8 OF..... 1071.
S.B. 622, AMENDMENT NO. 12 OF..... 1071.

BILLS INTRODUCED - *22, 56, 89, *129, 149, 217, *256, 288, *321,
364, 395, *405, *406, *407, *408, *409, *410, *411, *412, 468, *494,
529, *534, *536, *537, *538, *539, *590, 613, 614, *618, *619, *620,
*621, 662, *687, *727, *734, *735, *737, *782, *783, *784, *785,
796, 797, 816, *869, *948, *1033, *1034, *1035, *1057, *1058,
*1059, *1060, 1073, *1076, 1086, 1134, 1135, 1136, 1183, *1212,
1217, 1218, 1229, 1247, *1280, *1312, *1313, *1314, *1358, *1396,
1431, 1459, *1475, *1476, 1502, *1519, *1568, *1581, *1597, 1638,
1644, *1708, 1747, *1762, 1778, 1794.

COMMITTEE ASSIGNMENTS - Appropriations, **Vice Chair**; Approp-
riations Subcommittee on Capital, **Chair**; Appropriations Sub-
committee on Health and Human Services; Health, **Chair**; Insurance;
Public Utilities; Transportation, **Vice Chair**.

CONFEREE

H.B. 489..... 671.
H.B. 1076 (Chair) 1548.
S.B. 622, SUBCOMMITTEE ON CAPITAL..... 1093.
S.B. 740 1364.
S.B. 1059 1198.

EXCUSED ABSENCES84, 225, 444, 1023, 1044,
1077, 1219.

MEMBER OF DELEGATION ATTENDING FUNERAL

SERVICE OF REPRESENTATIVE JOHN D. HALL 304.

OATH 20.

-Y-

YADKIN COUNTY

H 71 92ND HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House)..... 55.
H 72 92ND HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House)..... 55.
H 73 92ND HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House)..... 55.

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- H 74 92ND HOUSE DISTRICT LOCAL ACT
(Rules, Calendar, and Operations of the House)..... 55.
- H 787 VARIOUS LOCAL ACTS
(Ch. SL 2005-433)275, 281, 799,
813, 923, 933, 981, 985, 993, 1002,
1005, 1495, 1508, 1567, 1607, 1728.

YANCEY COUNTY

- H 210 YANCEY COUNTY LOCAL ACT
(Rules, Calendar, and Operations of the House)..... 87.
- H 425 YANCEY COUNTY LOCAL ACT
(Rules, Calendar, and Operations of the House)..... 177.
- H 426 YANCEY COUNTY LOCAL ACT
(Rules, Calendar, and Operations of the House)..... 177.

YONGUE, DOUGLAS Y.

- APPOINTED TO SELECT COMMITTEE ON
THE LOTTERY 337.
- APPROVAL OF VOTE CHANGE
H.J.R. 375 171.
H.B. 1117 1301.
H.B. 1323, AMENDMENT NO. 2 OF 1452.
H.B. 1551 960.
S.B. 622, AMENDMENT NO. 6 OF 1070.
S.B. 778 1171.
- BILLS INTRODUCED - 28, 40, 89, *181, *221, *224, *242, *243,
*246, *247, 266, 267, 288, *371, 387, 389, *448, 455, 529, *577,
*602, *706, *720, *721, *722, *780, 797, *927, 1073, *1116, *1138,
1148, *1152, 1161, *1222, 1255, *1263, *1264, *1265, *1272, 1335,
1366, 1502, *1505, *1506, *1539, 1563, *1567, 1620, *1644, *1706,
*1707, 1717, 1729, *1745, *1763.
- COMMITTEE ASSIGNMENTS - Agriculture; Appropriations, **Vice Chair**;
Appropriations Subcommittee on Capital; Appropriations Subcommittee on
Education, **Chair**; Education; Education Subcommittee on Pre-School,
Elementary and Secondary Education; Ethics, **Vice Chair**; Rules, Calendar,
and Operations of the House; State Government.
- CONFEREE
S.B. 622, SUBCOMMITTEE ON EDUCATION 1093.
- EXCUSED ABSENCE..... 201.
- MEMBER OF DELEGATION ATTENDING FUNERAL
SERVICE OF REPRESENTATIVE JOHN D. HALL 304.
- OATH 20.

**CHAPTERED BILLS
2005 REGULAR SESSION**

Chapter Number	Bill Number	Chapter Number	Bill Number	Chapter Number	Bill Number
1	S 7	39	H 699	77	H 583
2	S 133	40	H 780	78	S 884
3	S 82	41	H 489	79	H 631
4	S 41	42	H 811	80	S 368
5	H 218	43	H 860	81	H 940
6	S 179	44	H 962	82	S 844
7	H 857	45	H 987	83	H 916
8	S 16	46	H 540	84	S 206
9	H 446	47	H 871	85	S 249
10	H 75	48	H 415	86	S 442
11	S 166	49	H 125	87	S 466
12	S 332	50	H 278	88	H 470
13	H 825	51	H 478	89	H 1054
14	H 856	52	H 498	90	S 14
15	H 921	53	H 843	91	H 710
16	H 351	54	H 1028	92	H 676
17	S 43	55	H 277	93	H 1336
18	H 1061	56	S 262	94	H 862
19	H 239	57	H 393	95	S 494
20	H 752	58	H 827	96	H 664
21	S 210	59	H 941	97	H 1189
22	H 496	60	H 1080	98	H 1226
23	H 45	61	S 62	99	H 786
24	H 963	62	H 772	100	H 878
25	H 973	63	S 510	101	S 507
26	S 586	64	H 761	102	H 658
27	S 462	65	H 231	103	S 988
28	H 798	66	S 572	104	H 1320
29	H 807	67	H 1015	105	S 450
30	H 887	68	S 525	106	S 883
31	H 982	69	H 236	107	H 1055
32	H 997	70	H 869	108	H 9
33	H 1021	71	H 986	109	H 131
34	H 946	72	S 867	110	H 345
35	H 399	73	H 570	111	H 581
36	H 707	74	S 116	112	H 743
37	H 908	75	S 763	113	H 828
38	H 508	76	H 1206	114	H 451

Chapter Number	Bill Number	Chapter Number	Bill Number	Chapter Number	Bill Number
115	S 138	156	H 740	197	S 92
116	S 407	157	S 392	198	H 563
117	H 488	158	S 463	199	S 170
118	H 544	159	H 1102	200	S 474
119	H 1005	160	H 1503	201	H 1631
120	H 1056	161	H 702	202	S 338
121	S 472	162	H 1168	203	H 1776
122	H 27	163	H 514	204	H 1400
123	S 734	164	H 1430	205	H 1032
124	S 685	165	H 1552	206	H 654
125	H 678	166	H 532	207	S 748
126	H 698	167	S 806	208	S 532
127	S 15	168	H 1482	209	S 577
128	H 395	169	H 800	210	H 733
129	H 1262	170	H 635	211	S 778
130	H 1209	171	S 278	212	S 667
131	S 178	172	S 435	213	S 879
132	H 672	173	H 370	214	S 666
133	H 874	174	S 340	215	H 660
134	S 537	175	H 196	216	H 85
135	H 1199	176	H 1097	217	S 552
136	S 396	177	H 923	218	S 128
137	H 821	178	H 510	219	H 1051
138	S 465	179	H 11	220	H 580
139	H 1064	180	H 804	221	H 1434
140	H 1065	181	H 653	222	H 1280
141	S 388	182	H 1392	223	H 737
142	H 1063	183	H 673	224	S 626
143	H 1020	184	S 1058	225	S 533
144	H 1630	185	H 1163	226	S 776
145	H 822	186	S 3	227	H 1332
146	H 97	187	H 1319	228	H 1221
147	S 88	188	S 335	229	S 887
148	S 689	189	H 288	230	S 421
149	S 321	190	S 981	231	S 527
150	S 512	191	S 268	232	S 109
151	S 821	192	S 679	233	S 369
152	H 355	193	S 566	234	H 655
153	H 371	194	H 1346	235	S 972
154	H 403	195	S 630	236	H 329
155	H 404	196	S 316	237	H 896

Chapter Number	Bill Number	Chapter Number	Bill Number	Chapter Number	Bill Number
238	H 1117	278	H 464	318	H 779
239	S 482	279	H 612	319	H 1328
240	S 707	280	S 669	320	H 801
241	H 1004	281	S 32	321	S 1124
242	H 1236	282	S 189	322	H 1202
243	S 1118	283	S 687	323	S 223
244	S 461	284	S 644	324	H 1775
245	S 420	285	H 1012	325	S 740
246	S 191	286	H 1469	326	S 682
247	S 565	287	H 1016	327	S 974
248	S 832	288	H 926	328	H 1217
249	S 1011	289	H 736	329	S 428
250	S 592	290	H 819	330	H 1271
251	S 593	291	H 1243	331	H 1266
252	S 341	292	H 1240	332	S 856
253	S 961	293	H 705	333	H 1394
254	S 594	294	H 1779	334	H 1485
255	S 692	295	H 1436	335	H 1390
256	S 98	296	H 810	336	H 1416
257	H 422	297	H 803	337	H 1401
258	S 348	298	H 1395	338	H 1411
259	H 476	299	H 1507	339	H 1145
260	H 601	300	H 1464	340	H 1389
261	H 689	301	H 687	341	H 1279
262	H 820	302	H 1414	342	H 1030
263	H 922	303	H 988	343	H 1311
264	H 1010	304	H 1299	344	H 1023
265	H 1047	305	H 328	345	H 320
266	H 1052	306	H 691	346	H 1060
267	S 1059	307	H 1034	347	H 766
268	S 324	308	H 1078	348	H 1518
269	S 519	309	S 289	349	H 670
270	S 907	310	H 813	350	H 1500
271	S 408	311	H 490	351	H 967
272	H 1466	312	H 35	352	H 891
273	H 1297	313	H 116	353	H 1318
274	S 517	314	H 62	354	H 665
275	H 253	315	H 485	355	H 1491
276	S 622	316	H 237	356	H 569
277	H 392	317	H 182	357	H 1404

Chapter Number	Bill Number	Chapter Number	Bill Number	Chapter Number	Bill Number
358	S 737	394	H 1169	430	H 1128
359	H 1086	395	H 1284	431	S 705
360	H 829	396	S 327	432	S 208
361	H 669	397	H 1539	433	H 787
362	H 1465	398	H 1150	434	H 248
363	H 890	399	H 661	435	H 105
364	S 606	400	S 319	436	H 1295
365	H 1385	401	H 1176	437	H 888
366	S 711	402	H 1349	438	H 1277
367	S 796	403	H 254	439	H 1261
368	S 505	404	H 750	440	H 1281
369	S 804	405	H 1635	441	H 1029
370	H 576	406	S 868	442	S 1134
371	H 1112	407	S 528	443	S 998
372	S 1130	408	S 590	444	S 725
373	S 506	409	H 1527	445	S 1117
374	S 895	410	S 757	446	H 1076
375	H 1409	411	S 290	447	S 681
376	S 148	412	H 735	448	H 99
377	S 356	413	S 1149	449	H 1121
378	H 613	414	S 1048	450	H 686
379	H 1357	415	H 636	451	H 630
380	H 1429	416	H 1517	452	H 1213
381	S 1013	417	S 443	453	H 768
382	H 747	418	S 518	454	H 1095
383	H 1085	419	H 1310	455	S 1126
384	H 1136	420	S 911	456	S 612
385	H 1468	421	H 1207	457	H 855
386	H 1096	422	H 1541	458	H 911
387	H 1316	423	S 1029	459	S 665
388	H 561	424	H 646	460	H 217
389	H 1375	425	H 650	461	S 486
390	H 607	426	S 814	462	S 629
391	S 671	427	H 1493	463	H 1227
392	H 1174	428	H 1115		
393	H 1543	429	S 393		

**RATIFIED RESOLUTIONS BY NUMBER
2005 REGULAR SESSION**

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1	H 26	21	S 161	41	S 305
2	S 81	22	S 1167	42	S 1164
3	S 84	23	S 1169	43	S 1178
4	H 19	24	H 1118	44	H 933
5	H 47	25	H 1113	45	H 1789
6	S 71	26	H 930	46	H 841
7	S 180	27	H 989	47	H 197
8	S 182	28	H 1604	48	S 1179
9	S 205	29	H 1605	49	H 1650
10	H 100	30	S 1173	50	H 1615
11	H 361	31	H 744	51	S 1180
12	H 375	32	H 852	52	H 1795
13	H 213	33	H 774	53	H 1793
14	H 398	34	S 1170	54	H 1796
15	H 453	35	H 1609	55	H 1799
16	H 497	36	H 1579	56	H 1797
17	H 627	37	H 578	57	S 1171
18	S 426	38	H 1582	58	S 1184
19	H 520	39	S 1172	59	H 1801
20	S 1166	40	H 198		